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OFFICE OF THE CITY CLERK  
OAKLAND  
2009 FEB 26 PM 3:07

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

ORDINANCE NO. 12924 - C. M. S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ACTIONS TO FACILITATE THE TRANSFER OF AFFORDABLE HOUSING PROPERTIES OWNED BY OAKLAND COMMUNITY HOUSING, INC., ("OCHI") OR OCHI AFFILIATES TO NEW OWNERSHIP, INCLUDING FORECLOSING ON CITY LOANS, ACQUIRING PROPERTIES AT FORECLOSURE SALE, TRANSFERRING PROPERTIES TO AFFORDABLE HOUSING ENTITIES, AND ASSIGNING CITY LOANS OR LIEN RIGHTS TO AFFORDABLE HOUSING ENTITIES**

**WHEREAS**, Oakland Community Housing, Inc. (OCHI) is a nonprofit housing development corporation; and

**WHEREAS**, OCHI and OCHI affiliates own 14 affordable rental housing projects in Oakland; and

**WHEREAS**, the City of Oakland and/or the Redevelopment Agency has made affordable housing development loans to OCHI and/or its affiliates for each of these projects; and

**WHEREAS**, each of these projects is subject to recorded long-term rent and occupancy restrictions enforceable by the City, the Redevelopment Agency, and/or other funding agencies; and

**WHEREAS**, OCHI and its affiliates have ceased to exist as functioning entities; and

**WHEREAS**, other affordable housing development and management entities have expressed interest in taking over, improving, and managing the OCHI properties, and have applied to the City and Agency for funding to rehabilitate those properties; and

**WHEREAS**, the City wishes to facilitate the transfer of ownership and management of these properties to new affordable housing entities or affiliates of such entities in order to preserve and improve the affordable housing units; and

**WHEREAS**, the City may need to pursue foreclosure actions under the deeds of trust securing the City's development loans in order to effectuate such transfers; and

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; and

**WHEREAS**, this action is exempt from CEQA per Section 15301 of the CEQA guidelines (continuing operation of existing facilities); now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council hereby authorizes the City Administrator or his or her designee to take any of the following actions with respect to any of the affordable rental properties owned by OCHI or an OCHI affiliate in Oakland: (1) initiate and pursue foreclosure actions under any or all of the City's deeds of trust encumbering the property; (2) credit bid any or all of the City loans at the foreclosure sale; (3) acquire title to the property at the foreclosure sale; (4) transfer the property to an affordable housing entity or an affiliate of such entity that intends to acquire and maintain the property as affordable housing; (5) consent to a transfer of the property to and/or assumption of City loans by an affordable housing entity or an affiliate of such entity that intends to acquire and maintain the property as affordable housing; and/or (6) assign any or all of the City loans or lien rights to an affordable housing entity or an affiliate of such entity that intends to acquire and maintain the property as affordable housing.

**Section 2.** The City Administrator or his or her designee is authorized to set terms for any such transfer or assignment, and to negotiate with other lienholders on the property, as needed to preserve and improve the properties as affordable housing.

**Section 3.** City rent and occupancy restrictions on these properties shall be maintained following any transfer.

**Section 4.** The City Council hereby appoints the City Administrator and his or her designee as agent of the City to conduct negotiations, execute documents, and take any other action with respect to the City loans and the transfer of these properties consistent with this Ordinance and its basic purpose.

**Section 5.** This Ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 31 2009, 2009

PASSED BY THE FOLLOWING VOTE:

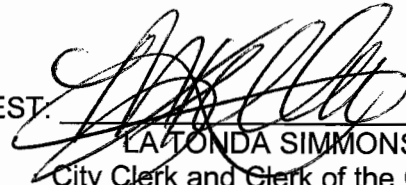
AYES            BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, REID, QUAN, AND  
PRESIDENT BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



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LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: 3/1/09

Introduction Date: **MAR 17 2009**

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**NOTICE AND DIGEST**

This ordinance authorizes the City Administrator to take a variety of actions as necessary to facilitate the transfer of existing affordable housing properties owned by Oakland Community Housing, Inc., ("OCHI") or OCHI affiliates to new ownership, including foreclosing on City affordable housing development loans, acquiring properties at foreclosure sale, transferring properties to affordable housing entities, and assigning City loans or lien rights to affordable housing entities.