


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 88765 C.M.S. AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO \$5,000,000 IN FUNDS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UNDER THE LOCAL HOUSING TRUST FUND PROGRAM AND TO ALLOCATE UP TO \$5,000,000 FOR AFFORDABLE HOUSING PRESERVATION AND PRODUCTION PROGRAMS, AND AMENDING RESOLUTION NO. 88213 C.M.S. TO ALLOCATE FUNDS TO THE LOCAL HOUSING TRUST FUND

WHEREAS, the State of California (the “State”), Department of Housing and Community Development (“Department”) is authorized to provide up to \$57 million under the Local Housing Trust Fund (“LHTF”) Program from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1) (as described in Health and Safety Code Section 50842.2 et seq. (Chapter 365, Statutes of 2017 (SB 3)) (“Program”), and

WHEREAS, the Department issued Notices of Funding Availability dated April 30, 2020 and May 3, 2021 (“NOFA”) under the LHTF Program; and

WHEREAS, the Affordable Housing Trust Fund of the City of Oakland (“Applicant”), established pursuant to Chapter 15.62 of the Oakland Municipal Code, is an eligible Local or Regional Housing Trust Fund, and Applicant is applying to the Program to administer one or more eligible activities using Program Funds; and

WHEREAS, the Department may approve funding allocations for the LHTF Program, subject to the terms and conditions of Health and Safety Code Section 50842.2, the LHTF Program Guidelines, NOFA, Program requirements, the Standard Agreement and other related contracts between the Department and LHTF award recipients; and

WHEREAS, Resolution No. 88213 C.M.S., passed on July 14, 2020, authorized the City to apply for, accept and appropriate up to \$5,000,000 from the Program for affordable housing preservation and production requirements; and

WHEREAS, Resolution No. 88765 C.M.S., passed on July 20, 2021, authorized the City to apply for, accept and appropriate an additional amount up to \$5,000,000 from the Program for affordable housing preservation and production requirements; and

WHEREAS, the City Council wishes to amend and restate Resolution No. 88213 C.M.S. and Resolution No. 88765 C.M.S. to include provisions required by the Department for the Program; now, therefore, be it

RESOLVED: That the City Council hereby amends Resolution No. 88213 C.M.S. such that the City Administrator on behalf of the City of Oakland is authorized to accept the LHTF funds and appropriate said funds in the amount not to exceed \$5,000,000, which shall be deposited in Cal HCD (Fund 2144) Org. 89929 Project code: TBD; and be it

FURTHER RESOLVED: That the City Council hereby amends and restates Resolution No. 88765 C.M.S. in its entirety, and authorizes and directs the City Administrator to apply for the LHTF Program funds under the LHTF NOFA in an amount up to \$5,000,000, and provide matching funds from the Affordable Housing Trust Fund (Fund 1870); and be it

FURTHER RESOLVED: That if awarded, the City Administrator on behalf of the City of Oakland is authorized to accept the LHTF funds and appropriate said funds in the amount not to exceed \$5,000,000, which shall be deposited in Cal HCD (Fund 2144) Org. 89929 Project code: TBD; and be it

FURTHER RESOLVED: That if the City as Applicant receives an award of LHTF funds from the Department pursuant to the above referenced LHTF NOFA, it represents and certifies that it will use all such funds on Eligible Projects in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including, without limitation, all rules and laws regarding the LHTF Program, as well as any and all contracts Applicant may have with the Department (“Eligible Projects”); and be it

FURTHER RESOLVED: That the City of Oakland is hereby authorized to act as the manager in connection with the Department’s funds to Eligible Projects pursuant to the above described NOFA in an amount not to exceed \$5,000,000 (the “LHTF Award”); and be it

FURTHER RESOLVED: That Applicant hereby agrees to match on a dollar-for-dollar basis the LHTF Award pursuant to Guidelines Section 104, and Applicant hereby agrees to utilize matching funds on a dollar-for-dollar basis for the same Eligible Projects for which Program Funds are used, as required by Health and Safety Code Section 50843.5(c); and be it

FURTHER RESOLVED: That pursuant to Attachment 1 to this Resolution and the Applicant’s certification in this Resolution, the LHTF funds will be expended only for Eligible Projects and consistent with all Program requirements; and be it

FURTHER RESOLVED: That Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, Health and Safety Code Section 50842.2, and LHTF Program Guidelines; and be it

FURTHER RESOLVED: That the City Council hereby authorizes Edward D. Reiskin, City of Oakland City Administrator, to execute the LHTF Program Application, the LHTF Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program of the LHTF Award to Applicant, as the Department may deem appropriate; and be it

FURTHER RESOLVED: That all agreements shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution by the City; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to take any other action with respect to the Program consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

RESOLUTION AMENDING AND RESTATING RESOLUTION NO. 88765 C.M.S. AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO \$5,000,000 IN FUNDS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UNDER THE LOCAL HOUSING TRUST FUND PROGRAM AND TO ALLOCATE UP TO \$5,000,000 FOR AFFORDABLE HOUSING PRESERVATION AND PRODUCTION PROGRAMS, AND AMENDING RESOLUTION NO. 88213 C.M.S. TO ALLOCATE FUNDS TO THE LOCAL HOUSING TRUST FUND

Attachment 1

City of Oakland LHTF Program Application

- (1) One-hundred percent (100%) of the funds awarded through the State of California’s Department of Housing and Community Development’s Local Housing Trust Fund (LHTF) Program and the matching funds from the City of Oakland’s Affordable Housing Trust Fund (Fund 1870) will be committed to the City of Oakland’s New Construction of Multifamily Affordable Rental Housing Projects, as funded under the City’s 2021-2022 Notice of Funding Availability (“City New Construction NOFA”).

Under the City New Construction NOFA, eligible projects include the new construction of multifamily affordable rental housing developments, including permanent supportive housing and transitional housing intended for occupancy by lower income households. The City will take the following priorities into account for administering the funds:

- Readiness of new affordable rental housing developments to commence construction.
- Assistance for housing projects targeting people experiencing homelessness and extremely low-income households including Permanent Supportive Housing projects.
- Projects located in neighborhoods that are experiencing displacement and gentrification.
- Projects that include an “emerging developer”, as part of the development team (an “emerging developer” is defined as a developer who has less than five (5) years of experience as a developer and/or less than five completed projects).

Awarded funds will be used on eligible projects in a manner consistent and in compliance with the applicable LHTF Program’s Area Median Income (AMI) requirements, as well as the minimum affordability requirements established by the City New Construction NOFA. Taking the more restrictive requirements of the two, the AMI thresholds are as follows:

- a. One hundred percent (100%) of City-assisted units must be restricted to low-income households, with rents no greater than 30% of 60% of AMI for the Oakland area.
- b. Rents for affordable units must be the lessor of the designated restricted rent limit or ten percent (10%) below market rate rents within a one-mile radius of the project.

- c. A minimum of thirty percent (30%) of program funds and matching funds, after deducting administrative expenses, shall be expended on assistance to extremely low-income households, with rents no more than 30% of 30% of AMI for the Oakland area.
- d. No more than fifteen percent (15%) of unassisted affordable units may be designated for moderate-income households.

Priority will be given to projects that exceed the threshold affordability minimums.

(2) All activities/projects will be delivered within the City of Oakland.