



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION (1) AMENDING RESOLUTION NOS. 86126 C.M.S., AND 86366 C.M.S., WHICH AUTHORIZED AN AFFORDABLE HOUSING MULTIFAMILY EMERGENCY REPAIR PROGRAM, TO ALLOCATE AN ADDITIONAL \$750,000 FROM THE AFFORDABLE HOUSING TRUST FUND FORMER REDEVELOPMENT FUNDS TO THE PROGRAM, AND WAIVING REQUIREMENTS FOR AND PROVISIONS OF THE CITY'S LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM, LOCAL EMPLOYMENT PROGRAM, AND OAKLAND APPRENTICESHIP PROGRAM WHEN AFFORDABLE HOUSING UNITS ARE UNINHABITABLE AND THE URGENCY OF THESE REPAIRS MAKES COMPLIANCE WITH THESE REQUIREMENTS INFEASIBLE; (2) AUTHORIZING AN ADDITIONAL EMERGENCY REPAIR LOAN FROM COLISEUM REDEVELOPMENT BOND FUNDS IN THE AMOUNT OF \$300,000 FOR EMERGENCY REPAIRS AND ASSOCIATED COSTS WITH EMERGENCY FLOODING TO THE COLISEUM CONNECTIONS PROJECT LOCATED AT 801 71ST AVENUE; AND (3) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS

WHEREAS, the City acknowledges that it is facing a serious affordable housing crises with numerous residents living in substandard housing conditions; and

WHEREAS, there is a need to provide assistance to existing affordable housing multifamily housing developments to address immediate health and safety issues to prevent substandard housing conditions; and

WHEREAS, City Council Resolution No 86126 C.M.S., passed on April 19, 2016, and amended by City Council Resolution No. 86366 C.M.S., passed on September 20, 2016, authorized the City Administrator or his or her designee to establish the Affordable Housing Multifamily Emergency Repair Program, also known as the "Affordable Housing Health and Safety Rehabilitation Program," (the "Health & Safety Rehabilitation Program"); and

WHEREAS, the Health & Safety Rehabilitation Program is an over the counter loan program intended to fund loans to owners of existing affordable multifamily housing developments to assist in addressing immediate health and safety issue to prevent substandard housing conditions; and

WHEREAS, the Resolutions allocated \$600,000 to the Health & Safety Rehabilitation Program from the Low and Moderate Income Housing Asset Fund (2830), Housing Development Organization (89929), Housing Development Project (1000388); and

WHEREAS, the Health & Safety Rehabilitation Program has a remaining balance of \$300,000; and

WHEREAS, on October 1, 2019, the City adopted Ordinance No. 13564 C.M.S., an Emergency Ordinance Declaring a Shelter Crisis in the City of Oakland, with provisions to suspend State or local regulatory statues, regulations, and ordinances that could prevent timely delivery of housing and shelter solutions for the City's homeless residents, which Health & Safety Rehabilitation Program could address for tenants displaced from their affordable housing units due to units being rendered uninhabitable, with the support of exemptions from local City contract compliance requirements; and

WHEREAS, recent severe weather events have triggered severe flooding conditions that have displaced residents in at least two affordable housing developments supported and regulated by the City in East Oakland, including the Coliseum Connections project located at 801 71ST Avenue, and it is anticipated that insurance proceeds and project reserves will not be sufficient to cover the repairs and temporary relocation costs associated with the outages, and exceed the remaining funds available to the Health & Safety Rehabilitation Program; and

WHEREAS, the emergency nature of the repairs, along with short supply of contractors and equipment/supplies available on short notice to expeditiously repair units where tenants have been displaced make compliance with the City's local employment, apprenticeship, and local and small local business enterprise programs impractical; and

WHEREAS, funds in the amount of \$750,000 are available from the Former Redevelopment Funds portion of the Affordable Housing Trust Fund (1870), Housing Development Organization (89929), Loan Expenditures: Non-Grant Account (58312), HTF Housing Dev Project (1000386), Housing Development Program (SC14) to replenish the Health & Safety Rehabilitation Program; and

WHEREAS, additional funds in the amount of \$300,000 are available from Coliseum: TA Bonds Series 2006B-T Fund (5656), CIP Coliseum Organization (94859), and Coliseum Specific Plan Project (1000165) to contribute to repairs and associated relocation and soft costs at Coliseum Connections in order to assist with making the building's 110 housing units inhabitable again; and

WHEREAS, the City is the Lead Agency for these projects for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); now, therefore, be it

RESOLVED: That the City Council hereby amends Resolution No. 86126 C.M.S. and Resolution No. 86366 C.M.S. to allocate an additional \$750,000 to the Health & Safety Rehabilitation Program from the Former Redevelopment Funds portion of the Affordable Housing Trust Fund (1870), Housing Development Organization (89929), Loan Expenditures: Non-Grant Account (58312), HTF Housing Dev Project (1000386), Housing Development Program (SC14); and be it

FURTHER RESOLVED: That the City's additional \$750,000 in Health & Safety Rehabilitation Program funds may also be utilized to assist tenants in restricted affordable housing units with relocation assistance and expenses either directly or through a relocation consultant contracted by the City Administrator; and be it

FURTHER RESOLVED: That said Resolutions are further amended to waive application of the City's Local Employment Program, Apprenticeship Program (15% Apprenticeship Policy), and Local and Small Local Business Enterprise (L/SLBE) Program for Health & Safety Rehabilitation Program projects for affordable housing units that have been rendered uninhabitable as deemed by the Bureau of Planning and Building because the urgency of these repairs would make compliance with these employment and contracting programs infeasible; and be it

FURTHER RESOLVED: That the City Council hereby allocates an additional \$300,000 in funding from the Coliseum: TA Bonds Series 2006B-T Fund (5656), CIP Coliseum Organization (94859), and Coliseum Specific Plan Project (1000165) to provide supplemental loan funding for emergency repairs and associated costs to the Coliseum Connections project; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information provided in the staff report accompanying this Resolution, that this action complies with CEQA because the Project is exempt from CEQA pursuant to Section 15301 (minor alterations to existing facilities) and Section 15302 (replacement or reconstruction of existing structures) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator as agent of the City to conduct negotiations, execute documents, administer loans, extend or modify repayment terms, and take any other action necessary with respect to the Health & Safety Rehabilitation Program and the Coliseum Connections project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST:

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