

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS OR HER DESIGNEE TO APPLY FOR, ACCEPT, AND APPROPRIATE UP TO \$5 MILLION IN FUNDS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UNDER THE LOCAL HOUSING TRUST FUND PROGRAM AND ALLOCATE UP TO \$5 MILLION FOR AFFORDABLE HOUSING PRESERVATION AND PRODUCTION PROGRAMS

WHEREAS, the State of California (the “State”), Department of Housing and Community Development (the “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 a Notice of Funding Availability (“LHTF NOFA”) dated April 30, 2020 under the LHTF Program; and

WHEREAS, the City of Oakland’s Affordable Housing Trust Fund, established pursuant to Section 15.62 of Oakland Municipal Code, is an eligible Local Housing Trust Fund 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 California Health and Safety Code Section 50842.2, the LHTF Program Guidelines, LHTF NOFA, Program requirements, the Standard Agreement and other related contracts between the Department and LHTF Award recipients; and

WHEREAS, the City of Oakland wishes to apply for LHTF funds in an amount up to \$5 million and will provide matching funds from either or both Measure KK Bond funds (Fund 5331) and Affordable Housing Trust Funds (Fund 1870); now, therefore, be it

RESOLVED: That the City Council authorizes and directs the City Administrator or his or her designee to apply for the LHTF funds under the LHTF NOFA in an amount up to \$5 million, and provide matching funds from either or both Measure KK Bond funds (Fund 5331) and Affordable Housing Trust Funds (Fund 1870); and be it

FURTHER RESOLVED: That if awarded, the City Administrator or his or her designee 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 million, which shall be deposited in Affordable Housing Trust Funds (Fund 1870), Project to be created; and be it

FURTHER RESOLVED: That if the City of Oakland receives an award of LHTF funds from the Department pursuant to the 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 the City of Oakland 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 LHTF NOFA in an amount not to exceed \$5,000,000 (the "LHTF Award"); and be it

FURTHER RESOLVED: That the City of Oakland hereby agrees to match on a dollar for dollar basis the LHTF Award pursuant to Guidelines Section 104. The City of Oakland 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 California Health and Safety Code Section 50843.5(c); and be it

FURTHER RESOLVED: That pursuant to Exhibit A, attached hereto, and the City of Oakland’s certification in this resolution, the LHTF funds will be expended only for Eligible Projects and in a manner consistent with all program requirements; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement, California 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, the City of Oakland City Administrator, or his designee, as agent of the City, to conduct negotiations, execute and deliver 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 or the LHTF Award to the City of Oakland, 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 or his or designee is hereby authorized to take any other action consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

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