

2024 DEC -6 PM 12: 53

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

Lesley Casto

Lesley Casto (Nov 20, 2024 10:56 PST)

City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90560 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) APPLY FOR, ACCEPT, AND APPROPRIATE \$1,390,000 IN FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S PROHOUSING INCENTIVE PILOT PROGRAM FOR CAPITALIZED SERVICE RESERVES FOR AFFORDABLE HOUSING AND (2) MAKE GRANTS OR DEVELOPMENT LOANS UNDER THE NEW CONSTRUCTION OF MULTIFAMILY RENTAL AFFORDABLE HOUSING PROGRAM OR THE RAPID RESPONSE HOMELESS HOUSING PROGRAM WITHOUT RETURNING TO COUNCIL, CONTINGENT ON FUNDING AVAILABILITY**

**WHEREAS**, Pursuant to Health and Safety Code 50470 et. Seq, the State of California (the "State") Department of Housing and Community Development ("Department") is authorized to issue Guidelines as part of an incentive program referred to by the Department as the Prohousing Incentive Pilot Program ("PIP"); and

**WHEREAS**, The City desires to submit a PIP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for eligible activities toward planning and implementation activities related to housing and community development as a result of meeting eligibility criteria including but not limited to Prohousing Designation; and

**WHEREAS**, the Department has issued Guidelines and Application (the "Guidelines") on August 15, 2024 in the amount of \$8 million for PIP; now, therefore, be it:

**RESOLVED**: That the City Administrator is hereby authorized and directed to submit an Application to the Department in response to the Notice of Funding Availability, and to apply for the PIP grant funds in a total amount not to exceed \$1,390,000; and be it

**FURTHER RESOLVED**: That, if awarded, the City Administrator is hereby authorized to accept and appropriate up to \$1.39 million from the PIP grant for eligible activities toward planning and implementation activities related to housing and community development as a result of meeting eligibility criteria including but not limited to Prohousing Designation; and be it

**FURTHER RESOLVED**: In connection with the PIP grant, if the Application is approved by the Department, the City Administrator is authorized and directed to enter into,

execute, and deliver on behalf of the City, a State of California Agreement (Standard Agreement) for the awarded amount not to exceed \$1,390,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PIP grant, the City's obligations related thereto, and all amendments thereto; and be it

**FURTHER RESOLVED:** That the City shall be subject to the terms and conditions as specified in the Guidelines, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the Guidelines and in conjunction with the terms of the Standard Agreement, the City hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application; and be it

**FURTHER RESOLVED:** That said State grant funds will be accepted, deposited and appropriated to the Housing and Community Development Department, Grant Fund(s) to be determined, and project number(s) to be determined; and be it

**FURTHER RESOLVED:** That, if the City is awarded PIP grant funds, the City Council hereby authorizes the City Administrator to provide loans or grants in a total amount not to exceed \$1,390,000, to be used for capitalized service reserves for projects that have previously received an award of City funds or are selected by the City Administrator as a potential recipient through the 2024 New Construction of Multifamily Rental Affordable Housing Projects Notice of Funding Availability or the Rapid Response Homeless Housing Program, without returning to Council; and be it

**FURTHER RESOLVED:** That the making of each subaward shall be contingent on the availability of sufficient funds in the above funds in fiscal year 2024-25 or if not available in fiscal year 2024-25, availability of sufficient funds in the above funds in fiscal year 2025-26 contingent upon the funds being allocated for such purposes in the biennial budget adopted by the City Council in 2025; and be it

**FURTHER RESOLVED:** That any loan shall be for a maximum term of 55 years, with an interest rate to be determined by the City Administrator in their discretion, with repayment to the City from surplus cash flow from the project and other available funds during the term of the loan, with the balance due at the end of the term, or on such other repayment terms and schedule as the City Administrator determines are in the best interests of the City and the project; and be it

**FURTHER RESOLVED:** That as a condition of each loan or grant, the City will require that appropriate restrictions on project occupancy, rents and operations be recorded against project land and/or improvements; and be it

**FURTHER RESOLVED:** That each loan or grant shall be secured by a deed of trust on the project land and/or improvements; and be it

**FURTHER RESOLVED:** That the making of each loan or grant shall be contingent on and subject to such other appropriate terms and conditions as the City Administrator may establish; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator to make specific allocations of the loan funds approved under this Resolution among the projects without returning to Council; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that this action is not subject to CEQA since it is not funding any specific projects, but that the City Administrator will make the environmental determinations under CEQA for each project that is selected prior to making a loan; and be it

**FURTHER RESOLVED:** That the City Administrator shall cause to be filed with the County of Alameda a Notice of Exemption or Notice of Determination for each project as appropriate; and be it

**FURTHER RESOLVED:** That prior to execution, all agreements shall be reviewed and approved as to form and legality by the City Attorney's Office and executed copies of each agreement shall be filed with the City Clerk.

**FURTHER RESOLVED:** That the City hereby authorizes the City Administrator to determine funding allocations, conduct negotiations, execute documents, administer the loans, extend or modify the repayment terms, and take any other action with respect to the PIP grant funds, loans, funding allocations, and the projects consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: DEC 17 2024

AYES - ~~FIFE~~, GALLO, JENKINS, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID, AND PRESIDENT FORTUNATO BAS - 6

NOES - 0

ABSENT - 0

ABSTENTION - 0

2 - Excused - Fife  
Rama Chandran

ATTEST:

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California