

Lesley Coats
Lesley Coats (Jan 29, 2024 16:23 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION MODIFYING CITY COUNCIL RESOLUTION NO. 88765 C.M.S., AS AMENDED AND RESTATED BY CITY COUNCIL RESOLUTION NO. 89128 C.M.S., TO NAME THE POSITION OF CITY ADMINISTRATOR OR THEIR DESIGNEE OR SUCCESSOR AS AUTHORIZED EXECUTORS OF CALIFORNIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT'S (CA HCD) LOCAL HOUSING TRUST FUND (LHTF) PROGRAM FOR THE CITY'S 2021 LHTF AWARD:

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 May 3, 2021 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, pursuant to City Council Resolution No. 88765 C.M.S., dated July 20, 2021, City of Oakland staff was authorized to apply for, accept and appropriate LHTF funds in an amount up to \$5 million and committed to providing matching funds from the City of Oakland's Affordable Housing Trust Funds (Fund 1870); and

WHEREAS, City Council Resolution No. 88765 was amended and restated pursuant to City Council Resolution No. 89128 C.M.S., dated April 19, 2022, to include provisions required by the Department for the Program; and

WHEREAS, the City of Oakland received an award from the 2021 LHTF Program in the amount of \$5,000,000 (State HCD Award 21-LHTFCOM-16924); and

WHEREAS, Resolution No. 88765 C.M.S., as amended and restated by Resolution No. 89128 C.M.S., authorized then-City Administrator “Edward D. Reiskin, the City of Oakland City Administrator, and or his designee,” and State LHTF program staff have confirmed that adding language regarding the City Administrator, their designee, or their successor” is required to allow the current City Administrator to execute contracts and documents on behalf of the City; and

WHEREAS, the City Council wishes to amend Resolution No. 88765 C.M.S., as previously amended and restated by Resolution No. 89128 C.M.S., to incorporate the Department’s requirements for executing contracts and documents related to the LHTF program award; now, therefore, be it

RESOLVED: That Resolution No. 88765 C.M.S., as previously amended and restated by Resolution No. 89128 C.M.S., is hereby amended to authorize the City Administrator, their designee, or their successor, on behalf of the City of Oakland, to accept the LHTF funds and appropriate said funds in the amount not to exceed \$5 million, which shall be deposited in Cal HCD (Fund 2144) Org. 89929, Project Code: TBD; and be it

FURTHER RESOLVED: That the City of Oakland, in conjunction with the award of LHTF funds from the Department pursuant to the LHTF NOFA, 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 the City of Oakland City Administrator, their designee, or their successor, 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, their designee, or their successor 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 - 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

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, and successor funds) 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:

- 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.
- 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.
- 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.
- 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. All activities/projects will be delivered within the City of Oakland.