



Housing Authority
of the
City of Alameda

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701 Atlantic Avenue • Alameda, California 94501-2161

AGENDA

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

DATE & TIME

Wednesday, January 19, 2022 - 7:00 PM

Closed Session - 6:00 PM

LOCATION

Pursuant to Assembly Bill No.361 (Chapter 165, Statutes of 2021) approved by the Governor on September 16, 2021) codified at Government Code Section 54953 a local legislative body is authorized to hold public meetings remotely via teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when, among other requirements, a legislative body of a local agency holds a meeting during a proclaimed state emergency, and makes the public meeting accessible “via a call-in option or an internet-based service option” to all members of the public seeking to access and attend the meeting, offer public comment, and address the legislative body.

PUBLIC PARTICIPATION

Public access to this meeting is available as follows:

Join Zoom Meeting:

<https://us06web.zoom.us/j/89822835206?pwd=K1d1Qng1TIBsY01uWIRHaEx2U3JSdz09>

Meeting ID: 898 2283 5206

Passcode: 023235

Persons wishing to address the Board of Commissioners are asked to submit comments for the public speaking portion of the Agenda as follows:

- Send an email with your comment(s) to jpolar@alamedahsg.org and vcooper@alamedahsg.org prior to or during the Board of Commissioners meeting
- Call and leave a message at (510) 871-7435.

When addressing the Board, on agenda items or business introduced by Commissioners, members of the public may speak for a maximum of three minutes per agenda item when the subject is before the Board.

Persons in need of special assistance to participate in the meetings of the Housing Authority of the City of Alameda Board of Commissioners, please contact (510) 747-4325 (voice), TTY/TRS: 711, or jpolar@alamedahsg.org. Notification 48 hours prior to the meeting will enable the Housing Authority of the City of Alameda Board of



Commissioners to make reasonable arrangements to ensure accessibility.

PLEDGE OF ALLEGIANCE

1. ROLL CALL
2. COMMISSIONER RECUSALS
3. Public Comment (Non-Agenda)
4. Closed Session - 6:00 p.m. - Adjournment to Closed Session to Consider:
 - 4.A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8.
Property Location: 2615 Eagle, Alameda, CA 94501
Assessor's Parcel Numbers: 70-161-55-2
Agency Negotiators: Vanessa Cooper, Executive Director and Sylvia Martinez, Director of Housing Development
Negotiating Parties: Housing Authority of the City of Alameda and Mark Russell, Jeff Aguilar, Brian Hutcherson, CBRE.
Property Owner: Alameda Unified School District
Under Negotiation: Real estate transaction - price and terms
 - 4.B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Pursuant to Government Code Section 54956.8.
Property Location: 1826 Poggi Street, Alameda CA 94501
Assessor's Parcel Number 73-453-1-5
Agency Negotiators: Vanessa Cooper, Executive Director, Sylvia Martinez, Director of Housing Development
Negotiating Parties: Waterford Property Co., California Statewide Communities Development Authority
Under Negotiation: Price and Terms of Payment.
5. Adjournment of Closed Session
6. RECONVENE REGULAR MEETING - 7:00 p.m.
7. Announcement of Action Taken in Closed Session, if any.
8. Public Comment (Non-Agenda)
9. CONSENT CALENDER
Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Commissioners or a member of the public.
 - 9.A. Approve Minutes of the Board of Commissioners Meeting held December 15, 2021. **Page 5**
 - 9.B. Accept the Monthly Overview Report for Executive Department. **Page 10**
 - 9.C. Accept the Monthly Overview Report for the Housing Programs Department. **Page 20**



- 9.D. Accept the Monthly Overview Report for the Alameda Rent Program. **Page 29**
- 9.E. Accept the Monthly Overview Report for Property Operations. **Page 40**
- 9.F. Accept the Monthly Overview Report for Housing Development. **Page 45**
- 9.G. Accept the Monthly Development Report for Rosefield Village. **Page 48**
- 9.H. Accept the Monthly Overview Report on Procurement. **Page 53**
- 9.I. Accept the Fiscal Year to Date Financial Report through the Month of November 2021. **Page 56**
- 9.J. Accept the Quarterly Investment Report for Period Ending December 31, 2021. **Page 72**
- 9.K. Accept the Annual Review of the Investment Policy. **Page 80**
- 9.L. Accept the Monthly Overview Report for Emergency Housing Voucher (EHV). **Page 90**
- 9.M. Accept a report on Pension Liabilities. **Page 93**
- 9.N. Approve an Internship Program to Provide Research and Analysis Support for Housing Authority Projects and Programs and Offer Professional Development Opportunities to Undergraduate and Graduate Students **Page 96**
- 9.O. Accept the Monthly Development Report for North Housing. **Page 98**
10. AGENDA
- 10.A. Alameda Boys and Girls Club Presentation. **Page 102**
- 10.B. Accept the Update Report on the 2800 Fifth Street BMR Purchase of Eighteen Units; Ratify the Regulatory Agreement with the City; and Direct the Executive Director to Execute an Amended and Restated Promissory Note for a Loan from the Housing Authority to AAHC from \$3,500,000 to \$3,750,000. **Page 104**
- 10.C. Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361. **Page 138**
11. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)
12. EXECUTIVE DIRECTOR'S COMMUNICATIONS
13. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)
14. CONTINUATION OF CLOSED SESSION OF HOUSING AUTHORITY BOARD OF COMMISSIONERS – IF NEEDED
15. Announcement of Action Taken in Closed Session, if any.
16. ADJOURNMENT



* * * Note * * *

- Documents related to this agenda are available on-line at:
<http://www.alamedahsg.org/cms/One.aspx?portalId=3723405&pageId=5912638>
- Know Your RIGHTS Under The Ralph M. Brown Act: Government's duty is to serve the public, reaching its decisions in full view of the public. The Board of Commissioners exists to conduct the business of its constituents. Deliberations are conducted before the people and are open for the people's review. In order to assist the Housing Authority's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the Housing Authority accommodate these individuals.



DRAFT MINUTES
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
WEDNESDAY, DECEMBER 15, 2021

PLEDGE OF ALLEGIANCE

1. ROLL CALL

Present: Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid,
and Commissioner Mun

Absent: Commissioner Kay, Commissioner Rickard,
and Commissioner Sidelnikov

2. COMMISSIONER RECUSALS

Commissioner Mun announced she would recuse herself from item 9.C. Ms. Mun left the meeting for this item.

3. Public Comment (Non-Agenda)

None.

4. Closed Session - 6:30 p.m. - Adjournment to Closed Session to Consider:

Chair Grob called the meeting to order at 6:32 p.m. and announced that the Board would adjourn to Closed Session.

4.A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Pursuant to Government Code Section 54956.8.

Property Location: 1628 Webster Street, Alameda CA 94501

Assessor's Parcel Number 73-418-4-1

Agency Negotiators: Vanessa Cooper, Executive Director, Sylvia Martinez, Director of Housing Development, and Richard Yoshida, Project Manager,

Negotiating Parties: Alameda Hospitality, LLC; Under Negotiation: Price and Terms of Payment.



- 4.B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8.
 Property Location: 2615 Eagle, Alameda, CA 94501
 Assessor's Parcel Numbers: 70-161-55-2
 Agency Negotiators: Vanessa Cooper, Executive Director, Sylvia Martinez, Director of Housing Development, and Richard Yoshida, Project Manager
 Negotiating Parties: Housing Authority of the City of Alameda and Mark Russell, Jeff Aguilar, Brian Hutcherson, CBRE.
 Property Owner: Alameda Unified School District
 Under Negotiation: Real estate transaction - price and terms
5. Adjournment of Closed Session
- Chair Grob adjourned Closed Session at 7:35 p.m.
6. RECONVENE REGULAR MEETING - 7:00 p.m.
- Regular Meeting reconvened at 7:35 p.m.
7. Announcement of Action Taken in Closed Session, if any.
- Chair Grob announced that the Board discussed items 4.A and 4.B and, in regard to item 4.B, directed the Executive Director to negotiate and sign a no-cost extension for the due diligence period.
8. Public Comment (Non-Agenda)
- None.
9. CONSENT CALENDER
 Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Commissioners or a member of the public.
- *9.A. Approve Minutes of the Board of Commissioners Meeting held November 17, 2021.
- *9.B. Authorize the Executive Director or Delegate to Negotiate and Sign a License Agreement for Commercial Office Space at 1041 W. Midway, Alameda, CA 94501 and to Negotiate and Sign a Three Year Lease with the City of Alameda; Direct Staff to bring the Signed Lease and License Agreement back to the Board for Ratification in early 2022.
- 9.C Accept the North Housing Update Report on Potential No Place Like Home Funding
- *9.D. Authorize the Executive Director or designee to negotiate and execute a 3 year contract with Life Skills Training and Education Programs, Inc ("LifeSTEPS") in the amount of \$1,300,000.



Items accepted or adopted are indicated by an asterisk.

Due to Commissioner Mun’s recusal, Chair Grob called items 9.A, 9.B, and 9.D first.

Commissioner Hadid moved to accept Consent Calendar items 9.A, 9.B, and 9.D, and Vice-Chair Tamaoki seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes 4 Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid, and Commissioner Mun

Due to lack of a quorum, there was no vote taken for item 9.C. Vanessa Cooper, Executive Director stated that this item would be brought back to the Board for consideration at a future meeting.

In response to Vice-Chair Tamaoki, Tony Weng, Senior Project Manager stated that the North Housing Permanent Supportive Housing Project (PSH), the North Housing project carries a funding gap of approximately \$7 million dollars. If approved for the NPLH funding, approximately \$3.5 million will be allocated to capital financing and approximately \$2.7 million will be allocated toward the capitalized operating subsidies reserve. AHA has received a contingent award letter for a total of 60 PBVs for the PSH project, with 20 PBVs awarded to PSH I and 40 PBVs awarded to PHS II. Therefore, the financing feasibility was restructured and it is estimated that there will be a remaining financial gap of approximately \$2.2 million dollars for PSH I.

10. AGENDA

- 10.A. Direct the Executive Director, or her designee, at her discretion to Accept Due Diligence at 2615 Eagle Avenue on or before January 15, 2022.

Sylvia Martinez, Director of Housing Development provided a presentation that gave an updated overview of the status of the Tilden Commons purchase.

Most recently, the preliminary results of phase II of the site’s environmental testing indicate that there are elevated levels of volatile organic compounds (VOCs) present that exceed residential screening across the site. While these results are not entirely unexpected, they could result in additional costs and require additional documentation. Therefore, staff is recommending that additional testing be performed, and rather than requesting that the Board direct the Executive Director to accept due diligence, staff is requesting that the Board direct the Executive Director to negotiate a no-cost extension to the due diligence period in the Purchase and Sale Agreement.

Chair Grob moved to direct the Executive Director to negotiate a no-cost



extension to the due diligence period in the Purchase and Sale Agreement, and Vice-Chair Tamaoki seconded the motion. This meeting to place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes 4 Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid,
and Commissioner Mun

- 10.B. Adopt Resolution of the Board of Commissioners of the Housing Authority of the City of Alameda Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

Commissioner Hadid moved to adopt the Resolution of the Board of Commissioners of the Housing Authority of the City of Alameda Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Commissioners Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361 and Commissioner Mun seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes 4 Chair Grob, Vice-Chair Tamaoki, Commissioner Hadid,
and Commissioner Mun

11. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)

None.

12. EXECUTIVE DIRECTOR'S COMMUNICATIONS

Ms. Cooper introduced Joseph Nagel, Construction Project Manager and provided a brief overview of the projects that Mr. Nagel will be leading, gave a brief overview of the various holiday events being performed by the AHA and the Alameda Fire Department (AFD), and expressed gratitude to the Board and staff for the work performed throughout the year.

The Board expressed gratitude to AFD and the AHA staff.

13. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)

None.

14. CONTINUATION OF CLOSED SESSION OF HOUSING AUTHORITY BOARD OF COMMISSIONERS – IF NEEDED



N/A

15. Announcement of Action Taken in Closed Session, if any.

N/A

16. ADJOURNMENT

Chair Grob adjourned the meeting at 7:56 p.m.

Vanessa M. Cooper
Secretary and Executive Director

Carly Grob, Chair
Board of Commissioners



To: Honorable Chair and Members of the Board of Commissioners

From: Janet Basta, Director of Human Resources and Operations

Date: January 19, 2022

Re: Accept the Monthly Overview Report for Executive Department.

BACKGROUND

This memo provides a high-level overview of agency activities in the prior month for agency Operations, Human Resources, IT and Community Relations.

DISCUSSION

Human Resources and Operations

A summary of unfilled positions that are on the Schedule of Authorized positions is presented below. Positions are listed by department, and information about current and recent recruitment is included.

Department	Position	Number of Vacant Positions	Recruitment Status	Other Updates
Administration	Deputy Executive Director	1 FTE	Recruitment on hold	Will repost at Director level
	Risk Manager	1 FTE	May utilize recruiter if needed; recruitment not successful to date	Will repost as Senior Management Analyst
	Administrative Manager	1 FTE	Position posted, utilizing recruiter	
	Management Analyst (HR)	1 FTE	Position posted	Open due to turnover
	Principal Management Analyst	1 FTE	Will be posted in January	



Finance		0 FTE		Department is fully staffed
Housing Programs	Housing Programs Supervisor	1 FTE	Position was posted, utilizing a recruiter	Will repost at Assistant Director level
Property Operations	Assistant Resident Manager: IP	1 FTE	Position posted	Hire made but open again due to turnover
	Maintenance Specialist	1 FTE	Will not fill	Vacant; will not fill and duties will be distributed
	Housing Specialist II	1 FTE	Will not fill	Vacant due to transfer; will not fill
Housing Development	Assistant Project Manager	1 FTE	Position posted	
	Project Manager	1 FTE	Position posted, using recruiter	
Rent Program		0 FTE		Department is fully staffed

Summary:

Total FTE's approved for FY 2022: 55

Number of vacancies: 11

Number of active recruitments: 8

In addition to the vacancies above, absences and longer-term leaves continue to impact agency operations. Temporary staff are being utilized where feasible, and some work, particularly in the Housing Programs Department, is being outsourced to attempt to address the gaps. Management is actively considering various strategies to attract and retain staff, as well as to provide flexible staffing to meet programmatic needs.

A survey of compensation, including salaries and benefits, for all Agency positions is underway. Data is expected to be available in the next month, and recommendations will be brought to the Board shortly thereafter.

Terry Kitay, an attorney with Fair Housing expertise, provided a video training for all staff on Fair Housing in December. The presentation focused on an overview of fair housing regulations, with particular emphasis on disability-related regulations and reasonable accommodation requirements.

COVID continues to require regular updates to policies and procedures, with many changes being made at the federal, state and local levels. HR staff will be updating employee vaccine status verifications in January, and the Risk Management team continues to meet bi-weekly to review current issues, guidance, and operations. New guidance on quarantine and isolation periods was recently provided by the California Department of Public Health (CDPH), CalOSHA, and Alameda County. This new guidance, which allows for shorter quarantine and isolation periods in certain circumstances, is being implemented along with a review of internal procedures and forms to align with the changes. Additionally, the rapid increase in COVID-19 cases that occurred in January resulted in some schools moving back to remote learning or cancelling classes. No additional COVID-related leave is currently available to employees, so in order to support employees who may need time off as a result of school closures who might otherwise be off work without pay, AHA management elected to allow impacted staff to use sick leave if parents/guardians of dependent children living in the household need to provide care to those children, only if: 1) documentation from the school of the school closure is provided, 2) the dependent child that care is needed for is under the age of 13, and 3) the employee has exhausted vacation and floating holiday leave. This will remain in effect until the March Board meeting when, if needed, management will come back to the Board with further recommendations.

Reasonable Accommodations

The table below provides a summary of monthly and year-to-date statistics on Reasonable Accommodation (RA) processing as of January 5, 2022.

	Number of New Submissions in the Month	Number Received in the Current Month and Still in Process	Number Closed Out (Letter Sent) (due to prior approval or requestor change)	Running Total of New Submissions	Running Total of RAs Closed Out
January	21	0	21	21	21
February	13	0	13	34	34
March	18	0	18	52	52
April	16	0	16	68	68
May	16	0	16	84	84
June	11	0	11	95	95
July	14	0	14	109	109
August	23	0	23	132	132
September	15	0	15	147	147
October	20	2	18	167	165

November	20	3	17	187	182
December	15	7	8	202	190
TOTAL	202		190		

Below is a table of the decisions made on requests received during the month. For example, 21 requests were received during January 2021 and of those 21 requests, 44% were approved.

Month	Approved Percentage	Denied Percentage	Closed/Approved Prior Percentage
January	44	37	19
February	50	50	0
March	50	28	22
April	60	27	13
May	56	44	0
June	55	36	9
July	57	22	21
August	43	44	13
September	60	33	7
October	64	17	18
November	40	60	0
December*	63	0	37

*These percentages are for the eight that are completed.

The following is a table of reasonable accommodation requests by type of accommodation. The "other" category includes any request that does not fall into the listed categories, so these requests could include extensions of time for completing a recertification, reinstating a voucher, and allowing an assistance animal, among other requests.

Categories	Year-To-Date
Extra Bedroom	29
Live-In-Aides	29
Parking	13

Unit Modifications/Requests	59
Voucher Extension	15
Other	57

Staff continue to accept requests via e-mail, fax, in person, by phone, and through the electronic form available on our website. Staff continue to quality control reasonable accommodation requests.

Information Technology (IT)

The IT service tickets for October fell primarily into three (3) categories: software issues, Cyber Security, and hardware issues. The hardware tickets showed a wide variety of issues with no noticeable consistencies. The IT service tickets for November were primarily distributed across (4) categories, with an emphasis on Cyber Security. AHA recently implemented a "Phish Button" feature in Microsoft Outlook which resulted in additional tickets. Overall, ticket counts continue to trend lower, becoming more comparable with November of 2020.

Techordia's ticketing system has a limitation on tracking response time when duplicate tickets are created and tied to the original ticket. If an AHA employee sends an e-mail without the ticket number in the e-mail header, the automated system creates a new ticket. Techordia staff then manually connect the two tickets together, but the system does not recognize the original response time, so the second ticket's response time is the time when the ticket is closed and creates a longer response time. These tickets are removed when calculating the average response time to tickets.

The average response time for October tickets was about 0.39 hours and for November it was about 0.26 hours.

TECHORDIA SERVICE TICKET REQUESTS - October 2021

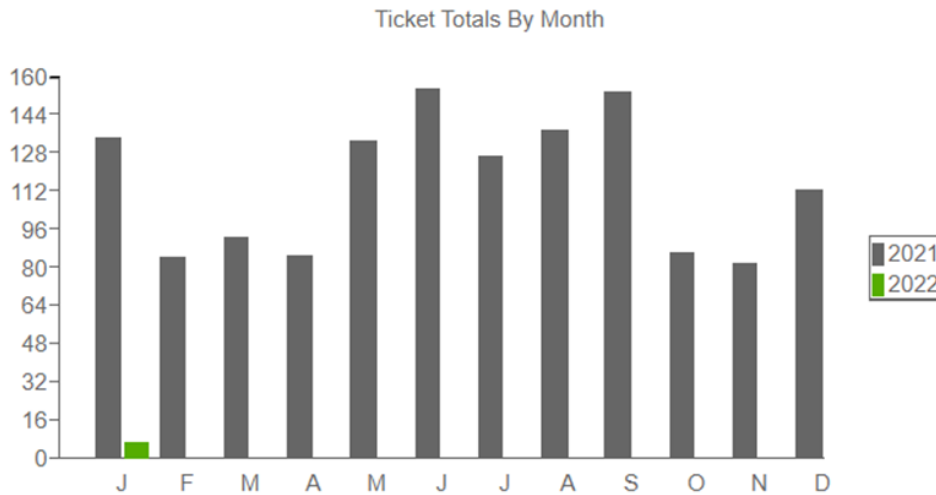
TYPE OF SERVICE REQUEST	NUMBER OF TICKETS
Access Rights	7
Hardware	25
Software	15
On-Boarding/Off-Boarding	12
On-Site Visits	1
Cyber Security	18
TOTAL	78

TECHORDIA SERVICE TICKET REQUESTS - November 2021

TYPE OF SERVICE REQUEST	NUMBER OF TICKETS
Access Rights	15

Hardware	16
Software	16
On-Boarding/Off-Boarding	5
On-Site Visits	0
Cyber Security	21
TOTAL	73

As of January 5, 2022, there were 6 tickets in 2022, and, at that time, there were 24 open tickets. Below is a chart of tickets between 2021 and 2022. A new contract was executed in October 2020 resulting in Techordia now providing the AHA with managed services. Techordia is now primarily covering all IT functions except the administration and troubleshooting for Yardi and Laserfiche. Onsite visits have been scaled back to once a week.



ADA Transition Plan

The Housing Authority of the City of Alameda is working with Sally Swanson Architects to update its ADA Transition Plan and ensure its policies, procedure, practices, and facilities are accessible to persons with disabilities. The consultant will hold a public meeting at 10:00 a.m. on March 10, 2022 and the final report will be presented to the Board of Commissioners in mid-2022.

Project Based Voucher Issuance

As reported previously, AHA issued a Request for Proposals (RFP) for up to 100 Project-Based Vouchers on August 13, 2021. Four responses were received from the following parties/projects. The RFP panel made the following recommendations for award under the RFP. The owners have one year from the date of award to sign an Agreement to Enter into a Housing Assistance Payments contract.

Submitter	Complex	PBV Award Notifications
Mercy/Alameda Point	1245 McKay	40

Collaborative		
AHA/ICD	North Housing - PSH II	40
AHA/ICD	North Housing - PSH I	20
AHA/ICD	North Housing - Senior	0

In the event that there is a protest or appeal, the issue will come to the Board for review.

If all 100 vouchers awarded this round are placed under HAP contract, AHA will not have further budget authority to issue RFPs. This could change if additional funds become available from HUD over the coming years. However, AHA is also 100 units away from its PBV cap, including the additional 10% allowed under HOTMA, and this cap will limit any further issuance unless HUD lifts or changes the PBV caps currently in place for all non-MTW agencies. To be able to issue more PBV vouchers, AHA must have both budget authority and be below the PBV CAP.

Community Relations

In the month of December, staff in partnership with the City of Alameda Fire Department and LifeSteps, distributed holiday (\$35) Target gift cards to over 150 AHA families. Also in December, staff continued to expand services to AHA program participants by scheduling the City of Alameda Parks & Recreation (mobile recreation unit) starting in January and Leap Arts (arts sessions for seniors at Independence Plaza) starting in February. Drawbridge art sessions started on December 1st at Esperanza housing community. This arts program is available at no cost to AHA program participants (ages 4 to 18) and is held twice a month at Esperanza.

The website re-design process is underway with staff currently working with the web development agency (Planeteria) to complete the site-map and define website content. With AHA's increased digital communications activity, AHA will continue to track YTD (year to date) digital metrics. Data is presented in the tables below:

Year to Date	New Followers (added since January 2021)	Total Followers	Unique Visitors	Impressions Delivered (Total digital views by unique visitors)
LinkedIn	188	287	953	25,713

Year to Date	Total Followers	Impressions Delivered (Number of people that saw any content from AHA Facebook page)
Facebook (AHA account created February 2021)	262	68,165

Year to Date	Emails Sent out by AHA (to AHA landlords, program)	Email Open Rate	Click Rate

	participants, tenants, vendors. Plus other contacts in AHA email database/contact lists)		
Email	111,323	44%	7%

Year to Date	Total Visits	Unique Visitors	Page Views	Time Spent per Visit (in minutes)	Bounce Rate (percentage of website visitors that navigate away from the website after viewing only one page)
AHA Website	84,725	77,490	127,165	1:42	73%

AHA's Ombudsman Program received five total contacts in the month of December, with two of those contacts coming from the general public seeking information related to non-AHA affiliated items. Two contacts came from the AHA tenants seeking resolution to neighbor disputes and rental payment amounts. One contact came from the general public seeking more information about access to affordable housing. In December, as an agency, AHA did receive and respond to 35 inquiries from the general public seeking information about available housing and access to housing resources. See the table below for the entire data breakdown of 2021 Ombudsman program activity.

	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YTD
Total Ombudsman Contacts	28	31	11	10	15	21	8	5	129
Contacts from the general public (Non AHA Landlord/tenant matter)	4	8	2	2	7	7	2	3	33
Contacts from the general public (Seeking Housing)	20	18	3	0	3	6	0	1	51

Contacts related to AHA tenant (Lease Violation)	0	2	1	1	0	1	1	1	7
Contacts related to AHA tenant (Neighbor Dispute)	2	2	3	1	4	1	2	1	16
Contacts related to AHA tenant (Reasonable Accommodation)	0	1	2	0	0	0	0	0	3
Contacts related to AHA tenant (Property Condition)	0	1	1	2	0	0	1	0	5
Contacts related to AHA tenant (Rental Payment)	2	0	0	4	1	4	2	0	13
Contacts related to AHA tenants (and AHA private landlord)	NA	NA	NA	NA	NA	2	0	0	2

Customer Survey Update

The annual survey has been delayed as we reviewed potential vendors, process changes, and modifications to the surveys themselves. We searched for a service provider that could support both online and print surveys with an emphasis on print, and could do so with few changes to the surveys and the questions. We did not want to make too many changes in one year to keep from overwhelming our audience. We were unsuccessful in our search, so as a result we have decided to do a "soft launch" of an online version of the survey. AHA will provide every survey recipient with both a mailed hardcopy and an online option, accessible by a unique URL included on the hardcopy. We will also email a link to the recipient if AHA has an email on file. We will then combine the response data between the two channels, utilizing unique codes to eliminate any duplicates. Also, we will be adding an additional question to the Landlord survey regarding usage of the Rent Cafe landlord portal. We expect the surveys to be distributed in February for a four-week response period. We appreciate your patience and will keep the Board updated.

FISCAL IMPACT

Report only, no financial impact.

CEQA

Not applicable to this item.

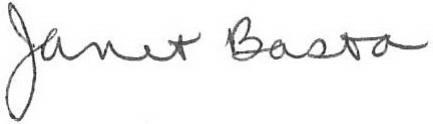
RECOMMENDATION

Accept the Monthly Overview Report for the Executive Department.

ATTACHMENTS

None

Respectfully submitted,

A handwritten signature in cursive script that reads "Janet Basta". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Janet Basta, Director of Human Resources and Operations



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Lynette Jordan, Director of Housing Programs

Date: January 19, 2022

Re: Accept the Monthly Overview Report for the Housing Programs Department.

BACKGROUND

This memo is a high-level overview of Housing Programs Department (HPD) activities for the prior month.

DISCUSSION

Funding Update

A review of the Two-Year-Tool (TYT) updated October 28, 2021, AHA has a projected increased year-end amount of \$2.8 mil in HAP reserves. AHA staff worked diligently to increase HAP spending by exhausting existing waitlists, and by opening the Housing Choice Voucher and Project Based waitlist in an effort to issue more vouchers. However, with staff just completing the lottery process, AHA will not see a benefit from these leasing efforts before the end of the fiscal year. Also, although staff issued vouchers and increased our Units Month Leased (UML) through port-ins, our partner PHAs absorbed large amounts of our port-out vouchers at relatively short notice to meet their leasing requirements, resulting in a net loss of UMLs for AHA. As a result, AHA is now projected to have a utilization rate of 92.5 % of funding for calendar year 2021. This could impact the ability to retain a High Performer rating. Housing and Urban Development (HUD) has extended the waiver for SEMAP scores due to the continued Health Emergency through FY June 2021. AHA staff are currently reviewing all waivers and be making a recommendation to utilize the waiver to use our previous SEMAP score.

Emergency Housing Vouchers (EHV)

On May 11, 2021, AHA was awarded 57 EHV vouchers from HUD. These EHV's are to assist individuals and families who are experiencing homelessness; at risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having



high risk of housing instability. AHA staff issued 49 vouchers, and leased 9 families into permanent stable housing. Staff continues to meet regularly with our partners from the County to ensure a timely lease-up process.

Waivers Update

On December 9, 2021, HUD's Office of Public and Indian Housing (PIH) posted [Notice PIH 2021-34](#), announcing that public housing agencies (PHAs) may apply to receive expedited PIH review of certain regulatory waivers originally allowed in [Notice PIH 2021-14](#) in response to the CARES Act memo dated May 10/2021.

PIH has determined that some of the regulatory waivers provided in Notice PIH 2021-14 may continue to be necessary during pandemic recovery. HUD will consider requests to extend the regulatory waivers listed if a PHA can provide a good cause, including:

- Increased vacancy
- Insufficient staffing levels to address administrative or maintenance backlogs
- Potential negative impacts to tenants or the onset of housing instability
- Local pandemic-specific delays or limitations caused by supply chain disruption, safety, or social distancing requirements.

The notice also mentions PHAs may continue several waivers from Notice PIH 2021-14 without HUD approval, such as:

- Remote Video Housing Quality Standards (HQS) inspections. PHAs may perform remote, video-assisted, or "virtual" HQS inspections for inspecting units or responding to resident requests to identify maintenance needs. PHAs may also use similar means (such as videoconferencing, text messaging and email) to receive maintenance requests.
- PHA oral briefing. PHAs may continue to use alternative methods to provide oral briefings. Acceptable methods can include phone, webcast, in-person meetings, video calls, or other virtual methods.

AHA staff are currently reviewing the PIH notice and will make a recommendation to the Executive Director for approval and update the Waiver Report in the next Board memo. However, in the month of January 2022, AHA implemented CFR 982.305(c) waiver which allows the PHA to provide HAP payments for contracts not executed within the required 60 days.

Staffing

Available staffing in the department has been constrained for several months now due to multiple long-term leaves, vacation and sick absences and position vacancies. AHA will be increasing the contract with Quadel to provide additional support as necessary for the department.

FISCAL IMPACT

For report only, no fiscal impact.

CEQA

N/A

RECOMMENDATION

Accept the Monthly Overview of the Housing Programs Department.

ATTACHMENTS

1. 8-C Attachment Updated Implemented Waivers from 2020-33
2. 8-C Attachment 1 -HPD Performance

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lynette Jordan".

Lynette Jordan, Director of Housing Programs

CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT (PUBLIC LAW 116-136) HOUSING CHOICE VOUCHER PROVISIONS

HOUSING AUTHORITY OF THE CITY OF ALAMEDA (CA062)

IMPLEMENTATION OF PIH NOTICE 2021-14 WAIVERS AND PIH NOTICE 2021-34 OPERATIONAL FLEXIBILITIES

UPDATED JANUARY 2022

PIH Notice 2021-34 allows PHAs to continue with Operational Flexibilities that started with the CARES Act waiver included in PIH Notice 2021-14. PIH Notice also allows for an expedited waiver request process. If the AHA receives approval for a waiver, it will be listed below. As of January 3, 2022, the AHA will be using the following Operational Flexibility.

- PHA oral briefing: PHAs may continue to use alternative methods to provide oral briefings. The AHA will provide a combination of phone, webcast, in-person meetings, video calls, and other virtual methods to ensure equal access to briefings including compliance with all requirements in PIH Notice 2020-32.

The following waivers from PIH Notice 2021-14 are expired and no longer in use. In some cases, the alternative requirements may still be in process. Waiver HCV-2 has been removed from the below table due to it being implemented as an Operational Flexibility.

Item	Summary of alternative requirements	Date Implemented	Availability Period	Effect on Participants	Current Status on Waiver Alternative Requirements
PH and HCV-2: Family Income and Composition: Delayed Annual Examinations	<ul style="list-style-type: none"> • Permits the PHA to delay the annual reexamination of income and family composition • HCV PHAs must implement HCV-7 for impacted families if they implement this waiver 	4/28/2021	6/30/2021	Participants may have extra time to complete the annual process and avoid termination. All reexaminations due in FY 2021 must be completed by 12/31/2021.	All reexaminations due in FY 2021 were in process by December 31, 2021. Some resulted in termination notices for non-compliance.

Item	Summary of alternative requirements	Date Implemented	Availability Period	Effect on Participants	Current Status on Waiver Alternative Requirements
HQS-5: Biennial Inspections	<ul style="list-style-type: none"> Allows for delay in biennial inspections PHAs must require owner certification there are no life-threatening deficiencies PHAs must conduct all delayed biennial inspections from CY2020 as soon as reasonably possible but no later than 6/20/22, and must conduct all delayed biennial inspections from CY2021 as soon as reasonably possible but no later than 12/31/22 	7/2/2020	12/31/21	HQS inspections will be delayed but missed inspections must be conducted by June 30, 2022 for CY2020 and by December 31, 2022 for CY 2021 missed inspections. Owner will need to make certification.	Owner certifications mailed to owners of units that were not inspected in accordance with the waiver. Still inspecting missed inspections, but all on track to be completed by June 30, 2022.
HQS-6: Interim Inspections	<ul style="list-style-type: none"> Waives the requirement for the PHA to conduct interim inspection and requires alternative method Allows for repairs to be verified by alternative methods 	7/2/2020	12/31/21	HQS inspections will be delayed and expanded use of self-certification.	
HQS-8: PBV HAP Contract: HQS Inspections to Add or Substitute Unit	<ul style="list-style-type: none"> Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies Allows for delayed full HQS inspection NLT 6/30/22 	5/21/2020	12/31/21	Minimal impact on existing participants as these are new units to a contract. Inspections must be completed by June 30, 2022 for all units added based on an owner's self-certification.	Owner certifications received by owners of units that were not inspected in accordance with the waiver. All units have been inspected at this time before the June 30, 2022 deadline.

Item	Summary of alternative requirements	Date Implemented	Availability Period	Effect on Participants	Current Status on Waiver Alternative Requirements
HQS-9: HQS Quality Control Inspections	<ul style="list-style-type: none"> Provides for a suspension of the requirement for QC sampling inspections 	7/2/2020	12/31/21	Quality Control HQS inspections will be delayed but must resume with proper notice.	Quality Control inspections being currently conducted.
HCV-1: Administrative Plan	<ul style="list-style-type: none"> Establishes an alternative requirement that policies may be adopted without board approval until 9/30/21 Any provisions adopted informally must be adopted formally by 12/31/21 	6/24/2021	12/31/21	Changes to policies will not have a public process before implementation, but will have a public process before December 31, 2021.	All revisions under this waiver were presented to the Board of Commissioners in a public process before December 31, 2021.
HCV-3: Term of Voucher - Extensions of Term	<ul style="list-style-type: none"> Allows PHAs to provide voucher extensions regardless of current PHA policy 	7/2/2020	12/31/21	Would impact new admissions or transferring participants if 180-day voucher is about to expire. Would need to submit written request for extension.	
HCV-4: PHA Approval of Assisted Tenancy: When HAP Contract is Executed	<ul style="list-style-type: none"> Provides for HAP payments for contracts not executed within 60 days PHA must not pay HAP to owner until HAP contract is executed 	12/13/2021	12/31/2021	Would impact new admissions or transferring participants if HAP contract was not signed within 60 days of lease start.	

Item	Summary of alternative requirements	Date Implemented	Availability Period	Effect on Participants	Current Status on Waiver Alternative Requirements
HCV-5 Absence from Unit	<ul style="list-style-type: none"> Allows for PHA discretion on absences from units longer than 180 days PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days 	2/1/2021	12/31/21		
HCV-7: Increase in Payment Standard During HAP Contract Term	<ul style="list-style-type: none"> Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination. 	4/28/2021	12/31/21	Implemented in conjunction with PH and HCV – 2. Will implement increased payment standard at scheduled time of next annual reexamination.	
11 b: SEMAP	<ul style="list-style-type: none"> PHA to retain prior year SEMAP score unless requests otherwise 	7/2/2020	HUD will carry forward the most recent SEMAP score on record for any PHA with a fiscal year on or before December	Minimal impact on participants as this is a HUD-required audit performed by staff. Allows Agency to retain High Performer status when unable to complete HQS inspections.	

Item	Summary of alternative requirements	Date Implemented	Availability Period	Effect on Participants	Current Status on Waiver Alternative Requirements
11b-2: SEMAP Certification Timing	<ul style="list-style-type: none"> • Waives the requirement for PHAs to submit an annual SEMAP certification in PIC within 60 days of FYE during the period of time that HUD will roll forward prior year SEMAP 	11/30/2020	1/1/22	Minimal impact on participants as this is a HUD-required administrative function.	
11c: Uniform Financial Reporting Standards: Filing of Financial Reports; Reporting	<ul style="list-style-type: none"> • Allows for extensions of financial reporting deadlines 	3/31/21	9/30/22	Minimal impact on participants as this is a HUD-required administrative function.	Reporting submitted by deadlines.
MR-5: PHA Inspection Requirement: Annual Inspections	<ul style="list-style-type: none"> • Waives the annual inspection requirement and allows PHAs to delay annual inspections for Mod Rehab units • All delayed annual inspections must be completed as soon as reasonably possible but no later than one year after the date the annual inspection would have been required absent the waiver 	8/26/2020	12/31/21	HQS inspections will be delayed but missed inspections must be conducted within 1 year of due date.	Units inspected in 2021.

Attachment 1 - Housing Programs Department Performance Report
Month of November and December

Item	January	February	March	April	May	June	July	August	September	October	November	December	YTD
HAP spent for month	\$2,781,531	\$ 2,794,623	\$2,729,695	\$ 2,769,852	\$2,730,744	\$2,790,672	\$2,738,682	\$2,693,655	\$2,728,174	\$2,732,085	\$2,787,785	\$2,947,115	\$ 33,224,613
Vouchers under lease at start of month	1513	1515	1508	1507	1489	1514	1487	1478	1481	1481	1487	1519	n/a
Vouchers issued during the month	0	2	13	10	13	11	10	12	32	2	17	1	123
New units leased in private market	4	10	11	5	10	6	7	2	6	2	3	1	67
New units leased in affordable market	0	1	1	0	0	1	0	0	12	0	2	0	17
Seeking vouchers	23	25	28	26	21	42	60	74	125	109	104	88	725
Port outs leased	0	0	3	6	0	0	0	1	0	0	0	0	10
Port ins leased	2	1	3	4	11	6	3	0	2	1	4	0	37
Annuals completed	132	125	114	188	145	135	139	108	143	130	87	134	1580
Interims completed	48	29	79	68	58	50	57	41	38	38	58	43	607
Rent Increases completed	20	10	35	22	16	16	18	22	24	18	26	19	246
Inspections conducted	0	9	0	83	91	150	166	159	123	118	190	38	1127
Inspections passed first time	0	9	0	24	33	55	21	81	70	54	74	6	427
Hearings requested	4	2	3	3	5	2	4	0	1	1	2	5	32
Hearings held	1	0	1	1	0	1	0	2	0	0	0	0	6
End of Participation *	2	7	4	2	4	2	4	2	2	2	4	0	35

* includes deaths, over income, voluntary surrender of voucher, etc.



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Gregory Kats, Director of Rent Stabilization Programs

Date: January 19, 2022

Re: Accept the Monthly Overview Report for the Alameda Rent Program.

BACKGROUND

For outcomes of submissions reviewed, please see the attached monthly report for the Alameda Rent Program. Archived monthly reports are available at www.alamedarentprogram.org.

DISCUSSION

The Alameda Rent Program resumed limited in-person Informational Workshops in October 2021. Currently, Informational Workshops are offered twice a month, with one day and one evening session provided monthly. Starting in October 2021, at least one of these monthly workshops has been held in person at the Independence Plaza Community Room, while the other remote workshop is held via Zoom. In an effort to expand our outreach efforts to the diverse Alameda community, the Rent Program will offer a series of special Informational Workshops targeting our monolingual landlords and tenants. These workshops will offer sessions in Spanish, Vietnamese, Chinese and Tagalog. The first workshop will be in Mandarin and is scheduled for February 17, 2022. Staff has also posted an Informational Workshop video on the program website, in order to provide remote viewers with greater access to program information.

In October 2021, Rent Program staff produced updated pocket guides for both landlords and tenants. These pocket guides were shared with our local partners, such as the Downtown Public Library and the Mastick Senior Center, for distribution to community stakeholders. In December 2021, the pocket guides were translated into Spanish, Vietnamese, Chinese and Tagalog, along with our program brochure. These translated copies of our outreach materials are available online, through the program website.

On April 5, 2021, the Alameda City Council approved a proposal from City staff to increase annual program fees to \$148 for fully-regulated units and \$100 for partially-regulated units. Once the revised fees were approved, the Rent Program sent out registration and fee payment notices for the Year 2 registration cycle in mid-May. The



annual registration and fee payment cycle began simultaneously on June 1, 2021. The fee payment deadline was extended, by the City Council, to September 30, 2021. Fee payment reminders were mailed out to owners with outstanding fees on September 1, 2021. On October 29, 2021, the Rent Program mailed out non-compliance letters to landlords and tenants of units which are still unregistered and/or for which annual fees have not yet been paid. Once the submission deadline had passed, and AHA and City staff finished processing the pending registration and exemption submissions, as well as the annual program fee payments, Rent Program staff mailed out Maximum Allowable Rent (MAR) letters to owners and tenants in December 2021. In January 2022, staff will also mail out non-compliance letters to landlords with unregistered units and unpaid fees, as well as enforcement letters to landlords who have imposed invalid rent increases. As a result of these outreach and enforcement efforts, the Rent Program has finally achieved a registration compliance rate of 90%.

Rent Program staff will continue to work with our stakeholders to process new registration submissions, assist with fee payment issues and update changes to tenancy or ownership status. Program staff will also continue to work with a smaller subset of landlords, in order to assist them in remedying cases of non-compliance with program requirements, particularly in regards to invalid rent increases, which were discovered through the registration process. In January 2022, Rent Program staff will provide the City Attorney's Office with new enforcement reports documenting unresolved cases involving invalid rent increases, failure to pay program fees, and failure to register rental units for the 2021 registration period. These cases are being referred to the City Attorney's Office with the expectation that enforcement action will be taken to bring unregistered properties into compliance, resolve invalid rent increase issues and recoup any uncollected annual program fees.

The Rent Program is currently in discussions with the City of Alameda in regards to relocating the program's office space. The lease for the Rent Program's current office space was set to expire at the end of March 2022, but in December 2021 we extended the lease through June 2022, while the Rent Program and the City continue to discuss a prospective new location near City Hall West.

FISCAL IMPACT

The program is operating within its budget for 2021-22.

CEQA

N/A

RECOMMENDATION

Accept the monthly overview report for the Alameda Rent Program.

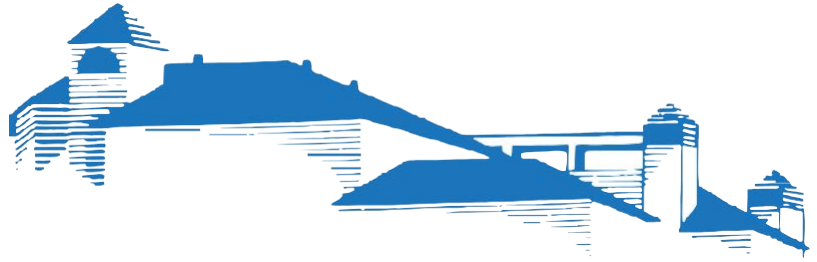
ATTACHMENTS

1. 2021.12 - MONTHLY REPORT

Respectfully submitted,

Greg Kats

Gregory Kats, Director of Rent Stabilization Programs



ALAMEDA RENT PROGRAM

DECEMBER 2021 REPORT

FY 2021 -2022

TABLE OF CONTENTS

Outreach

Page 1

Rent Increase Submissions & Petitions

Pages 2-3

Termination of Tenancy Submissions

Page 4

Buyout Agreement Submissions

Page 5

**Monitoring Unit Restrictions /
Capital Improvement Plans**

Page 6

Rent Registry / Other Appeals

Page 7



www.alamedarentprogram.org

Email: rentprogram@alamedahsg.org • Phone: 510-747-4346 • Fax: 510-764-7555

Outreach

Staff serves individuals in the community via telephone, email, and in-person appointments. Informational workshops are currently offered online.

Contacts

	PERSONALIZED SERVICE		INFORMATIONAL WORKSHOPS	WEBSITE	
	INDIVIDUALS CONTACTED	TOTAL INQUIRIES	ATTENDEES	USERS	TOTAL SESSIONS
JUL 2021	334	608	4	1,953	2,622
AUG 2021	278	495	2	1,817	2,493
SEP 2021	502	816	4	2,247	3,025
OCT 2021	296	445	3	1,842	2,665
NOV 2021	542	962	3	1,597	2,231
DEC 2021	470	854	7	1,559	2,210
JAN 2022					
FEB 2022					
MAR 2022					
APR 2022					
MAY 2022					
JUN 2022					
TOTAL	2,422	4,180	23	11,015	15,246

Activities

Revised the program website's Resources section, including updated links to legal service providers and a new "About the Rent Program" page.	Program staff continues to process Rent Registry submissions, including late registration, fee exemption requests, and reports of new ownership.	Gave presentation on the annual report, pocket guides, and local moratorium on rent increases at the Housing Authority's Quarterly Advocates Meeting.
Published versions of program brochure and pocket guides for landlords and tenants translated into Chinese, Spanish, Tagalog, and Vietnamese. Promoted these new resources with social media posts on the Housing Authority's Facebook and LinkedIn accounts.		

Rent Increase Submissions & Petitions

Multi-family units built prior to February 1, 1995, are subject to a cap on the annual amount of a rent increase, known as the Annual General Adjustment (AGA). Landlords may petition for an upward adjustment in the rent, and tenants may petition for a downward adjustment. Petitions are heard by hearing officers who issue binding decisions.

In addition, tenants and landlords may request that program staff conduct a review of a) the calculation of the maximum allowable rent allowed by the AGA, b) the base rent and/or housing services included with the base rent that the landlord reported when registering the rental unit, or c) previous or pending rent increase notices to determine if they complied with all rent ordinances and regulations. Staff will work with the landlord to correct any registration errors. If the review shows the tenant has been paying more than the maximum allowed by the AGA, staff will direct the landlord to reset the rent and refund the overpayment. If the tenant received an invalid notice that is not yet effective, staff will direct the landlord to rescind the notice. Annually, the Rent Program sends letters to the landlord and tenant informing them of the maximum allowable rent and providing a deadline by which to file a request for review.

When a landlord issues a rent increase of more than 10 percent (typically for those units not subject to the AGA), the notice must be filed with the Rent Program. If the tenant chooses to vacate within 90 days, the tenant is entitled to a relocation payment.

(Note: Landlords currently are not permitted to increase the rent for units subject to the AGA due to an urgency ordinance passed by the City Council in response to the COVID-19 pandemic.)

SUBMISSIONS BY TYPE						
MONTH	LANDLORD INITIATED			TENANT INITIATED		TOTAL
	PETITION FOR UPWARD ADJUSTMENT	REQUEST FOR STAFF REVIEW	RENT INCREASE > 10%	PETITION FOR DOWNWARD ADJUSTMENT	REQUEST FOR STAFF REVIEW	
JUL 2021	0	0	0	2	1	3
AUG 2021	0	0	0	1	1	2
SEP 2021	1	0	0	2	3	6
OCT 2021	0	0	0	0	0	0
NOV 2021	1	0	0	1	1	3
DEC 2021	0	0	0	1	11	12
JAN 2022						
FEB 2022						
MAR 2022						
APR 2022						
MAY 2022						
JUN 2022						
TOTAL	2	0	0	7	17	26

PETITION OUTCOMES

MONTH	UPWARD RENT ADJUSTMENT	DOWNWARD RENT ADJUSTMENT	PETITION DENIED	PETITION WITHDRAWN	PENDING	TOTAL
JUL 2021	0	1	0	1	0	2
AUG 2021	0	0	0	0	1	1
SEP 2021	0	0	1	0	2	3
OCT 2021	0	0	0	0	0	0
NOV 2021	0	0	0	1	1	2
DEC 2021	0	0	0	0	1	1
JAN 2022						
FEB 2022						
MAR 2022						
APR 2022						
MAY 2022						
JUN 2022						
TOTAL	0	1	1	2	5	9

STAFF REVIEW OUTCOMES

MONTH	NO VIOLATION	REGISTRATION ERROR CORRECTED	RENT RESET & TENANT REFUNDED	INVALID NOTICE RESCINDED	REQUEST WITHDRAWN	PENDING	TOTAL
JUL 2021	0	0	0	1	0	0	1
AUG 2021	0	0	0	1	0	0	1
SEP 2021	2	0	0	1	0	0	3
OCT 2021	0	0	0	0	0	0	0
NOV 2021	1	0	0	0	0	0	1
DEC 2021	0	0	1	0	0	10	11
JAN 2022							
FEB 2022							
MAR 2022							
APR 2022							
MAY 2022							
JUN 2022							
TOTAL	3	0	1	3	0	10	17

Termination of Tenancy Submissions

Rent Ordinance 3250 prevents landlords from terminating a tenancy except for certain allowable grounds and requires a relocation payment in cases where the termination is not the fault of the tenant. Terminations based on these “no fault” grounds must be filed with the Rent Program. There are no filing requirements for terminations based on “for cause” grounds.

	ACTIVE			WITHDRAWN		TOTAL
	OWNER MOVE-IN*	WITHDRAWAL FROM RENTAL MARKET	OTHER	FOR DEFICIENCY IN THE NOTICE	LANDLORD CHOSE TO RESCIND	
JUL 2021	0	1	0	2	0	3
AUG 2021	0	1	0	2	2	5
SEP 2021	0	1	0	0	0	1
OCT 2021	0	2	0	1	0	3
NOV 2021	0	2	0	0	0	2
DEC 2021	0	2	0	1	0	3
JAN 2022						
FEB 2022						
MAR 2022						
APR 2022						
MAY 2022						
JUN 2022						
TOTAL	0	9	0	6	2	17

*The City Council adopted an urgency ordinance on April 21, 2020, that prohibits landlords from taking action to terminate a tenancy based on Owner Move-In until 30 days after the end of the Declaration of Local Emergency for the COVID-19 pandemic.

RELOCATION PAYMENT SUMMARY FOR ACTIVE CASES			
AVERAGE AMOUNT	TIME IN THE UNIT		
	0 to 5 years	5+ to 10 years	10+ years
\$6,689.00	0	2	0

Buyout Agreement Submissions

A buyout agreement is a written agreement between a landlord and a tenant, by which a tenant agrees to vacate, usually in return for money. Rent Ordinance 3250 affords protection to tenants who are offered buyout agreements. Buyout agreements must be filed with the Rent Program. Staff review submissions to ensure that tenants have been advised of their rights. An agreement that does not satisfy all requirements of the Rent Ordinance is not effective, and the tenant may rescind the deficient agreement at any time.

	ACTIVE	DEFICIENT	TENANT CHOSE TO RESCIND	TOTAL
JUL 2021	3	0	0	3
AUG 2021	2	0	0	2
SEP 2021	1	1	0	2
OCT 2021	0	0	0	0
NOV 2021	1	0	0	1
DEC 2021	0	0	0	0
JAN 2022				
FEB 2022				
MAR 2022				
APR 2022				
MAY 2022				
JUN 2022				
TOTAL	7	1	0	8

BUYOUT AGREEMENT SUMMARY FOR ACTIVE CASES			
AVERAGE AMOUNT	TIME IN THE UNIT		
	0 to 5 years	5+ to 10 years	10+ years
n/a	n/a	n/a	n/a

Monitoring of Unit Restrictions

Certain restrictions are imposed on rental units after a tenancy is terminated based on grounds for which the tenant is not at fault. These restrictions apply regardless of a change in ownership. On an annual basis, program staff initiates monitoring of the unit to verify compliance with the restrictions while they remain in effect. These annual monitoring cases remain “ongoing” until staff receives sufficient documentation from the property owner.

	CASES INITIATED		ONGOING CASES		TOTAL UNITS MONITORED
	OWNER MOVE-IN	WITHDRAWAL FROM RENTAL MARKET	OWNER MOVE-IN	WITHDRAWAL FROM RENTAL MARKET	
JUL 2021	0	2	2	2	6
AUG 2021	0	6	0	1	7
SEP 2021	0	3	0	4	7
OCT 2021	2	4	0	1	7
NOV 2021	0	1	2	2	5
DEC 2021	1	0	0	0	1
JAN 2022					
FEB 2022					
MAR 2022					
APR 2022					
MAY 2022					
JUN 2022					

Capital Improvement Plans

To encourage landlords to improve the quality of the City’s rental housing stock, Resolution 15138 allows landlords to recover from tenants the cost of certain substantial improvements, amortized over time. In addition, landlords are required to file a Capital Improvement Plan whenever a tenant must be temporarily relocated or a tenancy terminated because of the work associated with capital improvements; however, landlords are currently prohibited from doing so by an urgency ordinance passed by the City Council in response to the COVID-19 pandemic.

No new applications for a Capital Improvement Plan were submitted in December 2021.

Rent Registry

Open registration using the online Rent Registry has concluded. To date, 86% of properties have completed registration, representing 91% of rental units in Alameda. Staff continues to work with landlords to update information in the registry and process submissions.

RENT REGISTRY SUBMISSIONS PROCESSED						
MONTH	LATE REGISTRATION	UPDATED UNIT INFORMATION SHOWING AN INVALID RENT INCREASE	REQUEST TO EXEMPT UNIT FROM ANNUAL FEE	DOCUMENTATION SHOWING PROPERTY IS EXEMPT FROM REGULATION	CHANGE IN OWNERSHIP	TOTAL
JUL 2021	98	28	36	11	13	186
AUG 2021	8	2	21	5	20	56
SEP 2021	8	3	40	60	21	132
OCT 2021	19	4	11	11	14	59
NOV 2021	72	30	37	34	28	201
DEC 2021	72	17	13	6	35	143
JAN 2022						
FEB 2022						
MAR 2022						
APR 2022						
MAY 2022						
JUN 2022						
TOTAL	277	84	158	127	131	777

Other Appeals

A landlord or tenant may appeal a determination by the Rent Program Administrator concerning other matters under the Rent Ordinance, such as whether the ordinance applies to a particular dwelling unit or whether a tenant who has been displaced is entitled to relocation payments. Appeals are heard by hearing officers who issue binding decisions, subject to judicial review.

In December 2021, a landlord filed an appeal of a determination that the landlord owed temporary relocation payments to a tenant who was displaced from a rental unit. The hearing is pending.

To: Honorable Chair and Members of the Board of Commissioners

From: Stephanie Shipe, Director of Portfolio Management

Date: January 19, 2022

Re: Accept the Monthly Overview Report for Property Operations.

BACKGROUND

This memo provides a high-level overview of the Property Operations Department's activities for the month of December 2021.

DISCUSSION

The attached table (Attachment 1) summarizes property performance of all sites including AHA owned and managed, affiliate owned, and managed by The John Stewart Company (JSCo). It excludes performance for Rosefield Village as the property is undergoing rehabilitation and construction.

For the month of December AHA managed Independence Plaza and Anne B Diament. The remainder of the properties are third party managed by JSCo with staff paying close attention to rent reports, ledger updates, and vacancy applicant information.

VACANCY

The attached table (Attachment 1) reflects sixteen (16) vacancies out of five hundred seventy-six (576) units for all properties including: AHA owned and managed; affiliate owned; and third party managed by JSCo, as of the end of October. Progress is taking place in filling the vacancies. Of the sixteen (16) vacant units, ten (10) have move-ins scheduled, eleven (11) are turned and ready for occupancy, four (4) are to be filled by AHA and the remainder by JSCo.

Lease up coordination between AHA Property Management, JSCo, and AHA Housing Programs continues with a common goal to fill vacancies as expeditiously as possible. Vacancies that do not have a waitlist are posted on the AHA website and applications are available through contacting the resident managers, as well as GoSection 8, the Section 8 online search engine and on Craig's List.

RENT COLLECTIONS

The attached table (Attachment 1) provides the collection rate versus budget for all AHA



owned and managed, affiliate owned, and managed by The John Stewart Company (JSCo). An explanation for properties with a collection rate below 98% or above 101% is provided below.

The collection rate for Independence Plaza is 102.8%, China Clipper is 107.3%, Eagle Village is 113.6% and Esperanza is 107.2% all are higher due to collecting on past due rents from residents and Emergency Rental Assistance Program (ERAP).

All residents with past due balances (Attachment 1) have been given the SB-91 Notice and have been referred to LifeSTEPS. JSCo and AHA are sending out monthly statements to residents to encourage payment plans. All residents with a past due balance have been submitted for rental reimbursement on the Alameda County website. Residents have already started to login and upload their documents to verify the need; LifeSTEPS case workers are assisting residents to complete this step. Evictions due to non-payment of rent are currently prohibited by the County eviction moratorium.

RENT INCREASES

Payment standards for the City of Alameda have gone down in 2022; therefore, staff do not anticipate seeing any rent increases for our subsidized units. Staff plan to do a rent increase at Independence Plaza in February 2022 for all subsidized and non-subsidized units.

SOCIAL SERVICES

In December LifeSTEPS continues in-person meetings. Staff continue to be in discussions with LifeSTEPS to ensure there is ongoing support for tenants. LifeSTEPS has been providing aid to tenants and households and continues to link them to financial service agencies, as needed.

AHA tenants continue to avail themselves of the Food Bank services during the Shelter in Place. AHA continues to manage the logistics of these services, including providing staff to package, and deliver the food to the front door of 110 households on a bi-weekly basis. Staff from different departments participate in this activity.

AHA and LifeSTEPS were able to conduct vaccine booster clinics at Independence Plaza and Anne B. Diamant in December. There were 136 residents and staff that received their COVID booster vaccines at these clinics.

MAINTENANCE

Staff continue to complete routine work orders and focus on turning vacant units with an ongoing financial savings by carrying out this work in house. Protocols have been established to mitigate face-to-face interactions with tenants and staff when work takes place in the units. Given that most people tend to be home when maintenance is to enter, there is a questionnaire and protocols that must be adhered to if work is to be completed in the occupied units.

The attached table (Attachment 1) shows the work orders completed for October 2021.

HOUSING QUALITY STANDARDS

Inspections are complete at Anne B. Diament and final inspections were completed for Independence Plaza in December 2021. To date, 99.1% of AHA owned units have passed HQS.

POLICE CONTRACT

Staff continue to discuss the long-standing police services agreement with the City and will return to the Board with an update at a later meeting.

January 2022 will be Officer Pete Larsen’s last month working with the AHA. He will still be driving the streets of Alameda as a patrol officer, but his partnership will be missed. We look forward to welcoming two new officers to our partnership in February 2022.

CAPITAL PROJECTS

The attached table (Attachment 2) summarizes Housing Authority budgeted Fiscal Year 2021-2022 capital projects currently underway.

FISCAL IMPACT

Report only, no financial impact.

CEQA

N/A

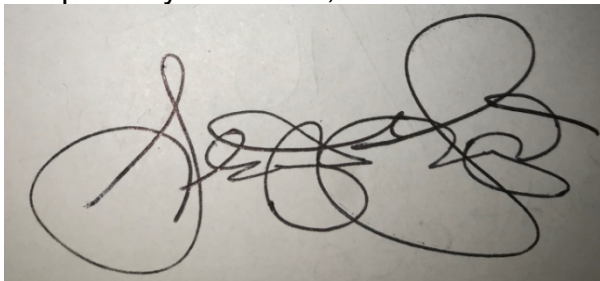
RECOMMENDATION

Accept the Monthly Overview Report for Property Operations.

ATTACHMENTS

- 1. PM - Attachment 1 - Monthly Overview Report for Property Operations
- 2. PM - Attachment 2 - CIP Update

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephanie Shipe', written on a light-colored background.

Stephanie Shipe, Director of Portfolio Management

ATTACHMENT 1

Month of October 2021

Property Name	Owned by	Managed by	Total units	Senior or Family	Manager units	Gross Potential Rent	Tenant Rent Collected	Subsidy collected	Total Rent Collected	% collected	Total Delinquency
* Anne B Diament	AHHC	AHA	65	Senior	1	\$ 116,932	\$ 21,260	\$ 96,270	\$ 117,530	100.5%	\$ 4,011
* Independence Plaza	AAHC	AHA	186	Senior	1	\$ 209,503	\$ 135,317	\$ 80,117	\$ 215,434	102.8%	\$ 15,092
China Clipper	AHHC	JSCO	26	Family	1	\$ 39,521	\$ 11,025	\$ 31,483	\$ 42,508	107.6%	\$ 6,757
Eagle Village	AAHC	JSCO	36	Family	1	\$ 86,258	\$ 16,051	\$ 81,941	\$ 97,992	113.6%	\$ 9,398
Esperanza	AAHC	JSCO	120	Family	1	\$ 303,363	\$ 65,412	\$ 259,778	\$ 325,190	107.2%	\$ 83,711
Everett Commons	ICD	JSCO	20	Family	1	\$ 44,034	\$ 8,679	\$ 35,045	\$ 43,724	99.3%	\$ 834
Littlejohn Commons	ICD	JSCO	31	Senior	1	\$ 45,663	\$ 8,136	\$ 37,216	\$ 45,352	99.3%	\$ 9,743
Parrot Village & Gardens	AAHC/AHA	JSCO	58	Family	1	\$ 164,297	\$ 35,904	\$ 128,799	\$ 164,703	100.2%	\$ 134,984
Scattered Sites	AHA/AAHC	JSCO	34	Family	0	\$ 72,620	\$ 15,256	\$ 56,345	\$ 71,601	98.6%	\$ 709
TOTAL			576		8	\$ 1,082,191	\$ 317,040	\$ 806,994	\$ 1,124,034	103.9%	\$ 265,239

Property Name	Owned by	Vacant units at month end	Vacancy rate %	Units offline for rehab	Vacancy rate excluding offline units	Move ins scheduled in next month	Anticipated move outs next month	Maintenance requests completed	Evictions pending with legal
* Anne B Diament	AHHC	1	1.6%	0	1.6%	0	0	43	1
* Independence Plaza	AAHC	3	1.6%	0	1.6%	3	3	184	
China Clipper	AHHC	1	4.0%	0	4.0%	1	0	15	
Eagle Village	AAHC	2	5.7%	0	5.7%	2	0	23	1
Esperanza	AAHC	4	3.4%	0	3.4%	3	1	42	
Everett Commons	ICD	0	0.0%	0	0.0%	0	0	4	
Littlejohn Commons	ICD	2	6.7%	0	6.7%	0	1	13	
Parrot Village & Gardens	AAHC/AHA	3	5.3%	0	5.3%	1	0	47	2
Scattered Sites	AHA/AAHC	0	0.0%	0	0.0%	0	0	4	
TOTAL		16	2.8%	0	2.8%	10	5	375	4

**ATTACHMENT 2
Capital Projects Update
FY 2022-2023 Capital Projects-Scheduled**

Property	Project	Original Contract or Budget Amount	Approved Change Orders	Current or Revised Budget Amount	Original Substantial Completion	Expected or Actual Substantial Completion	Status
AHA Office	Garage Partial Conversion	1,200,000				TBD	Architecture firm selected and initial work started
All Properties	Paint & Carpet 10% of Portfolio	420,000				ONGOING	Ongoing at unit turns; remainder of portfolio pending lifting Shelter in Place
Anne B Diamant	Balcony Repairs (44 Balconies)	100,000					Pending RFP issuance and award
Anne B Diamant	Roofing	50,000					Scheduled to begin 1/17/22
Independence Plaza	Exterior Renovations (walkway lighting, trellis repairs)	150,000					Anticipate Issuance of RFP in 2022
Independence Plaza	Balcony Repairs (125 Balconies)	250,000					Pending RFP issuance and award

FY 2021-22 Capital Projects Update (Scheduled)

Property	Project	Original Contract or Budget Amount	Approved Change Orders	Current or Revised Budget Amount	Original Substantial Completion	Expected or Actual Substantial Completion	Status
Anne B Diamond & Independence Plaza	Balcony Assessment	200,000	0	200,000	11/1/2019	09/2021	Inspections COMPLETE; ABD report received & currently under review; IP report scheduled for review
AHA Offices	Office Upgrades related to COVID-19	150,000	0			12/31/21	Complete



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TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Sylvia Martinez, Director of Housing Development

Date: January 19, 2022

Re: Accept the Monthly Overview Report for Housing Development.

BACKGROUND

This memo provides an overview of the Housing Development departmental activities for the prior month.

DISCUSSION

Island City Development

The Housing Authority previously made two predevelopment loans to Island City Development (ICD) on behalf of two development projects: North Housing and Rosefield Village. In July, the newly-formed Alameda Affordable Housing Trust Fund awarded \$7,500,000 and a Letter of Intent for \$2,500,000 (contingent on an award from the Local Housing Trust Fund program of the State of California). In addition, in August, ICD accepted a bridge loan from AHA to make a development advance to Rosefield Village. The loan balance and project details are discussed in the subsequent project specific Board reports.

Affordable Housing Project Pipeline

Rosefield Village – An update report on the project is presented as a separate Board item.

North Housing – An update report on the project is presented as a separate Board item.

Feasibility Studies – Staff is still working on feasibility for a development discussed in the Closed Session of January 20, 2021 and has brought a new item in this month's Closed Session for guidance and approval to pursue.

Acquisitions –

1. 2615 Eagle - On June 2, the Board of Commissioners authorized staff to make a



formal offer to the Alameda Unified School District (AUSD) for property at 2615 Eagle Avenue, Alameda, CA. At the AUSD Board meeting on August 10, 2021, AHA's proposal was accepted. The Due Diligence Period ends January 15th with escrow closing in late January (if not extended). The Board was updated on this item in a closed session.

2. Pulte purchases – In December 2020, the Board of Commissioners authorized staff to purchase 18 Below Market Rate units at 2800 Fifth Street. Total costs are somewhat higher due to the need to front property taxes and other closing costs. An updated cost estimate and request to amend the loan agreement is included in this month's reports and action items.

3. 1825 Poggi Street – Loan documents to secure an affordability covenant at Rico Vista Apartments are still pending until the minimum number of approved affordable tenants is available. Staff provided an update on this acquisition in November 2021.

Staff continues to evaluate potential real estate development and acquisition opportunities throughout Alameda as they become available. As part of preparing for additional active pipeline projects, staff is actively procuring development consultants and refreshing its qualifications lists.

New Funding Opportunities

Staff received notice of an award of \$2,500,000 in matching funds from the Local Housing Trust Fund (State of CA) for the Alameda Affordable Housing Trust Fund. These funds have been committed to the first two phases of the North Housing development.

Staff is engaging with a graduate student from UC Berkeley to help with feasibility studies of using the Faircloth capacity of 120 vouchers under a Faircloth-to-RAD transaction. This work will be completed early in January 2022 and may create vouchers that can support either new construction or portfolio developments.

Construction in Progress

Staff is prioritizing three items in Construction in Progress (preparation for renovations on portfolio properties): Balcony repair at Independence Plaza, physical needs assessments for all properties, and the 701 Atlantic garage/office remodel.

Staffing

The HD department is recruiting a Project Manager and an Assistant Project Manager. Please see the AHA website for more information.

FISCAL IMPACT

N/A

CEQA

N/A

RECOMMENDATION

Accept the Monthly Overview Report for Housing Development.

ATTACHMENTS

None

Respectfully submitted,



Sylvia Martinez, Director of Housing Development



Housing Authority
of the
City of Alameda

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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Allyson Ujimori, Senior Project Manager

Date: January 19, 2022

Re: Accept the Monthly Development Report for Rosefield Village.

BACKGROUND

The Housing and Community Development Department provides monthly reports on projects under construction where either the Housing Authority of the City of Alameda (AHA) or Island City Development (ICD) is acting as developer and provides performance guarantees.

The Rosefield Village project includes new construction of 78 units and renovation of 14 units, totaling 92 units, located on the 700 block of Buena Vista Avenue. ICD is the developer. The overall project scope includes both the rehabilitation of existing structures and the construction of a new building in the middle of the site. In addition to the 78 units, the new central building includes onsite laundry facilities, property management offices, social service coordination offices, a community room, and central courtyard with recreation areas. Twelve existing units, in five buildings, on the east and west sides of the new building will be renovated, and one house will be converted into a duplex. Please see previous monthly Board Reports for project details prior to this month's update.

DISCUSSION

The overall project completion and billing percentage, through December 31, 2021, is approximately 70%. This month's construction activities included the start of the solar install, insulation install, drywall install, tape and texturing of interior walls, interior painting, cabinet install, the start of the elevator install, and drywall and texturing of some rehab units. The exteriors of the new construction building are completed, and the building is completely sealed in from the weather.

There is one change order for the current month, Change Order #15, which is in the amount of -\$11,117. This Change Order will go towards crediting the project for scope that was removed for a roofing upgrade. To date, the project has utilized approximately 23% of its hard cost contingency, which is well under the project's percent complete.



Owner contingency funds are held separately from the contract and when change orders are approved, the original construction contract value will increase accordingly as shown in the table below.

Contingency Utilization

	Original Budget	Previous Revisions	Current Revisions	Revised Budget
Construction Contract	\$38,218,849	\$981,832	-\$11,117	\$39,269,564
Hard Cost Contingency	\$4,586,262	-\$981,832	\$11,117	\$3,615,549
Soft Cost Contingency	\$300,000	-\$194,385	-\$661	\$104,956

Construction Contract Utilization

Contract Total	Value of Work Completed to Date	Retention Withheld	Amounts Paid to Date	Balance to Finish
\$38,916,179	\$22,881,288	\$2,340,896	\$25,028,648	\$14,240,917

As of the end of the month, there are no delays to the schedule. The new building is mostly enclosed and the contractor is taking proactive measures to keep the site as dry as possible. Should the project continue to observe rainy days, there is plenty of work that will continue inside of the new and rehabbed buildings.

Occupied Units

Staff continues to work with AHA Portfolio Management Department and the John Stewart Company on relocation needs for the remaining households for when their units are scheduled for renovation in early 2022. Below is an update on the relocation status through December 31, 2021:

Total Units	Vacant Units	Moves Completed	Current Occupied	Remaining Units to Permanent Relocate	Remaining Units to Temporarily relocate
53	50	30	3*	1	1

* There is one tenant-occupied unit at 738A Eagle Ave, where no work is planned to take place. The John Stewart Company is using 738B as a temporary office.

Leasing & Tenant Selection Plan

Project staff is working with the Portfolio Management and Housing Programs Departments and the John Stewart Company (JSCo) to prepare the project for leasing.

The Tenant Selection Criteria, Marketing Plan, and all preferences are approved by the City and County. Staff authorized JSCo to start preparing and distributing marketing materials in early January 2022. Staff anticipates that the pre-application will open on the Alameda County Housing Portal (<https://housing.acgov.org/>) between January 17, 2022, at 8 am, through February 7, 2022, 5 pm. Since the project has Alameda County A1 Bond Funding, it will use the Alameda County Housing Portal, which is a universal core tenancy application system where low-income households seeking subsidized housing can locate and be informed of unit availability throughout the County.

FISCAL IMPACT

The current construction draw schedule is shown below. The “\$ Disbursed” includes the current draw amount.

	\$ Budget	\$ Disbursed	\$ Disbursed	\$ Balance
Land & Buildings	\$17,435,451	\$17,435,451	100%	\$0
Hard Costs	\$43,285,111	\$25,231,927	58%	\$18,133,184
Soft Costs	\$15,751,616	\$8,297,238	50%	\$8,384,572
Total	\$76,472,178	\$50,964,616	66%	\$26,517,756

Development Advance Status

On August 2, 2021, the Board approved a \$1.2 million unsecured loan from AHA to ICD to cover unanticipated costs observed by the project. This loan is categorized as a development advance to the project from CELP. Three categories of uses are property taxes, EBMUD water connection fees, and additional soft cost contingency. In the last month, the project’s property taxes were cancelled through an approved welfare exemption, so approximately \$197k was returned to AHA. The project also expects a \$375k credit from EBMUD from service, which is anticipated to be around January 2022. Staff currently expects the remainder of the repayment to come at permanent loan conversion, from construction savings and tax credit equity.

Total Funds Disbursed	\$930,194
Refunds/Credits Received to Date	\$0
Amount of Available Loan Funds	\$292,806

CEQA

This item is not applicable.

RECOMMENDATION

Accept the Month Development Report for Rosefield Village.

ATTACHMENTS

1. Rosefield Village Marketing Flyer

Respectfully submitted,

A handwritten signature in blue ink that reads "Allyson Ujimori". The signature is written in a cursive, flowing style.

Allyson Ujimori, Senior Project Manager



Rosefield Village

New affordable apartments in Alameda

727 Buena Vista, Alameda, CA 94501

APARTMENT FEATURES

- On-site professional staff
- Resident Services available on-site
- On-site secured bike parking
- On-site laundry room
- Drought-tolerant landscaping
- Smoke-free community
- Community room
- Security camera



Rosefield Village is an affordable rental community currently under construction with completion projected for Summer 2022.

On-line pre-applications accepted only from January 17, 2022 through February 7, 2022

To pre-apply, please visit <https://housing.acgov.org/listings>

Phone: 510-649-5537 if additional assistance needed

TTY: 415-345-4470

Pre-applications must be submitted by the deadline to be included in lottery.

The final waiting list will be limited to 2,000 qualified applicants.

• Affordable rents are income-restricted in accordance with the Low-Income Housing Tax Credit (LIHTC) program and other regulatory agreements. Income restrictions listed below are subject to change.

Type of Units	Units	Income Limits based on the number of people in your family (subject to change)						
		1 person	2 people	3 people	4 people	5 people	6 people	7 people
Studio Unit (20% AMI)	1	\$19,180	\$21,920					
1 Bedroom Unit (20% AMI)	8	\$19,180	\$21,920	\$24,660				
1 Bedroom Unit (30% AMI)	3	\$28,770	\$32,880	\$36,990				
1 Bedroom Unit (50% AMI)	6	\$47,950	\$54,800	\$61,650				
1 Bedroom Unit (60% AMI)	11	\$57,540	\$65,760	\$73,980				
1 Bedroom Unit (80% AMI)	2	\$76,720	\$87,680	\$98,640				
2 Bedroom Unit (50% AMI)	5	\$47,950	\$54,800	\$61,650	\$68,500	\$74,000		
2 Bedroom Unit (60% AMI)	9	\$57,540	\$65,760	\$73,980	\$82,200	\$88,800		
2 Bedroom Unit (80% AMI)	5	\$76,720	\$87,680	\$98,640	\$109,600	\$118,400		
3 Bedroom Unit (50% AMI)	6	\$47,950	\$54,800	\$61,650	\$68,500	\$74,000	\$79,500	\$84,950
3 Bedroom Unit (60% AMI)	10	\$57,540	\$65,760	\$73,980	\$82,200	\$88,800	\$95,400	\$101,940
3 Bedroom Unit (80% AMI)	2	\$76,720	\$87,680	\$98,640	\$109,600	\$118,400	\$127,200	\$135,920

• Developed by the Island City Development and Constitution and Eagle LP.

• Housing Authority of the City of Alameda, Constitution and Eagle LP and the John Stewart Company will follow all reasonable accommodation laws and regulations as provided for in the Federal Fair Housing Act and the State Fair Employment and Housing Act in its tenant selection process and throughout its property management operations.

• Housing Authority of the City of Alameda, Constitution and Eagle LP, and John Stewart Company do not discriminate on the basis of race, color, religion, sex, national origin, familial status, disability, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, source of income, and genetic information.

Rosefield Village is an equal opportunity housing provider, admitting applicants in accordance with Local, State, and Federal Fair Housing laws.



To: Honorable Chair and Members of the Board of Commissioners

From: Daniel Mills, Management Analyst

Date: January 19, 2022

Re: Accept the Monthly Overview Report on Procurement.

BACKGROUND

This memo provides an overview of the procurement activities for the agency for the month of December.

DISCUSSION

Staff continues its internal status review of all department contracts and procedures to ensure compliance and address any deficiencies. A listing of recently closed, current and upcoming RFQs and IFBs can be found at the end of this overview.

Developing systems and processes to further automate and standardize procurement, both inter and intra-departmental, will be a focus moving forward. This includes, but is not limited to, centralizing and maintaining contractor lists, contract information and procurement documents, enhancing Yardi and Laserfiche utilization, and account reconciliation. Development and implementation will be a team effort within departments and AHA and we will inform the Board of all developments.

Other Procurement Notes:

- Staff is having ongoing discussions with some vendors to ensure compliance with contract expectations. In some areas, this has resulted in increased monitoring and deferring payments on invoices.
- Staff has been conducting internal testing for CivicClerk, the Board Management Software, to assist in generating and distributing the scheduled Board memos. The August memo was the first memo to be primarily composed and distributed with the new application, without the Board and minutes management features. Before involving the Board in the new CivicClerk process, staff decided to conduct a re-evaluation of the software and our needs. We will keep the Board informed of the process and thank you for your patience.
- Staff has initiated a new Diversion, Equity, and Inclusion (DEI) initiative that will enable us to measure and focus on these aspects of our vendors and solicitations and to encourage minority-owned businesses to apply for our RFPs and other business opportunities. The initiative will help us to better reflect and serve our diverse communities. Staff is currently in the early planning stages and will keep the Board informed of the process and outreach efforts. The first step was the development of a survey to measure the diversity of our business partners. This online survey was distributed with our recent newsletter and can be



found here: www.surveyaha.com.

AHA solicitations can be found here:

http://www.alamedahsg.org/working_with_us/business_opportunities.

A summary of current, past, and upcoming RFPs and ITBs is provided below:

RFP/IFB	DESCRIPTION	ORG	STATUS
Benefits Broker	For AHA personnel.	AHA	RFP to be issued in 2022.
Copier Services	For the AHA Office.	AHA	Contract extended for 1 year. RFP will be re-evaluated in 2022.
Cost Allocation Method	CAP Alternative.	AHA	RFP Issued, closes January 12th.
Financial Consulting	Feasibility and financial analysis.	AHA	RFP closed, vendors approved.
General Contractor	For North Housing.	ICD	RFQ closed, under review.
Interior Furnishings	For Rosefield Village.	ICD	RFP closed, contract pending.
Legal Services	LIHTC Properties.	AAHC	RFP Issued, closes January 6th.
Payroll Services	For AHA personnel.	AHA	RFP to be issued in Q1 2022.
Project-Based Voucher Program	100 vouchers to be placed.	AHA	RFP closed, vendor selected.

FISCAL IMPACT

Reference each individual procurement event.

CEQA

N/A


RECOMMENDATION

Accept the Monthly Overview Report on Procurement.

ATTACHMENTS

None

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Mills". The signature is written in a cursive style with a large initial 'D'.

Daniel Mills, Management Analyst



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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Louie So, Director of Finance

Date: January 19, 2022

Re: Accept the Fiscal Year to Date Financial Report through the Month of November 2021.

BACKGROUND

This high-level, Finance and Budget Variance Report covers preliminary unaudited financial operating results compared to the FY 2021-22 budget for the month ending November 2021 (activity for the period from July through November 2021). Although the audited financial statements are on an accrual basis, the month-to-month financials are on a hybrid accrual and cash basis. The numbers presented are subject to change based on the adjustments from the final audited financial statement report. On June 24, 2021, the Board of Commissioners approved a one-year operating budget for the period covering fiscal year July 1, 2021 through June 30, 2022. The financial reports include the properties which were transferred to AHA's affiliate, Alameda Affordable Housing Corporation (AAHC) (Anne B. Diamant, China Clipper Plaza, Stanford House, Lincoln-Willow Apartments and Independence Plaza, Esperanza, Eagle Village and Parrot Village). All members of the Board of Commissioners also serve as the Board of Directors of AAHC. As part of the strategic plan, AHA staff is adopting a simplified format to track the financial performance of the authority on a quarterly basis. This will be implemented later this fiscal year.

DISCUSSION

Overview

The following Financial Snapshot showcases Net Operating Income (Cash Flow of AHA) for the fiscal year to date. Further discussions on the cause of these variances are presented below. Please note that "Total Revenue" represented below only showcases a timing difference; it is anticipated that the variance will be minimal once the funds for Independence Plaza are received from the City of Alameda.



Financial Snapshot	PTD Actual	PTD Budget	Variance	% Variance
TOTAL REVENUE	23,137,973	23,543,144	-405,171	-1.72
LESS: OPERATING EXPENSES	19,954,087	22,160,941	2,206,854	9.96
NOI	3,183,886	1,382,203	1,801,683	130.35

The following Risk Indicator showcases whether AHA has sufficient cash and investments to meet its near-term obligations. Furthermore, the high level AHA Debt to AHA Assets percentage of 54% showcases that AHA is lowly leveraged. Additionally, some of the AHA debt are internal debt (i.e. seller note from the AHA to AAHC transfer).

Performance Indicator	Cash	HAP	Months Covered
Cash and Investments/Total HAP	38,445,664	2,781,858	13.82
Cash and Investments/Operating Expense	38,445,664	4,085,162	9.54
Cash and Investments/HAP and Operating Expense	38,445,664	6,810,907	5.64
Percentage Debt to Assets	139/369/531	259,844,210	54%

Third Party Management

AHA has outsourced Eagle Village and Rosefield Village projects to The John Stewart Company (JSCO) prior to 2019. Additional AHA and AAHC properties were transferred to JSCO's management on July 1, 2020 including Parrot Gardens, Parrot Village, Detached Homes, Sherman Street, Lincoln House, Senior Condos, Stanford House, Lincoln Willow and China Clipper Plaza Apartments. Esperanza was outsourced to JSCO on January 1, 2021. Income and occupancy figures are provided in the Monthly Overview report for Property Operations for the properties managed by JSCO. AHA receives financial statement packages from JSCO for these properties on a monthly basis by the 3rd business week of the following month, and the financial activity of the properties are reviewed, consolidated and presented in the exhibits attached to this memorandum. Furthermore, Esperanza, Eagle Village and Parrot Village transferred

ownership from AHA to AAHC in July 2021. AHA staff is working with JSCO to ensure that the bookkeeping is completed in the proper legal and property financial statements. Legacy AHA financial statements and bank accounts were expected to be closed by October 2021, but due to additional reconciliations required, was closed in November 2021 for Esperanza, Eagle Village and Parrot Village (AHA ownership).

Operations Budget – Revenue

Year-to-date - Rental income (Total Tenant Revenue) of \$5,899,571 is predominantly made up of Housing Assistance Payments (HAP) received for AHA units and tenant rents received. This is slightly higher than budget by \$56,473 (0.97%). Please note that the tax increment subsidy for Independence Plaza is received as one lump sum from the City of Alameda and recognized on a monthly prorated basis on the financial statements. Staff requested a higher amount from the City of Alameda than budgeted for due to additional property operating expenses, and the City of Alameda approved the disbursement for the 2nd calendar half of 2021. The tenant portion of rents received is higher than budget by \$110,180 (7.02%), with vacancies lower than budget by 30,859 (19.19%), offset by a lower HAP subsidy received of \$226,245 (6.81%). Staff will continue to monitor tenant and HAP income closely, and a reconciliation of rents are completed internally for AHA managed properties. Additional tenant funding from the emergency rental assistance payment program was also received for the properties. Please see Monthly Overview Report for Property Operations for more information.

Total Other Income and Restricted Income is lower than budget by \$195,850 (23.24%). This is mostly attributable to account 711092 Professional Service Revenue as Rent Program and Housing Development reimbursements from the City of Alameda are billed in arrears. Additionally, \$100,000 in budgeted fee from the AHA/ICD services agreement was billed in December 2021. Interest earned from CAMP and LAIF are projected to be lower than the prior year due to the low interest rate environment, and LAIF investments are earned on a quarterly basis in arrears and will be presented in the December 2021 report. Budgeted amounts for the current fiscal year has reflected a low rate of return on these investments. Other Government Grants, most notably Alameda Unified School District Recognized Obligation Payments was billed for FY 2022 of \$1,930,400.

For the past several years, Administrative Fees from HUD have not fully funded the Housing Programs Department, and the Section 8 Program has been subsidized by income from AHA properties. HUD Administrative Fees are \$47,533 or 6% lower than budget.

Expenses

Total operating expenses, including HAP, are substantially lower than the year-to-date by \$2,206,854 (9.96%), and total operating expenses, not including HAP, is \$1,039,294 lower than budget (14.79%). This is mainly due to lower salary and benefit expenses, which are under budget due to vacant positions (resignations and retirement) and cost savings due to budgeted travel not utilized. Please see Monthly Overview Report for

Operations, H.R. and I.T. for an overview of active recruitment. Staff expects these operating expenses to increase as AHA becomes more staffed, with several positions in active recruitment. Housing Development, Finance, Portfolio Management and The John Stewart Company staff meet regularly to review the financial statements to monitor actuals versus budget amounts for properties under 3rd property management.

Housing Assistance Payments (HAP) Pass-through

The Housing Assistance Payments (HAP) pass-through includes all the Housing Choice Voucher/Section 8, Shelter Plus, and Bessie Coleman (SRO) programs. Year-to-date HAP revenue (8010000 HUD Operating Grants) is \$1,216,9976 (8.10% below budget). It is expected that as AHA completes lease up from the wait list and increases utilization, additional funding from HUD to pass-through for HAP payments will occur in the next several months. Furthermore, additional funds for the Emergency Housing Vouchers were received from HUD in the months of June and July 2021 which are currently recorded as unearned revenue (not presented in the Budget Comparison) in the amount of \$238,007. Staff continues to make progress on \$171,491 (Account 9700800 Port-In AR Billings) in accounts receivable for Port-In billings from other public housing authorities. This amount is subject to change due to net Port-Outs. Port-In billing collections was not budgeted in the FY 2022 budget process as it's dependent on other housing authorities and participant portability. Shelter Plus Care revenue is paid in arrears by the Alameda County Housing and Community Development Department ("County"). Billing typically averages approximately \$30,000/month, and billings were provided to the County through the end of November 2021. Currently, AHA is owed the balance from August through November 2021 pending a review of the County's board to release the funds for the current fiscal year.

Statement of Net Position

The Housing Authority has adequate cash resources for operations. As of November, 2021, AHA, AAHC and its affiliates have \$17.8 Million in cash, and \$20.6 Million held in LAIF and CAMP investments. Please see below to showcase a breakdown of AHA's cash position and restricted and unrestricted cash breakout. Please also refer to the Investment Memorandum which showcases the statements of the December 2021 LAIF and CAMP investments.

I) Cash and Cash Equivalents Position	
Cash	17,776,707
LAIF (Local Area Investment Fund)	11,661,651
CAMP (California Asset Management Program)	9,007,306

Total Cash and Cash Equivalents	38,445,664
II) Restricted and Unrestricted Cash and Equivalents Breakout	
Restricted Property Funds (Security Deposit, Replacement Reserve, etc.)	1,536,127
Restricted Federalized Funds (Section 8, Family Self Sufficiency, etc.)	1,690,298
Unrestricted Cash	35,219,240
Total Cash and Cash Equivalents	38,445,664

There were no fiscal year board deemed restricted funds disbursed through the month of November 2021.

OTHER ISSUES IMPACTING FINANCE DEPARTMENT

COVID-19 Mission Critical Tasks:

The finance management team has been prioritizing the following mission critical tasks.

1. Review new regulatory and tax pronouncements stemming from COVID-19 and how they may apply to AHA, AAHC, and its affiliates. This includes CARES Act administrative fee increases, reporting on CARES Act funds, and the American Rescue Plan Act (Passed in March 2021)
2. Continue to ensure Housing Assistance Payments are paid to landlords and AHA owned properties timely and to transfer landlords receiving a paper check to ACH for swifter payment and to reduce postage costs
3. Continue to ensure payroll, to our employees is paid timely and with no interruption
4. Allow vendors the ability to submit invoices electronically through a web portal (Yardi VendorCafé) and allowing AHA the ability to pay via electronic funds transfer versus paper checks
5. Continue to liaise with auditors remotely to ensure documents are transmitted, so the auditors can continue their review offsite.

Staffing

Nan McKay and Associates continues to provide limited consulting services, including HUD's monthly Voucher Management System (VMS) report and the annual unaudited Financial Data Schedule (FDS). Currently, the Finance Department is fully staffed. In anticipation of medium term staff absences, an additional contractor will be hired in January 2022.

Audit and Tax

AHA

The FY 2020 audited financial statements were presented to the Board of Commissioners in the May 2021 meeting and accepted. AHA staff and Citrin Cooperman (AHA's auditors) submitted the audited FY 2020 FDS to REAC in July 2021. This report was accepted by HUD in late September 2021. AHA staff submitted the unaudited FDS submission to REAC prior to the extension deadline of October 30, 2021. HUD granted AHA's staff request for an extension of time to file due to new and pending regulations. As of January 2022, this is still under HUD review.

AHA staff posted a Request for Proposal for Audit and Tax Services in September 2021. Selection of the public accounting firms took place in the October 2021 Board of Commissioner's meeting. Final contract review with the firm Novogradac & Company LLP was executed in November, with the start of the audit starting soon after.

AAHC

Although AHA is exempt from filing a federal tax return, AAHC is required to file a tax return. For the fiscal year ending June 30, 2021, AAHC's tax return extension deadline is November 15, 2021. The final filing deadline is May 15, 2022 for the fiscal year ending June 30, 2021. It is expected that staff will present the AAHC tax return in the April 2022 Board of Director's meeting at prepared by Novogradac & Company LLP.

Island City Development

AHA is working with the CPA firm Holthouse, Carlin & Van Tright LLP (HCVT) for audit work of Island City Development and the three low-income housing tax credit (LIHTC) project partnerships (Sherman & Buena Vista, L.P. and Everett & Eagle, L.P., and Constitution & Eagle, L.P. the "LPs"). These are generally due to stakeholders no later than the end of February 2022 in draft format. Furthermore, tax extensions for all entities will need to be filed no later than March 15, 2022.

AHA staff will prepare a Request for Proposal for Audit and Tax Services for Island City Development and its affiliates by November 2021 and interviewed firms in December 2021. The staff recommendation was presented to the Island City Development Board of Directors in the December 2021 meeting. Staff has recommended HCVT to continue the audit and tax work for all the existing Island City Development projects (i.e. Island City Development, LLC entities, Everett & Eagle, L.P., Sherman & Buena Vista, L.P. and Constitution & Eagle, L.P.). Additionally, staff has recommended Novogradac & Company LLP to the Island City Development Board of Directors for work as it relates to North Housing Block A and the upcoming low-income housing tax credit syndication.

This includes 3 low-income housing tax credit partnerships, including agreed-upon procedures reports, audited financial statements, tax returns and cost certifications.

Unfunded Pension Liabilities

In late July 2021, CalPERS reported a strong unaudited return of 21.3% of their total assets of the fiscal year, thus reducing the discount rate from 7% to 6.8%. Furthermore, the OPEB Trust reports an (unaudited) valuation of approximately \$1.5 Million in

October 2021, compared to an audited valuation of \$1,237,785.18 as of June 30, 2020. Once the OPEB Trust audit is completed by CalPERS and their auditors, this information will be consolidated with the AHA audited financial statements. Please see the Board of Commissioners memorandum "Accept a report on Pension Liabilities" for further discussion.

Budget

A detailed budget for the fiscal year July 1, 2021 through June 30, 2022 was brought to the Board of Commissioners in the June 24, 2021 meeting. The next budget cycle will occur prior to June 2022.

Banking Activities

As discussed, The John Stewart Company closed the AHA bank accounts for Esperanza, Eagle Village and Parrot Village, as these properties were transferred to AAHC in the summer of 2021.

Quarterly Financial Reporting

As part of the strategic plan, AHA staff is migrating to a quarterly versus monthly financial reporting. This will be implemented later this fiscal year.

FISCAL IMPACT

None. This is for reporting purposes only.

CEQA

N/A

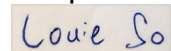
RECOMMENDATION

Accept the Fiscal Year to Date Financial Report through the Month of November 2021.

ATTACHMENTS

1. 11.2021 Balance Sheet
2. 11.2021 Chart
3. 11.2021 PTD Budget Variance

Respectfully submitted,



Louie So, Director of Finance

Balance Sheet

Period = Nov 2021

Book = Accrual

Current Balance

1000000	ASSETS	
1100000	CURRENT ASSETS	
1101000	CASH	
1110010	Cash - Unrestricted	13,822,604
1110018	Cash - Operating Checking with 3rd Party	2,059,999
1110019	Petty Cash with 3rd Party	800
1110020	Cash - Petty cash	500
1110021	Cash - Benefit Account	82,916
1110030	Cash - FSS	174,012
1110040	Cash - Replacement Reserve Bldg	406,000
1130010	Cash - Restricted Other	99,750
1130030	Cash - Restricted Sec Dep	203,691
1140000	Cash - Tenant Security Deposits	(22)
1140050	Cash - Tenant Security Deposits with 3rd Party	265,604
1199000	TOTAL CASH	17,115,853
1200000	ACCOUNTS RECEIVABLE	
1240010	Accounts Receivable - Government	868,678
1240050	HAP Rent Receivable	16,518
1240070	Accounts Receivable- HUD	9,703
1250010	Accounts Receivable - Other	1,906,900
1250050	Accounts Receivable - 3rd Party Management	181,917
1255000	Subsidy Suspense Receivable	(9,145)
1260000	Accounts Receivable - Tenant	277,662
1260050	Accounts Receivable - Tenant Rent with 3rd Party	281,719
1261000	Allowance for Doubtful Accounts -Dwelling Rent	(122,418)
1280000	Fraud Recovery	29,132
1281000	Allowance for Doubtful Accounts - Fraud	(28,837)
1290000	Accrued Interest Receivable	(7,097)
1299000	TOTAL ACCOUNTS RECEIVABLE	3,404,732
1300000	INVESTMENTS AND OTHER CURRENT NOTES	
1310000	Investments(LAIF)- Unrestricted	10,469,081
1320010	Investments - Other	202
1320020	Investments(LAIF) (Restricted) - FSS Escrow	89
1320030	Investments(LAIF)- Building Reserve	1,067,120
1320040	Investments(LAIF) - Equipment Reserve	123,751
1350000	Investments - Restricted	0
1350010	Investment(LAIF)-Restricted (Jack Capon Villa Trust)	1,408
1350031	Investments - CAMP	9,007,306
1350100	Mortgage Receivable	114,708,521
1350103	Mortgage Receivable-Jack Capon L. P.	79,451
1350105	Loan Receivable-Security Deposit Loan	92,569
1350106	Loan Receivable - ICD	18,573,482
1350107	Loan Receivable-RCD/Stargell/Tri Pointe	2,000,000
1350109	Loan Receivable - Section 8	1,790,000
1360000	TOTAL INVESTMENTS AND OTHER CURRENT NOTES	157,912,980
1400000	PREPAID EXPENSES	
1420020	Prepaid Insurance - Liability	118,278
1420040	Prepaid Insurance - Worker Comp	49,860
1420050	Prepaid - Other	11,537

Balance Sheet

Period = Nov 2021

Book = Accrual

	Current Balance	
1420051	Prepaid Rent	20,213
1420070	Escrow Deposits - Property	131,000
1420095	Prepaid Expense - Management Company	27,882
1430010	Replacement Reserve-NorthMarq Loan	660,854
1440099	TOTAL PREPAID EXPENSES	<u>1,019,624</u>
1440105	INTERPROGRAM	
1440110	Interprogram (Due From)	2,946,578
1440899	TOTAL INTERPROGRAM	<u>2,946,578</u>
1500000	TOTAL CURRENT ASSETS	182,399,768
1590000	LONG TERM ASSETS	
1600000	FIXED ASSETS	
1609999	LAND AND BUILDINGS	
1610000	Land	58,219,779
1620030	Buildings	30,922,109
1620031	Buildings Improvements	1,453,516
1629000	TOTAL LAND AND BUILDINGS	<u>90,595,404</u>
1630040	Furniture and Equipment - Dwelling	347,787
1630041	Furniture and Equipment - Other	117,969
1650000	Leasehold Improvements	14,819,591
1660030	Accumulated Depreciation	(31,714,818)
1660060	Accumulated Depreciation - 3rd Party	(2,133)
1699000	TOTAL FIXED ASSETS	<u>74,163,798</u>
1700000	ALL OTHER ASSETS	
1740000	Other Asset	177,510
1770000	TOTAL ALL OTHER ASSETS	<u>177,510</u>
1800000	DEFERRED OUTFLOW	
1800200	Deferred Outflow of Resources	2,381,066
1890000	TOTAL DEFERRED OUTFLOW	<u>2,381,066</u>
1900000	CONSTRUCTION IN PROGRESS	
1900100	CIP - On Site Improvement	397,755
1900200	CIP - Admin Expenses(including postage & advertising)	1,092
1900210	CIP - Architectural & Engineering Fees	63,228
1900216	CIP - Survey Fees	29,785
1900230	CIP - Professional Services (Other)	17,208
1900280	CIP - Insurance Costs During Construction	15,980
1900290	CIP - Organization - Legal	6,010
1900335	CIP - Permanent Loan - Fees	186,000
1900410	CIP - Environmental Testing & Reports	3,950
1900420	CIP - Permit & Fees (plan'g,build'g,public work,school dist)	1,061
1919999	TOTAL CONSTRUCTION IN PROGRESS	<u>722,067</u>
1929999	TOTAL LONG TERM ASSETS	<u>77,444,442</u>
1999999	TOTAL ASSETS	259,844,210
3000000	LIABILITIES AND EQUITY	
3005000	LIABILITIES	
3100000	CURRENT LIABILITIES	
3100500	ACCOUNTS PAYABLE	
3120010	Accounts Payable<= 90 Days	(50,278)
3120011	Accounts Payable -CALPERS (employee portion)	551
3120013	Accounts Payable-457b Plan (employee portion)	6,126

Balance Sheet

Period = Nov 2021

Book = Accrual

	Current Balance	
3120014	Accounts Payable-Garnishment (employee portion)	405
3120015	Accounts Payable-Vision Insurance (employee portion)	698
3120016	Accounts Payable-Life Insurance (employee portion)	(35)
3120018	Accounts Payable-PARS retirement (employee portion)	140
3120019	Accounts Payable-Flexible Spending Account(employee portion)	4,153
3120021	Employees Cobra	911
3120022	Accounts Payable-PERS 1959 Surv(Employee Portion)	41
3120023	Accounts Payable-FSA Transit Plan	598
3120024	Accounts Payable FSS	166,970
3120026	Accounts Payable FSS Interest	(28)
3120029	Accounts Payable - 3rd Party Management Company	70,384
3120040	Accrued Compensated Absences - Current Portion	154,444
3120045	Accrued Vacation Payable - 3rd Party Management	10,248
3120070	Accrued Payables	251,521
3120075	Accrued Accounts Payable - 3rd Party Management	170,222
3330100	Tenants- Rents Payable	9,900
3339000	TOTAL ACCOUNT PAYABLE	796,970
3400000	SECURITY DEPOSITS HELD	
3410010	Tenant Security Deposits	176,346
3410015	Tenant Security Deposits - held with 3rd Party Management	262,547
3410020	Tenant Security Deposits - Pets	450
3410030	Tenant Security Deposits - Gate Opener	25
3410040	Tenant Security Deposits - Satellite Dish/Antenna	500
3410050	Tenant Security Deposits - Interest	0
3410999	Security Deposit Refund	(803)
3419000	TOTAL SECURITY DEPOSITS HELD	439,066
3419900	OTHER LIABILITIES	
3420000	Prepay Tenant Rent	44,865
3421000	Prepay Tenant Rent - 3rd Party Management	182,396
3425000	Unearned Revenue	1,602,383
3426000	Prepaid Ground Lease Rent	16,175,871
3430000	Current Portion of Long Term Debt - Capital Projects	528,703
3449000	TOTAL OTHER LIABILITIES	18,534,218
3470000	INTERPROGRAM	
3470050	Interprogram (Due to)	2,901,583
3471000	Due To/Due From Suspense Account	(418,234)
3480000	TOTAL INTERPROGRAM	2,483,350
3499000	TOTAL CURRENT LIABILITIES	22,253,604
3500000	NON-CURRENT LIABILITIES	
3510100	Mortgage Loan Payable	25,350,615
3510130	Interest Payable - City of Alameda Loan	1,157,669
3510140	Home Fund Loan #1	216,363
3510143	\$3.6M Housing Authority Loan Payable	85,121,061
3510150	Housing Community Dev. Loan	916,400
3510157	Loan Payable - Esperanza	1,790,000
3510160	Home Fund Loan #2	282,700
3540000	Accrued Compensated Absences - Noncurrent	116,780
3570000	OPEB Liability	(128,123)
3580000	Pension Liability	2,292,462

Balance Sheet

Period = Nov 2021

Book = Accrual

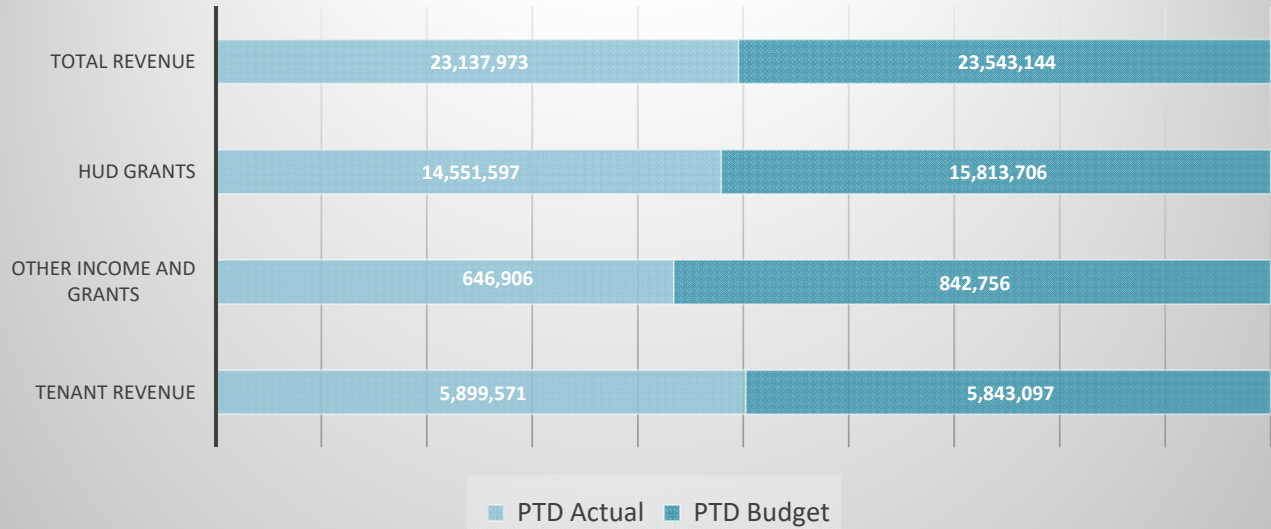
		Current Balance
3599000	TOTAL NON-CURRENT LIABILITIES	<u>117,115,927</u>
3999000	TOTAL LIABILITIES	139,369,531
4000000	Equity/Net Assets	
4000001	EQUITY	
4000100	DEFERRED INFLOW	
4001000	Deferred Inflow of Resources	<u>1,601,572</u>
4900000	TOTAL DEFERRED INFLOW	1,601,572
4999999	CONTRIBUTED CAPITAL	
5010000	Net Investment in Capital Assets	24,337,632
5090000	Unrestricted	92,268,178
5120000	Unrestricted	2,265,986
5120010	Net Restricted Assets	<u>1,311</u>
5950000	TOTAL CONTRIBUTED CAPITAL	<u>118,873,107</u>
5999900	TOTAL EQUITY	<u>120,474,679</u>
6000000	TOTAL LIABILITIES AND EQUITY	259,844,210

Budget Comparison (with PTD)

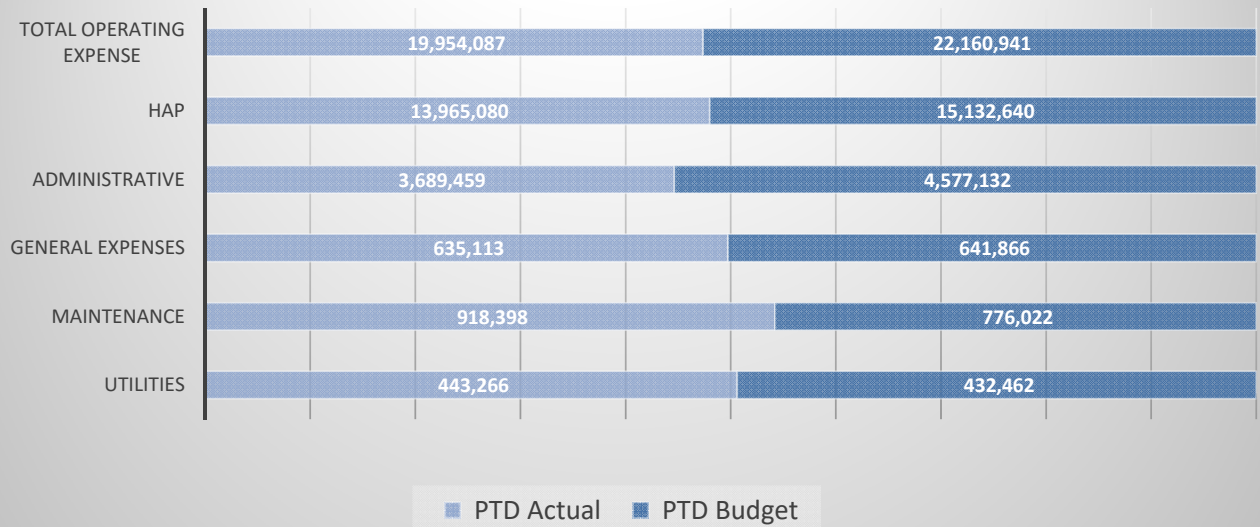
November 2021

Book = Accrual

AHA REVENUE - ACTUAL VERSUS BUDGET (PTD)



AHA EXPENSES - ACTUAL VERSUS BUDGET (PTD)



Note - Categories less than \$100,000 and Depreciation not presented

Budget Comparison (with PTD)

Period = Jul 2021-Nov 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
6999990 INCOME				
7000000 REVENUE				
7020000 TENANT REVENUE				
7030000 Tenant Rental Revenue	1,680,747.32	1,570,567.80	110,179.52	7.02
7030030 Maintenance Charges	12,394.47	0.00	12,394.47	N/A
7030040 Late Charges	25.00	0.00	25.00	N/A
7030050 Miscellaneous Other Charges (Accrual for Repayment Agreement)	30,945.00	0.00	30,945.00	N/A
7030060 Tax Increment Payments from the City of Alameda	666,666.69	610,553.35	56,113.34	9.19
7030100 Tenant HAP Subsidy (HAP to AHA/AAHC Owned Properties)	3,582,700.35	3,808,945.05	-226,244.70	-5.94
7030110 Vacancy Loss	-129,945.14	-160,804.05	30,858.91	-19.19
7030300 Commercial Rents (Including Ground Lease)	48,415.00	13,835.00	34,580.00	249.95
7040000 Other Tenant Revenue	7,621.94	0.00	7,621.94	N/A
7050000 TOTAL TENANT REVENUE	5,899,570.63	5,843,097.15	56,473.48	0.97
7060000 FEDERAL GRANTS				
7060060 Shelter Plus Care Revenue (Pending Receipt from Alameda County 3 months)	195,013.70	196,917.90	-1,904.20	-0.97
7069000 TOTAL FEDERAL GRANTS	195,013.70	196,917.90	-1,904.20	-0.97
7079000 OTHER GRANTS				
7080000 Other Government Grants (AUSD ROPS Income Billed and Pending Receipt)	1,930,400.00	846,666.65	1,083,733.35	128.00
7089000 TOTAL OTHER GRANTS	1,930,400.00	846,666.65	1,083,733.35	128.00
7100000 OTHER INCOME				
7110011 Interest Income (Jack Capon distribution in FY 2022)	44,270.90	33,328.15	10,942.75	32.83
7110070 Other - Income	1,960.71	0.00	1,960.71	N/A
7110075 Laundry Commission	8,775.86	7,646.70	1,129.16	14.77
7110082 Land Fee/Ground Lease	2,234.95	66,687.50	-64,452.55	-96.65
7110092 Professional Service Revenue (City of Alameda Reimbursements - Billed in Arrears)	585,650.53	731,237.50	-145,586.97	-19.91
7150030 Miscellaneous Other Revenue	663.85	0.00	663.85	N/A
7150070 Administrative Fee	3,349.17	3,855.95	-506.78	-13.14
7159000 TOTAL OTHER INCOME	646,905.97	842,755.80	-195,849.83	-23.24
8000000 HUD GRANT				
8010000 HUD Operating Grants (Passthrough)	13,807,425.86	15,024,423.30	-1,216,997.44	-8.10
8020000 Administrative Fees from HUD	741,930.00	789,282.90	-47,352.90	-6.00
8020110 PORT-In Administrative Fees	7,499.10	0.00	7,499.10	N/A
8030000 Administrative Fees Paid (PORT-Outs)	5,258.11	0.00	-5,258.11	N/A
8100120 TOTAL HUD GRANT	14,551,596.85	15,813,706.20	-1,262,109.35	-7.98
8999000 TOTAL REVENUE	23,137,973.15	23,543,143.70	-405,170.55	-1.72
9000000 EXPENSES				
9000900 OPERATING EXPENSES				
9100000 ADMINISTRATIVE				
9110010 Administrative Salaries	1,889,941.07	2,370,480.30	480,539.23	20.27
9110020 Temporary Help - Administrative	49,550.58	145,563.85	96,013.27	65.96
9120000 Auditing Fees	6,950.00	21,938.35	14,988.35	68.32
9130000 Outside Management Fees	125,804.87	121,082.65	-4,722.22	-3.90
9150010 Admin Employee Benefits - Medical/Dental	343,239.62	612,542.45	269,302.83	43.96
9150020 Admin Employee Benefits - PERS/PARS	176,749.04	228,856.25	52,107.21	22.77
9150030 Admin Employee Benefits - FICA	27,047.08	35,619.90	8,572.82	24.07

Budget Comparison (with PTD)

Period = Jul 2021-Nov 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
9150040 Admin Employee Benefits - SUI	957.59	6,440.00	5,482.41	85.13
9150060 Admin Employee Benefits - Life/LTD	13,099.41	15,353.85	2,254.44	14.68
9150090 Admin Employee Benefit - WC	42,372.15	46,510.00	4,137.85	8.90
9160010 Office Supplies/Equipment	26,005.50	108,386.15	82,380.65	76.01
9160030 Dues & Subscriptions Publications	813.00	0.00	-813.00	N/A
9160040 Postage	2,957.56	3,834.70	877.14	22.87
9160050 Telephone	25,202.49	24,669.50	-532.99	-2.16
9160060 Bank Charges and Check Supplies	18,823.55	16,239.40	-2,584.15	-15.91
9160080 Stationery Envelopes and Business Cards	93.28	0.00	-93.28	N/A
9160090 Forms and Copies/Printing	15,902.70	1,892.75	-14,009.95	-740.19
9160100 Classified Ads and Public Notices/outreach material	39,015.40	54,749.50	15,734.10	28.74
9160110 Legal Expense (Due mostly to Esperanza, Eagle Village and Parrot Village Refinance and	402,522.50	235,093.55	-167,428.95	-71.22
9160111 Payroll charge	5,458.62	6,496.60	1,037.98	15.98
9160113 Office Rent	60,036.41	77,045.55	17,009.14	22.08
9160114 Administrative Support	10,056.79	0.00	-10,056.79	N/A
9160115 Organization Cost	20.00	0.00	-20.00	N/A
9160120 Training/Conferences and Travel	4,622.54	55,270.65	50,648.11	91.64
9160130 Membership Dues and Fees	2,083.56	4,166.65	2,083.09	49.99
9160131 Taxes & Government Fees	2,451.75	13,162.95	10,711.20	81.37
9160160 Contracts - Accounting Services	11,520.00	39,800.00	28,280.00	71.06
9160170 Contracts - Administrative Services/Consultant	85,175.01	63,573.15	-21,601.86	-33.98
9160180 Contracts - Application Service Provider - Yardi	68,698.60	71,401.85	2,703.25	3.79
9160190 Contracts - Computer/Telephone Maintenance/Email	83,965.49	93,797.75	9,832.26	10.48
9160210 Contracts - Housing Program Services	2,142.00	0.00	-2,142.00	N/A
9160220 Contracts - Human Resource Services	149.20	10,858.75	10,709.55	98.63
9160230 Contracts - Housing Inspection Services	45,573.34	41,802.10	-3,771.24	-9.02
9160260 Contracts - Office Machine Lease	10,635.44	15,669.60	5,034.16	32.13
9160270 Contracts - Web Hosting/Maintenance/Web Ads	11,824.88	15,936.25	4,111.37	25.80
9160290 Contracts - HR Recruitment	58,574.67	0.00	-58,574.67	N/A
9160510 Association Dues	19,423.00	18,896.65	-526.35	-2.79
9169000 TOTAL ADMINISTRATIVE	3,689,458.69	4,577,131.65	887,672.96	19.39
9200000 TENANT/SOCIAL SERVICES/POLICE				
9210010 Tenant Services - Salaries	148,120.38	167,756.80	-19,636.42	-11.71
9210030 Police Services (Paid after issuance of Police Report in Arrears)	67,356.00	87,500.00	20,144.00	23.02
9219000 TOTAL TENANT/SOCIAL SERVICES/POLICE	215,476.38	255,256.80	39,780.42	15.58
9219990 RELOCATION				
9220000 Tenant-Relocation Costs	2,062.05	0.00	-2,062.05	N/A
9229000 TOTAL RELOCATION	2,062.05	0.00	-2,062.05	N/A
9230005 TENANT SERVICES EMPLOYEE BENEFITS AND INSURANCE				
9230010 Tenant Svcs Employee Benefits - Medical/Dental	8,961.05	49,676.60	40,715.55	81.96
9230020 Tenant Svcs Employee Benefits - PERS/PARS	4,443.53	5,451.05	1,007.52	18.48
9230030 Tenant Svcs Employee Benefits - FICA	659.20	23,368.00	22,708.80	97.18
9230040 Tenant Svcs Employee Benefits - SUI	24.69	402.50	377.81	93.87
9230050 Tenant Svcs Employee Benefits - Life/LTD	299.10	0.00	-299.10	N/A
9230071 Property Insurance	-1,170.10	0.00	1,170.10	N/A

Budget Comparison (with PTD)

Period = Jul 2021-Nov 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
9230075 Property Taxes (Paid for Independence Plaza Pending Welfare Exemption)	56,175.64	0.00	-56,175.64	N/A
9230080 Tenant Svcs Employee Benefits - Other	1,378.41	4,323.60	2,945.19	68.12
9230090 Tenant Svcs Employee Benefit - WC	16,022.24	17,230.00	1,207.76	7.01
9239000 TOTAL TENANT SERVICES EMPLOYEE BENEFITS AND INSURANCE	31,788.22	100,451.75	68,663.53	68.35
9240005 TENANT SERVICES				
9240020 Tenant Service Activities - Contracts and O/S Services	119,539.43	97,643.75	-21,895.68	-22.42
9249000 TOTAL TENANT SERVICES	119,539.43	97,643.75	-21,895.68	-22.42
9300000 UTILITIES				
9310000 Water	151,938.91	122,349.15	-29,589.76	-24.18
9320000 Electricity	29,418.22	48,786.65	19,368.43	39.70
9330000 Gas	18,014.31	19,516.80	1,502.49	7.70
9380010 Sewer	52,061.06	57,293.40	5,232.34	9.13
9380020 Garbage	191,833.51	184,515.50	-7,318.01	-3.97
9399000 TOTAL UTILITIES	443,266.01	432,461.50	-10,804.51	-2.50
9399990 MAINTENANCE				
9400000 MAINTENANCE SALARIES				
9410010 Maintenance - Salaries	249,674.31	284,910.25	35,235.94	12.37
9419000 TOTAL MAINTENANCE SALARIES	249,674.31	284,910.25	35,235.94	12.37
9420005 MAINTENANCE MATERIALS				
9420010 Maintenance Materials	61,231.17	32,797.80	-28,433.37	-86.69
9420020 Vehicle - gasoline	0.00	1,011.45	1,011.45	100.00
9420030 Janitorials Supplies	472.91	354.20	-118.71	-33.52
9429000 TOTAL MAINTENANCE MATERIALS	61,704.08	34,163.45	-27,540.63	-80.61
9429005 MAINTENANCE CONTRACTS				
9429015 Maintenance Contracts - Unit Turnaround	10,631.47	23,252.50	12,621.03	54.28
9429030 Maintenance Contracts - Tree Trimming	1,025.00	7,218.75	6,193.75	85.80
9429040 Maintenance Contracts - Cycle Painting	10,010.48	0.00	-10,010.48	N/A
9429060 Maintenance Contracts - Floor Covering	39,227.98	4,228.80	-34,999.18	-827.64
9429100 Maintenance Contracts - Services	50,723.68	41,985.40	-8,738.28	-20.81
9430010 Maintenance Contracts - Painting	3,378.43	16,682.20	13,303.77	79.75
9430020 Maintenance Contracts - Plumbing	49,080.51	18,280.30	-30,800.21	-168.49
9430030 Maintenance Contracts - Landscape, Pool, Pond Maintenance	39,557.81	32,459.80	-7,098.01	-21.87
9430040 Maintenance Contracts - HVAC Maintenance	18,904.56	7,080.05	-11,824.51	-167.01
9430060 Maintenance Contracts - Elevator Maintenance	9,123.09	15,651.45	6,528.36	41.71
9430070 Maintenance Contracts - Extermination	15,846.00	21,940.50	6,094.50	27.78
9430080 Maintenance Contracts - Electrical Maintenance	8,792.76	7,248.70	-1,544.06	-21.30
9430090 Maintenance Contracts - Security and Nurse Call Systems	40,706.55	76,521.00	35,814.45	46.80
9430110 Maintenance Contracts - Gutter Cleaning Services	20,828.11	1,932.75	-18,895.36	-977.64
9430120 Maintenance Contracts - Flooring Replmt/Cleaning Srvc	2,696.95	0.00	-2,696.95	N/A
9430130 Maintenance Contracts - Other (Mostly due to Esperanza, Eagle Village and Parrot Village)	93,681.10	7,372.25	-86,308.85	-1,170.73
9430140 Maintenance Contracts - Vehicle Maintenance	7,730.26	1,146.75	-6,583.51	-574.10
9430150 Maintenance Contracts - Janitorial	73,049.34	52,184.30	-20,865.04	-39.98
9439000 TOTAL MAINTENANCE CONTRACTS	494,994.08	335,185.50	-159,808.58	-47.68
9450005 MAINTENANCE EMPLOYEE BENEFITS				
9450010 Maint Employee Benefits - Medical/Dental	67,826.57	67,149.05	-677.52	-1.01

Budget Comparison (with PTD)

Period = Jul 2021-Nov 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
9450020 Maint Employee Benefits - PERS/PARS	21,592.03	22,455.35	863.32	3.84
9450030 Maint Employee Benefits - FICA	15,211.31	2,938.40	-12,272.91	-417.67
9450040 Maint Employee Benefits - SUI	93.17	670.85	577.68	86.11
9450050 Maint Employee Benefits - Life/LTD	406.45	1,653.75	1,247.30	75.42
9450070 Maint Employee Benefits - Uniforms/Shoes	1,019.43	801.65	-217.78	-27.17
9450091 Maint Employee Benefit - WC	5,876.38	26,093.75	20,217.37	77.48
9459000 TOTAL MAINTENANCE EMPLOYEE BENEFITS	112,025.34	121,762.80	9,737.46	8.00
9499000 TOTAL MAINTENANCE	918,397.81	776,022.00	-142,375.81	-18.35
9500000 GENERAL EXPENSES				
9500100 Interest Expense	441,153.56	475,472.80	34,319.24	7.22
9500160 Mortgage Financial Service Charge (Refund from Eagle Village & Parrot Village Transfer)	-3,609.70	0.00	3,609.70	N/A
9500200 Other Expense (Negative denotes refund - mostly from Year 2005 Activity)	-30,400.70	0.00	30,400.70	N/A
9500210 Office Rent Expenses	288.63	0.00	-288.63	N/A
9520000 Protective Services - Contract Costs	0.00	2,010.85	2,010.85	100.00
9610010 Insurance - Workers Compensation	7,941.89	0.00	-7,941.89	N/A
9610020 Insurance - Liability	5,480.69	6,771.65	1,290.96	19.06
9610030 Insurance - Property	131,591.45	139,838.20	8,246.75	5.90
9610040 Insurance - Vehicle	1,598.50	4,155.55	2,557.05	61.53
9610060 Insurance - Other	21,563.33	13,616.80	-7,946.53	-58.36
9620010 Other General Expenses	2,500.00	0.00	-2,500.00	N/A
9660000 Cost of Bond Issuance	2,000.00	0.00	-2,000.00	N/A
9698000 TOTAL GENERAL EXPENSES	635,113.19	641,865.85	6,752.66	1.05
9699000 TOTAL OPERATING EXPENSES	6,055,101.78	6,880,833.30	825,731.52	12.00
9700000 MOD REHAB AND SPC EXPENSES				
9700570 Rent to Owners - Bessie Coleman	82,503.00	105,801.65	23,298.65	22.02
9700800 PORT-In (A/R Billings) (Negative Represents Income from Other Housing Authorities)	-171,491.00	0.00	171,491.00	N/A
9700900 TOTAL MOD REHAB AND SPC EXPENSES	-88,988.00	105,801.65	194,789.65	184.11
9710000 EXTRAORDINARY EXPENSES				
9710090 Pre-development Cost	22,893.51	41,666.69	18,773.18	45.06
9719000 TOTAL EXTRAORDINARY EXPENSES	22,893.51	41,666.69	18,773.18	45.06
9730001 HOUSING ASSISTANCE PAYMENTS (VOUCHER)				
9730010 Housing Assistance Payments - Landlords (Passthrough from HUD)	13,910,211.00	15,084,289.55	1,174,078.55	7.78
9730020 Housing Assistance Payments - FSS (Passthrough from HUD)	36,679.00	31,500.00	-5,179.00	-16.44
9730070 Utility Allowance to Tenants (Passthrough from HUD)	18,190.00	16,850.00	-1,340.00	-7.95
9739000 TOTAL HOUSING ASSISTANCE PAYMENTS (VOUCHER)	13,965,080.00	15,132,639.55	1,167,559.55	7.72
OPERATING EXPENSES	19,954,087.29	22,160,941.19	-2,206,853.90	-9.96
NET OPERATING INCOME BEFORE DEPRECIATION	3,183,885.86	1,382,202.51	1,801,683.35	130.35
9739500 OTHER EXPENSES				
9740000 Depreciation Expense	707,475.00	710,191.60	2,716.60	0.38
9765000 Donations	2,500.00	0.00	-2,500.00	N/A
9859999 TOTAL OTHER EXPENSES	709,975.00	710,191.60	216.60	0.03
9996000 TOTAL EXPENSES	20,664,062.29	22,871,132.79	2,207,070.50	9.65
9998000 NET INCOME	2,559,424.86	672,010.91	1,887,413.95	280.86



Housing Authority
of the
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Janet Lee, Controller

Date: January 19, 2022

Re: Accept the Quarterly Investment Report for Period Ending
December 31, 2021.

BACKGROUND

California Government Code Sections 53600 and 53646 requires that the Housing Authority Finance Director file a quarterly report with the Board of Commissioners on the status of all investments.

DISCUSSION

The quarter-end report reflects the investment of cash for the operating and reserve funds. Agency investments are covered by the provisions of the Housing Authority's Investment Policy that is approved annually by the Board of Commissioners. This memorandum includes both the Housing Authority of the City of Alameda and Island City Development's investments.

FISCAL IMPACT

As of December 31, 2021, AHA held **\$11,661,449** in Local Agency Investment Fund (**LAIF**). These funds are on demand and can be used for immediate needs. The prior quarter balance was **\$11,654,353**. Interest is posted quarterly to the account by LAIF and the 3 months of interest from October through December 2021 will be presented in the January 2022 LAIF statement.

As of December 31, 2021, AHA held **\$9,007,691** in the California Asset Management Program (**CAMP**). These funds are on demand and can be used for immediate needs. The prior quarter balance was **\$9,006,540**. Interest is posted monthly to the account by CAMP.

As of December 31, 2021, ICD held **\$14** in **CAMP**. These funds are on demand and can be used for immediate needs. The prior quarter balance was **\$14**. Interest is posted monthly to the account by CAMP.



AHA Balances as of December 31, 2021:

LAIF	\$ 11,661,449
CAMP	<u>9,007,691</u>
Total AHA Investment	\$ 20,669,140

ICD Balances as of December 31, 2021:

CAMP	\$ 14
------	--------------

The key changes in the balance for the period ending December 31, 2021 are:

Activity	AHA-LAIF	AHA-CAMP	ICD-CAMP
Beg. Balance - September 30, 2021	\$ 11,654,353	\$ 9,006,540	\$ 14
CAMP Interest Income		1,151	
LAIF Interest Income (paid in arrears)	7,096		
Ending Balance - December 31, 2021	\$ 11,661,449	\$ 9,007,691	\$ 14

The Housing Authority's ordinary expenditure requirements for the next six months are more than sufficiently covered by two sources, namely: (1) anticipated revenues, grants, and subsidies, and (2) liquidity of current investments. All investment actions executed since the last report have been made in full compliance with the Investment Policy. The Executive Director will maintain a complete and timely record of all investment transactions.

CEQA

N/A

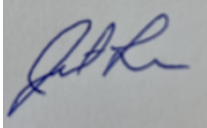
RECOMMENDATION

It is recommended that the Board of Commissioners accept the Quarterly Investment Report for period ending December 31, 2021.

ATTACHMENTS

1. 1. LAIF Statement for the quarter ending December 31, 2021 - AHA
2. 2. CAMP statement for month ending December 31, 2021 - AHA
3. 3. CAMP statement for month ending December 31, 2021 - ICD

Respectfully submitted,

A square box containing a handwritten signature in blue ink. The signature is cursive and appears to read 'Janet Lee'.

Janet Lee, Controller

California State Treasurer
Fiona Ma, CPA



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

January 03, 2022

[LAIF Home](#)
[PMIA Average Monthly Yields](#)

ALAMEDA HOUSING AUTHORITY

EXECUTIVE DIRECTOR
701 ATLANTIC AVENUE
ALAMEDA, CA 94501

Tran Type Definitions

Account Number:

December 2021 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	11,661,449.24
Total Withdrawal:	0.00	Ending Balance:	11,661,449.24



Account Statement - Transaction Summary

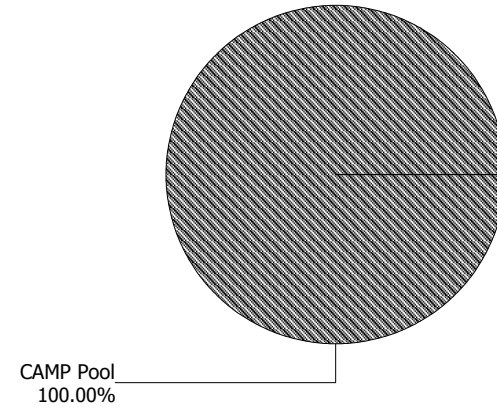
For the Month Ending **December 31, 2021**

Housing Authority of the City of Alameda (AHA) - Housing Authority of the City of Alameda (AHA)

CAMP Pool	
Opening Market Value	9,007,305.61
Purchases	384.99
Redemptions	0.00
Unsettled Trades	0.00
Change in Value	0.00
Closing Market Value	\$9,007,690.60
Cash Dividends and Income	384.99

Asset Summary		
	December 31, 2021	November 30, 2021
CAMP Pool	9,007,690.60	9,007,305.61
Total	\$9,007,690.60	\$9,007,305.61

Asset Allocation	
CAMP Pool	100.00%





Account Statement

For the Month Ending **December 31, 2021**

Housing Authority of the City of Alameda (AHA) - Housing Authority of the City of Alameda (AHA)

Trade Date	Settlement Date	Transaction Description	Share or Unit Price	Dollar Amount of Transaction	Total Shares Owned
CAMP Pool					
Opening Balance					9,007,305.61
12/31/21	01/03/22	Accrual Income Div Reinvestment - Distributions	1.00	384.99	9,007,690.60
Closing Balance					9,007,690.60

	Month of December	Fiscal YTD July-December		
Opening Balance	9,007,305.61	6,005,549.77	Closing Balance	9,007,690.60
Purchases	384.99	3,002,140.83	Average Monthly Balance	9,007,318.03
Redemptions (Excl. Checks)	0.00	0.00	Monthly Distribution Yield	0.05%
Check Disbursements	0.00	0.00		
Closing Balance	9,007,690.60	9,007,690.60		
Cash Dividends and Income	384.99	2,140.83		



Account Statement - Transaction Summary

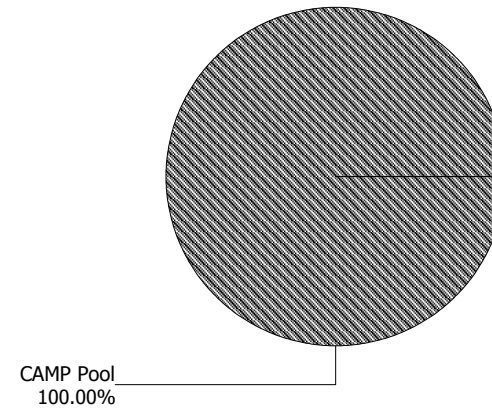
For the Month Ending **December 31, 2021**

Island City Development - Island City Development

CAMP Pool	
Opening Market Value	13.78
Purchases	0.00
Redemptions	0.00
Unsettled Trades	0.00
Change in Value	0.00
Closing Market Value	\$13.78
Cash Dividends and Income	0.00

Asset Summary		
	December 31, 2021	November 30, 2021
CAMP Pool	13.78	13.78
Total	\$13.78	\$13.78

Asset Allocation	
CAMP Pool	100.00%





Account Statement

For the Month Ending **December 31, 2021**

Island City Development - Island City Development

Trade Date	Settlement Date	Transaction Description	Share or Unit Price	Dollar Amount of Transaction	Total Shares Owned
CAMP Pool					
Opening Balance					13.78
Closing Balance					13.78

	Month of December	Fiscal YTD January-December		
Opening Balance	13.78	1,141,144.44	Closing Balance	13.78
Purchases	0.00	163.15	Average Monthly Balance	13.78
Redemptions (Excl. Checks)	0.00	(1,141,293.81)	Monthly Distribution Yield	0.05%
Check Disbursements	0.00	0.00		
Closing Balance	13.78	13.78		
Cash Dividends and Income	0.00	163.15		



Housing Authority
of the
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Louie So, Director of Finance

Date: January 19, 2022

Re: Accept the Annual Review of the Investment Policy.

BACKGROUND

In February 1996, the Housing Commission adopted by resolution a revised Investment Policy for the investment of program funds provided by the U. S. Department of Housing and Urban Development (HUD) and to allow for less restrictive investment of non-HUD program funds. Because of legislation passed by the Federal and State governments during 1995 and 1996, all government agencies are required to review the investment policy at a public meeting of their officials once each year.

DISCUSSION

California Government Code Section 53646 requires that the Housing Authority Finance Director file an annual investment policy with the Board of Commissioners. It also requires that the Finance Director file a quarterly report with the Board of Commissioners on the status of all investments, including compliance with the adopted investment policy and a certificate that the expenditure requirements for the next six months can be met. California Government Code Section 53600.3 provides that each person or governing body investing public funds is a Trustee and, therefore, is a fiduciary subject to the Prudent Investor Standard. It further provides that the primary objectives when investing public funds are the safety of principal, preservation of liquidity and the return of an acceptable yield, in that order. The regulation also prohibits the use of specific investment vehicles and limits the use of others, including reverse repurchase agreements. HUD also mandates that housing authorities establish cash management procedures and comply with requirements governing the type of instruments in which they may invest. The types of investments permitted under the State and Federal legislation are not different from the types of investments currently held by the Housing Authority. Our current investments are with Local Agency Investment Fund (LAIF) and California Asset Management Program (CAMP) as previously approved by the Board. Note that the California Employers' Retiree Benefit Trust (CERBT) is a Section 115 trust dedicated to prefunding Other Post-Employment Benefits and is held by CalPERS.



The attached redline version has been reviewed by AHA's General Counsel. There are only a few minor changes this year.

FISCAL IMPACT

Fiscal impact is dependent on the returns generated from these investments in LAIF, CAMP, and CERBT.

CEQA

N/A

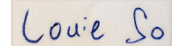
RECOMMENDATION

Accept the Annual Review of the Investment Policy.

ATTACHMENTS

1. Attachment Investment Policy 2022 - (TRACKED CHANGES)

Respectfully submitted,



Louie So, Director of Finance

INVESTMENT POLICY

Updated January ~~2021~~2022

SCOPE:

This Investment Policy (the “Policy”) applies to all liquid assets of the Housing Authority of the City of Alameda (the “Housing Authority” or the “Authority”) and its legal affiliates. These funds are accounted for in the Consolidated Annual Audited Financial Statements, which includes the Housing Choice Voucher program and SRO Program.

PRUDENCE:

The standard of prudence to be used by investment officials shall be the “prudent investor” standard (California Government Code 53600.3) and shall be applied in the context of managing an overall portfolio. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, persons acting on behalf of the Housing Authority shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

OBJECTIVE:

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities, shall be:

1. **Safety.** Safety of principal is the foremost objective of the investment program. Housing Authority investments will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. **Liquidity.** The investment portfolio will remain sufficiently liquid to enable the Housing Authority to meet all operating requirements which might be reasonably anticipated and shall always have the ability to convert sufficient securities in the portfolio to cash to meet contingency needs. A portion of the portfolio may be placed in money market mutual funds or funds which offer same-day liquidity for short-term funds.
3. **Return on Investments.** The investment portfolio will be designed with the objective of

INVESTMENT POLICY

attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio. (California Government Code 53600.5)

DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from Section 401(E) of the HUD/PHA Annual Contributions Contract and California Government Code Sections 53601, et seq. Management responsibility for the investment program is hereby delegated to the Executive Director, who shall establish written procedures for the operation of the investment program consistent with this investment policy.

Procedures should include references to safekeeping, Public Securities Administration repurchase agreements, wire transfer agreements, collateral/depository agreements, banking services contracts, as appropriate. Such procedures will include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Executive Director.

The Executive Director is responsible for all transactions undertaken and will establish a system of controls to regulate the activities of subordinate officials. The Executive Director is a trustee and a fiduciary subject to the prudent investor standard. (California Government Code 53600.3)

The Executive Director may delegate day-to-day investment decision making and execution authority to an investment advisor, subject to Board selection and approval of that advisor and written agreement with the advisor. The Authority must be able to revoke the investment advisor's authority at all times and without notice. Eligible investment advisors must be registered with the Securities and Exchange Commission (SEC) under the Investment Advisors Act of 1940. The advisor will follow the Policy and such other written instructions as are provided by the Authority.

ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

Officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

INVESTMENT POLICY

The Executive Director will select financial institutions on the basis of credit worthiness, financial strength, experience and minimal capitalization that are authorized to provide investment services. No public deposit shall be made except in a qualified public depository as established by State laws.

For brokers/dealers of government securities and other investments, the Executive Director will select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Executive Director will have received from said firm a signed Certification Form. This form will attest that the individual responsible for the Housing Authority's account with that firm has reviewed the Authority's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the Housing Authority that are appropriate under the terms and conditions of the Investment Policy.

AUTHORIZED AND SUITABLE INVESTMENTS:

1. The Housing Authority is empowered by HUD Notice PIH 96-33 (reinstated by PIH 2002-13) to invest HUD funds in the following:
 - a. United States Treasury Bills, Notes and Bonds;
 - b. Obligations issued by Agencies or Instrumentalities of the U. S. Government;
 - c. State or Municipal Depository Funds, such as the Local Agency Investment Fund (LAIF) or California Asset Management Program (CAMP) or pooled cash investment funds managed by County treasuries;
 - d. Insured Demand and Savings Deposits, provided that deposits in excess of the insured amounts must be 100 percent collateralized by securities listed in "a" and "b" above;
 - e. Insured Money Market Deposit Accounts, provided that deposits in excess of the insured amount must be 100 percent collateralized by securities listed in "a" and "b" above;
 - f. Insured Super NOW Accounts, provided that deposits in excess of the insured amount must be 100 percent collateralized by securities listed in "a" and "b" above;
 - g. Certificates of Deposit (CDs) issued by federally- or state-chartered banks or associations. Not more than 30 percent of surplus funds can be invested in CDs;
 - h. Repurchase/Reverse Repurchase Agreements of any securities authorized by this

INVESTMENT POLICY

Section. Securities purchased under these agreements will be no more than 102 percent of market value; (See special limits in HUD Notice 96-33 and CGC 53601.0.)

- i. Sweep Accounts that are 100 percent collateralized by securities listed in "a" and "b" above;
 - j. Shares of beneficial interest issued by diversified management companies investing in the securities and obligations authorized by this Section (i.e., Money Market Mutual Funds) Such Funds must carry the highest rating of at least two (2) national rating agencies. Not more than 20 percent of surplus funds can be invested in Money Market Mutual Funds;
 - k. Funds held under the terms of a Trust Indenture or other contract or agreement, including the HUD/PHA Annual Contributions Contract, may be invested according to the provisions of those indentures or contracts;
 - l. Principal only STRIPS; and
 - m. Any other investment security authorized under the provisions of HUD Notice PIH 96-33.
2. The Housing Authority is empowered by California Government Code (CGC) Sections 5922 and 53601 et seq. to invest non-HUD funds in the following investment instruments authorized for California local agencies under the provisions of California Government Code Sections 5922 and 53601:
- a. Bonds issued by the City of Alameda;
 - b. United States Treasury Bills, Notes and Bonds;
 - c. Registered state warrants or treasury notes or bonds issued by the State of California;
 - d. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California;
 - e. The California Local Agency Investment Fund (LAIF), California Asset Management Program (CAMP), and other pooled investment funds sponsored by the State of California, County Treasuries, and other local agencies or Joint Powers Authorities;
 - f. Obligations issued by Agencies or Instrumentalities of the U. S. Government;
 - g. Bankers Acceptances with a term not to exceed 180 days. Not more than 40 percent of surplus funds can be invested in Bankers Acceptances and no more than 30

INVESTMENT POLICY

percent of surplus funds can be invested in the bankers acceptances of any single commercial bank;

- h. Commercial Paper of “prime” quality of the highest ranking or of the highest letter and number rating as provided for by a national recognized statistical rating organization (NRSRO) with a term not to exceed 180 days. Commercial paper cannot exceed 10 percent of total surplus funds, provided, that if the average maturity of all Commercial paper does not exceed 31 days, up to 25 percent of surplus funds can be invested in Prime Commercial paper. Additionally, the Housing Authority may purchase no more than 10 percent of the outstanding commercial paper of any single issuer;
- i. Negotiable Certificates of Deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the California Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Negotiable Certificates of Deposit shall be rated in a rating category of “A” or its equivalent or better by an NRSRO. Not more than 30 percent of surplus funds can be invested in Negotiable Certificates of Deposit;
- j. Repurchase/Reverse Repurchase Agreements of any securities authorized by this Section. Securities purchased under these agreements will be no less than 102 percent of market value. Reverse repos cannot constitute more than 20 percent of AHA’s portfolio. Reverse repos are also limited to 92 days unless the minimum spread between the rate on investment and cost of funds is guaranteed in writing. (See special limits in CGC 53601.)
- k. Medium term notes, not to exceed five (5) years of U. S. corporations organized and operating within the United States which are rated in a rating category of “A” or its equivalent or better by an NRSRO. Not more than 30 percent of surplus funds can be invested in medium term notes;
- l. Shares of beneficial interest issued by diversified management companies investing in the securities and obligations authorized by this Section (i.e., Money Market Mutual Funds). Such Funds must carry the highest rating of at least two national rating agencies. Not more than 15 percent of surplus funds can be invested in Money Market Mutual Funds. In addition, no more than 10 percent of AHA’s portfolio may be invested in any single mutual fund.
- m. Funds held under the terms of a Trust Indenture or other contract or agreement may be invested according to the provisions of those indentures or agreements;
- n. Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (UCC) or applicable federal security regulations;
- o. Any mortgage pass-through security, collateralized mortgage obligation, mortgaged

INVESTMENT POLICY

backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate or consumer receivable backed bond of a maximum maturity of five (5) years. Securities in this category shall be issued by an issuer rated in a rating category of "A" or its equivalent or better for the issuer's debt as provided by an NRSRO and rated in a rating category of "AA" or its equivalent or better by an NRSRO. No more than 20 percent of surplus funds can be invested in this category of securities; and

- p. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank of Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO and no more than 30 percent of surplus funds can be invested in this category of securities.

The Authority will limit investments in any one non-government issuer, except investment pools and money market funds, to no more than 5% regardless of security type.

The Board of Commissioners may, at times, further reduce the selection of types of investment to be used by the Advisor or Executive Director by a formal vote.

Where this Policy specifies a percentage limitation for a particular security type, that percentage is applicable only on the date of purchase. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.

Credit criteria listed in this Policy refers to the credit rating at the time the security is purchased. The Authority may from time to time be invested in a security whose rating is subsequently downgraded. In the event a rating drops below the minimum allowed by this Policy, the Executive Director will review and recommend an appropriate plan of action to the Board no less frequently than quarterly. If the Authority has an Investment Advisor, the Investment Advisor will notify the Executive Director and recommend a plan of action.

- 3. Also, see CGC 53601 and Attachment A to HUD Notice 96-33, "HUD Approved Investment Instruments," for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC 53601 and Attachment A are attached and included by reference in this Investment Policy.
- 4. The Housing Authority will not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

INVESTMENT POLICY

COLLATERALIZATION:

1. The percentage of collateralization on repurchase agreements will conform to the amount required under CGC 53601 (i)(2).

SAFEKEEPING AND CUSTODY:

1. All security transactions entered into by the Housing Authority will be conducted on delivery-versus-payment (DVP) basis.
2. All securities purchased or acquired will be delivered to the Board of Commissioner of the Authority by book entry, physical delivery, or by third-party custodial agreement. (CGC 53601)

DIVERSIFICATION:

It is the policy of the Housing Authority to diversify its investment portfolio. The Authority will diversify its investments by security type and, within each type, by institution. Assets will be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies will be determined and revised periodically. In establishing specific diversification strategies, the following guidelines will apply:

1. Portfolio maturities will be matched against projected liabilities to avoid an over concentration in a specific series of maturities.
2. Maturities selected will provide for stability and liquidity.
3. Disbursement and payroll dates will be covered by the scheduled maturity of specific investments, marketable U. S. Treasury Bills or Notes or other cash equivalent instruments, such as money market mutual funds.

MAXIMUM MATURITIES:

To the extent possible, the Housing Authority will attempt to match its investments with anticipated cash flow requirements. Where there is no anticipated cash flow requirement on an investment, no investment shall be made in any security, which at the time of the investment, has a term remaining to maturity in excess of five years, unless the Board had granted express authority to make that investment no less than three months prior to the investment (CGC 53601).

INTERNAL CONTROL:

The Housing Authority shall establish an annual process of independent review by an

INVESTMENT POLICY

external auditor. This review will provide internal control by assuring compliance with policies and procedures.

PERFORMANCE STANDARDS:

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

REPORTING:

The Executive Director shall submit to each member of the Board of Commissioners a quarterly investment report. The report will include:

1. A complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed by third party contractors.
2. The source of the portfolio valuation. In the case of funds invested in the Local Agency Investment Fund (LAIF), and California Asset Management Program (CAMP), FDIC Insured accounts or county investment pools, current statements from those institutions will satisfy the above reporting requirements. The report will also include a certification that:
 - a. All investment actions executed since the last report have been made in full compliance with the Investment Policy; and
 - b. The Housing Authority will meet its expenditure obligations for the next six months. [CGC 53646(b)]
3. The Executive Director will maintain a complete and timely record of all investment transactions.

To: Honorable Chair and Members of the Board of Commissioners

From: Shekhar Dubbani, Management Analyst

Date: January 19, 2022

Re: Accept the Monthly Overview Report for Emergency Housing Voucher (EHV).

BACKGROUND

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (P.L. 117-2, hereafter referred to in this memo as “the ARPA”) into law, which provides over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses.

Section 3202 of the ARPA appropriates \$5 billion for new incremental Emergency Housing Vouchers (EHVs), the renewal of those EHVs, and fees for the cost of administering the EHVs and other eligible expenses defined by notice to prevent, prepare, and respond to the COVID-19 pandemic to facilitate the leasing of the emergency vouchers, such as security deposit assistance and other costs related to retention and support of participating owners.

Under PIH Notice 2021-15, in May 2021, the Department of Housing and Urban Development (HUD) allocated 70,000 EHVs to public housing authorities and issued guidance on the administration of these EHVs.

On May 10, 2021, HUD notified the AHA of its allocation of 57 EHVs and Vanessa Cooper, Executive Director, indicated to HUD an acceptance of the 57 EHVs on May 13, 2021. This acceptance resulted in the issuance of the budget authority and administrative fees to support 57 EHVs on July 1, 2021.

DISCUSSION

Updates

- EHV processes are already being quality checked to minimize errors.
- AHA has been awarded with 57 vouchers in total. The staff has issued a total of 49 vouchers.
- AHA has received five referred applications under the allocation set-aside for Domestic Violence (DV) which is six total vouchers.
- AHA has received two referrals out of five vouchers set-aside for the Transition Aged Youth (TAY) category.



Category	Total	Notes
Vouchers Issued after Briefing	44	(General Category)
Completed Applications Pending with the County	0	
Voucher Issuance Pending (Briefing Not Completed)	3	(Pending Voucher Issuance)
DV (Total Allocated = 6)	5	(Vouchers Issued)
TAY (Total Allocated = 5)	0	
Total	52	

Below is a summary of the voucher issuance of the EHV:

Vouchers Awarded to AHA	57
Vouchers Issued	49
Vouchers Pending	8*

*Out of the 8 vouchers pending, three referrals have been received by AHA and five more referrals are needed from the County.

Below is a summary of the applicants who have found a unit after voucher issuance:

Request For Tenancy Approval Received (leasing in progress)	4
Lease-Up Completed	9
Port-outs Requested	9
Port-ins from other PHAs	2

FISCAL IMPACT

HUD has provided additional funds for the subsidy, services and administrative work to issue and lease up these vouchers.

CEQA

Not applicable.

RECOMMENDATION

Accept the Monthly Overview Report for EHV.

ATTACHMENTS

None

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Dubbani', written over a faint circular stamp or watermark.

Shekhar Dubbani, Management Analyst



Housing Authority
of the
City of Alameda

PHONE: (510) 747-4300
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TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Louie So, Director of Finance

Date: January 19, 2022

Re: Accept a report on Pension Liabilities.

BACKGROUND

As AHA is a member of the CalPERS Retirement system, AHA is required to report each year on any unfunded pension liability under the Government Accounting Standards Board disclosure requirement. The Nicolay Consulting Group was retained to provide the analysis and complete the detailed actuarial report to be incorporated into the audited financial statement each year. Previously, \$1 Million was made to CalPERS in 2016 for GASB 68 retirement costs, and a payment of \$981,940 was made in June 2017 to open the California Employee's Retiree Benefit Trust for Other Post-Employment Benefits ("OPEB Trust"). Additionally, on May 20, 2020, the Board of Commissioners voted to fund CalPERS an additional \$1 Million to fund the unfunded pension liabilities under the soft fresh start mechanism. This funding occurred in June 2020. Staff recommended at that time to the Board of Commissioners that AHA staff will monitor on an annual basis whether the accrued unfunded liability is within 90%-110% of funding level and will escalate to the Board of Commissioners on whether there is any action that will be needed.

DISCUSSION

In June 2021, staff engaged the actuaries (Nicolay) for the annual GASB reports for both the CalPERS pension and OPEB Trust. CalPERS reported a strong unaudited return of 21.3% of their total assets for the fiscal year, thus reducing the discount rate from 7% to 6.8%. However, CalPERS indicated that as with all investments, this is not a guaranteed rate of return.

Furthermore, the OPEB Trust reports an (unaudited) valuation of approximately \$1.5 Million in October 2021, compared to an audited valuation of \$1,237,785.18 as of June 30, 2020. Once the OPEB Trust audit is completed by CalPERS and their auditors (expected to be around March 2022), this information will be consolidated with the AHA audited financial statements.



FISCAL IMPACT

An accrued unfunded pension liability of \$2.4 Million was reported for the June 30, 2020 audited financial statements, which is a decrease of \$2.7 Million as reported on the June 30, 2019 audited financial statements. The pension report presented by CalPERS for June 2021 showcases that the accrued unfunded pension liability is \$2,715,168. Compared to the original forecast at the soft fresh start in June 2020 of \$2,885,075, this is favorable in the amount of \$169,907, and is at a projected 106% funded level. As this projected amount of the accrued unfunded pension liability is within 90%-110% of funding level, staff recommends that no action be taken at this time by the Board of Commissioners. Additionally, a projection of the unfunded accrued liability is attached to this memorandum as an exhibit. The next Board of Commissioners staff memorandum will be on or around calendar year 4th quarter when the June 30, 2022 pension reports will be available.

CEQA

N/A

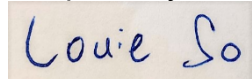
RECOMMENDATION

Accept a report on Pension Liabilities

ATTACHMENTS

1. Attachment - January 2022

Respectfully submitted,

A handwritten signature in blue ink that reads "Louie So". The signature is written in a cursive style and is placed on a light-colored rectangular background.

Louie So, Director of Finance

Housing Authority of the City of Alameda
Accrued Pension Liability (Forecast versus Actual)
Source: CalPERS and Nicolay Actuarial Reports - Subject to change based on CalPERS
investment returns
Report Date: January 2022

[2] minus [1]

[1]

[2]

[3]

[3] divided
by [1]

Year Ending	Projection at Soft Fresh Start - June 2020	Current Projections - 2021	Variance (\$)	Variance (%)	Projected Funded Level
6/30/2021	2,885,075	2,715,168	169,907	6%	106%
6/30/2022	2,817,861	2,692,675	125,186	4%	104%
6/30/2023	2,738,540	2,638,490	100,050	4%	104%
6/30/2024	2,646,060	2,546,570	99,490	4%	104%
6/30/2025	2,539,293	2,428,806	110,487	4%	104%
6/30/2026	2,417,022	2,285,302	131,720	5%	105%
6/30/2027	2,277,941	2,125,385	152,556	7%	107%
6/30/2028	2,120,647	1,947,736	172,911	8%	108%
6/30/2029	1,943,632	1,750,925	192,707	10%	110%
6/30/2030	1,745,276	1,533,440	211,836	12%	112%
6/30/2031	1,523,839	1,293,638	230,201	15%	115%
6/30/2032	1,277,451	1,049,306	228,145	18%	118%
6/30/2033	1,004,108	801,004	203,104	20%	120%
6/30/2034	701,655	558,033	143,622	20%	120%
6/30/2035	367,779	332,998	34,781	9%	109%



Housing Authority
of the
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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Sylvia Martinez, Director of Housing Development

Date: January 19, 2022

Re: Approve an Internship Program to Provide Research and Analysis Support for Housing Authority Projects and Programs and Offer Professional Development Opportunities to Undergraduate and Graduate Students

BACKGROUND

For the past eight years, the Board has approved a summer internship program that provided professional development opportunities to undergraduate and graduate students. The internship has been advertised at local colleges and universities, and many qualified applications have been submitted. Annually, up to three students have been selected for the summer internship. In 2018-19, AHA also participated in a yearlong internship through the Non-Profit Housing Association of Northern California. In the past, the interns have worked on research projects, made presentations to the Board, organized a summer Brown Bag learning program for staff, supported programs at the Reading Room, helped to expand the Family Self-Sufficiency program, and assisted with a range of important tasks for various departments.

In 2017, the Housing Authority received a NAHRO Agency Award of Merit in Housing and Community Development for this summer internship program. Based on this success, and the ongoing need for qualified help, staff requests Board approval to renew the program. All interns have been paid an hourly salary through a temporary staffing service.

DISCUSSION

Staff proposes to continue the Internship Program in 2022 and to engage up to four interns who may work at any point during the year, beginning in spring 2022. Based on student schedules, it is expected that there may be staggered start and end dates. Staff will again advertise the internship opportunities at Bay Area colleges, including the College of Alameda, University of California at Berkeley, CSU East Bay, and San Francisco State University. Note that staff proposes that the Internship Program continue year-round, based on staffing needs as well as availability of qualified candidates.



The interns will continue to work on research and projects that support the Housing Programs, Property Management, Rent Program, Housing and Community Development, and Administrative Departments. Thanks to this variety of professional experience, several of our interns from prior years have gone on to other opportunities in affordable housing, economic development or community service.

FISCAL IMPACT

In 2021, the estimated total cost and budget for interns was \$60,000, for up to four interns being paid \$17 an hour through a temporary agency, working 10-20 weeks for 32 hours per week. Staff recruited two interns, and not all funding was utilized. For 2022, staff estimates up to four interns, paid between \$17-22/hour, would keep the program cost at \$60,000. Current staffing vacancies in the departments leave unexpended funds available to meet the cost of the intern program.

CEQA

Not applicable

RECOMMENDATION

Approve an Internship Program to Provide Research and Analysis Support for Housing Authority Projects and Programs and Offer Professional Development Opportunities to Undergraduate and Graduate Students

ATTACHMENTS

None

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Sylvia Martinez', with a stylized flourish at the end.

Sylvia Martinez, Director of Housing Development



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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Tony Weng, Senior Project Manager

Date: January 19, 2022

Re: Accept the Monthly Development Report for North Housing.

BACKGROUND

The North Housing Project is the redevelopment of approximately 12 acres of land at the former Alameda Naval Air Station (NAS) at the site known as Coast Guard Housing. The Housing Authority is leading the development under a homeless accommodation conveyance, alongside partners Alameda Point Collaborative (APC) and Building Futures. Island City Development (ICD) is the developer. On February 21, 2016, the Board authorized acceptance of the Quit Claim deed for conveyance of the property to the Housing Authority. On June 5, 2018, City Council approved the resolution to transfer the North Housing site to the Housing Authority. North Housing successfully transferred to Housing Authority ownership on May 30, 2019. The Board approved the Agency's Vision for the North Housing site at its August 2019 meeting. On August 17, 2020, the Planning Board approved the Development Plan, and on September 15, 2020, the City Council approved the Tentative Map.

Please see previous monthly Board reports for project details before this month's update. Documentation of the master planning process may be found at www.northhousing.org.

DISCUSSION

General Contractor Procurement

On November 8, 2021, staff published a Request for Qualifications (RFQ) for a General Contractor and received a total of seven responses from interested general contractors. When the RFQ process is complete, staff will come back to the Board for approval with the highest-ranking general contractor for the North Housing Block A development.

Reports and Studies

In November and December 2021, staff engaged a market study consultant and an environmental consultant to prepare the market study and Phase I Environmental Site Assessment (ESA), respectively, in preparation for funding applications in 2022. Also,



staff engaged a Soils Engineer to prepare a geotechnical report to assist with the building and foundation design. Furthermore, Community Economics, Inc. (CEI) was selected to be the financial consultant for the three projects at North Housing Block A based on the recently completed RFQ.

Funding

On December 13, 2021, the Housing Authority conditionally awarded twenty (20) and forty (40) Section 8 Project-Based Vouchers (PBV) for North Housing PSH I and North Housing PSH II, respectively. On December 23, 2021, the California Department of Housing and Community Development (HCD) announced that Alameda Affordable Housing Corporation (Awardee) has been awarded a Local Housing Trust Fund (LHTF) program award in the amount of \$2.5 million. In the meantime, staff is working with the project team on the No Place Like Home funding application that is due on January 19, 2022.

Remnant Parcel from the City to AHA

On December 9, 2021, the City Council approved the vacation of excess land along Mosley Avenue for the North Housing project as contemplated in the Development Plan and Tentative Map. Staff is working with the Interim City Engineer to complete the transfer and documentation for Mosley Avenue Right of Way remanent parcel from the City to AHA. When these documents are ready, the Board will be requested to accept these remnant parcels. As discussed previously, the excess portion of land along Mosley Avenue from the City increased the total number of units to be built from 581 to 586. The excess land from the city is adjacent to the 90 PSH unit projects at North Housing Block A and it is necessary for the proposed Block A design.

Design and Permit

On December 23, 2021, HKIT Architects incorporated comments received from the City's Planning Department and resubmitted the Design Review package to the City for North Housing Block A. Staff expects to apply for building permits shortly after Planning Department approval of the latest design review submittal package.

FISCAL IMPACT

The Board previously authorized a predevelopment loan of \$6,238,000 for costs associated with master planning, carrying costs, demolition, and redevelopment work for the first phase of the North Housing project, which includes 90 units of permanent supportive housing. Funds are disbursed to ICD on an as-needed basis. The current available predevelopment loan balance is \$1,149,207. Please refer to the attached chart summarizing expenses through December 31, 2021 (Attachment 1).

The Board has made the following financial commitments to this development, per the 2021 Reserve policy and the creation of the Alameda Affordable Housing Trust Fund in 2021: \$7,500,000 commitment to the first two permanent supportive housing phases, totaling 90 units; forward commitment of Local Housing Trust Fund matching grant funds of \$2,500,000, once available; an option to ground lease the property as needed, at a subsidized rate.

CEQA

Not Applicable.

RECOMMENDATION

Accept the Monthly Development Report for North Housing.

ATTACHMENTS

1. North Housing Expenses Chart Through December 31, 2021

Respectfully submitted,

A handwritten signature in blue ink that reads "Tony Weng". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Tony Weng, Senior Project Manager

North Housing Predevelopment Expenses Chart Through December 31, 2021.

<u>North Housing</u>	<u>Total</u>
12 Acre Site Pre-Development (includes master planning and demolition)	\$4,150,257
First Phase Pre-Development (Block A, includes 90 PSH units)	\$467,137
Carrying Costs (see details below)	\$471,399
Grand Total	\$5,088,793

<u>Carrying Costs-Details</u>	
<i>Predevelopment Category</i>	<u>Total</u>
Administrative Expenses (including postage & advertising)	\$1,092
Furniture and Equipment - Fencing	\$65,043
Insurance	\$4,292
On Site Improvements	\$330,040
Legal Expense	\$18,816
Permit & Fees	\$722
Prepaid - Other	\$4,401
Professional Services (Other)	\$17,208
Survey	\$29,785
Grand Total	\$471,399



Housing Authority
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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Joshua Altieri, Community Relations Manager

Date: January 19, 2022

Re: Alameda Boys and Girls Club Presentation.

BACKGROUND

Accept presentation by Alameda Boys and Girls Club.

DISCUSSION

The Housing Authority of the City of Alameda (AHA) partners with many community organizations including the Alameda Boys and Girls Club. AHA's partnership with the Alameda Boys and Girls Club spans over ten years and through this partnership, children from AHA families (that participate in the Section 8 program) receive free membership to the Alameda Boys and Girls Club. Please watch this video to learn more about the available services and programs offered by the Alameda Boys and Girls Club: http://www.alamedahsg.org/about_us/news_announcements_and_newsletters. Following the video there will be a verbal presentation from Marc Morales, the Program Director at Alameda Boys and Girls Club.

FISCAL IMPACT

Not applicable.

CEQA

Not applicable.

RECOMMENDATION

Not applicable.



ATTACHMENTS

None

Respectfully submitted,

Joshua Altieri

Joshua Altieri, Community Relations Manager



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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Sylvia Martinez, Director of Housing Development

Date: January 19, 2022

Re: Accept the Update Report on the 2800 Fifth Street BMR Purchase of Eighteen Units; Ratify the Regulatory Agreement with the City; and Direct the Executive Director to Execute an Amended and Restated Promissory Note for a Loan from the Housing Authority to AAHC from \$3,500,000 to \$3,750,000.

BACKGROUND

In April 2021, the Board of Directors approved the purchase of 18 below market rate units at 2800 Fifth Street by the Alameda Affordable Housing Corporation, utilizing a \$3,500,000 loan from Housing Authority reserves. To date, eight homes have been purchased and three additional homes are scheduled to be purchased in early 2022.

DISCUSSION

A 12% contingency was approved in April 2021 and reflected in the loan amount between the Housing Authority and the AAHC. This contingency was meant to cover closing costs, initial insurance, HOA, taxes, or other fees. Since eight purchases have now occurred, staff have better estimates of closing costs and additional fees. In particular, staff have identified three items that increased costs:

1. Solar system purchase - After research and negotiation, staff advised that the AAHC purchase the solar systems provided for each unit. A lease was not available for most of the units. This purchase increases the purchase price of the houses by \$9,400 - \$10,120 each. With this ownership, AAHC receives the benefits of the electrical generation and can charge higher rent as the electrical cost will not be calculated into the utility allowance typically provided. Over time, the cost of the systems should be repaid by the benefits.
2. Prepaid taxes – Staff will pursue a welfare exemption for property taxes for these units. However, this exemption will take some time, and taxes need to be paid now, and then refunded. The additional cost of these taxes is estimated at \$3,780 per unit.
3. HOA fees – AHA prefers to pay HOA fees on an annual basis, to avoid the late fees associated with monthly payments. For the Pulte units, AHA plans to pay



the annual HOA fees on the settlement statement, resulting in an increased cost of \$3,600 per unit.

The total extra cost is approximately \$17,500 per unit. Staff is requesting \$250,000 in additional funds to cover the extra costs. A schedule regarding the new estimated costs is included in Attachment 1. A draft amended and restated promissory note is included as Attachment 2.

The City required a Regulatory Agreement for these properties, a sample of which is included for review and ratification as Attachment 3. Each home has been pre-assigned a rental restriction at either 50% or 80% of Area Median Income (AMI) by the City, as part of its regulatory agreement with the developer. The properties purchased in December are being marketed actively to households meeting these restrictions.

FISCAL IMPACT

In April 2021, the Board approved up to \$3,500,000 for costs associated with the purchase. The new estimate of costs is \$3,750,000, which still contains a small cushion to cover an increase in home price for the later purchases, which may occur after HUD increases its median income levels.

There is no change in the other terms of the loan except to add section 3d, which allows for prepayment with no penalty. Until repaid, the AHA loan will accrue simple interest at 3% and require an annual payment equivalent to 75% of residual receipts from operating the properties.

The additional \$250,000 will come from Housing Authority funds per the 2021 Reserve policy, which already contemplated a total of \$3,750,000 for the Pulte purchases (see October 2021 Board Report).

CEQA

Not applicable.

RECOMMENDATION

Accept the Update Report on the 2800 Fifth Street BMR Purchase of Eighteen Units; Ratify the Regulatory Agreement with the City; and Direct the Executive Director to Execute an Amended and Restated Promissory Note for a Loan from the Housing Authority to AAHC from \$3,500,000 to \$3,750,000.

ATTACHMENTS

1. Attach 1 Pulte New Estimated Costs
2. Attach 2 Draft AR 2800 Fifth St BMR AHA Promissory Note
3. Attach 3 Pulte Regulatory Agreement - Recorded

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Sylvia Martinez', with a stylized, cursive script.

Sylvia Martinez, Director of Housing Development

Attachment 1:

Pulte Purchases - New estimated costs

Purchases - Dec 15-29

<u>Addresses</u>	<u>Closing Date</u>	<u>Due from Buyer</u>	<u>Solar included</u>	<u>Purchase Prices</u>	<u>Other costs</u>
441 Mitchell AV	15-Dec	\$ 173,579.74		\$ 162,654.00	\$ 10,925.74
445 Mitchell AV	15-Dec	\$ 294,491.36		\$ 282,002.00	\$ 12,489.36
2803 Tradewind CT	15-Dec	\$ 173,580.81		\$ 162,654.00	\$ 10,926.81
2811 Tradewind Ct	15-Dec	\$ 256,146.43		\$ 244,152.00	\$ 11,994.43
605 Martin Mariner AV	15-Dec	\$ 170,525.14		\$ 161,934.00	\$ 8,591.14
611 Martin Mariner AV	15-Dec	\$ 291,436.76		\$ 281,282.00	\$ 10,154.76
2825 Tradewind CT	29-Dec	\$ 148,193.14		\$ 138,038.00	\$ 10,155.14
2833 Tradewind CT	29-Dec	\$ 294,043.10		\$ 282,002.00	\$ 12,041.10
		\$ 1,801,996.48		\$ 1,714,718.00	\$ 87,278.48

Future purchases

			<u>Solar</u>		
2838 Fifth ST	Jan	\$ 233,373.00	\$ 10,120.00	\$ 243,493.00	\$ 12,000.00
2855 Tradewind DR	Jan	\$ 152,534.00	\$ 10,120.00	\$ 162,654.00	\$ 11,000.00
2863 Tradewind DR	Jan	\$ 152,534.00	\$ 10,120.00	\$ 162,654.00	\$ 11,000.00
2873 Tradewind DR	2022	\$ 113,787.00	\$ 10,120.00	\$ 123,907.00	\$ 11,000.00
2833 Fifth ST	2022	\$ 113,787.00	\$ 10,120.00	\$ 123,907.00	\$ 11,000.00
2857 Fifth ST	2022	\$ 266,968.00	\$ 10,120.00	\$ 277,088.00	\$ 13,000.00
2829 Fifth ST	2022	\$ 233,374.00	\$ 10,120.00	\$ 243,494.00	\$ 12,000.00
2803 Fifth ST	2022	\$ 134,147.00	\$ 10,120.00	\$ 144,267.00	\$ 11,000.00
2828 Tradewind CT	2022	\$ 113,787.00	\$ 10,120.00	\$ 123,907.00	\$ 11,000.00
2860 Tradewind DR	2022	\$ 134,147.00	\$ 10,120.00	\$ 144,267.00	\$ 11,000.00
				\$ 1,749,638.00	\$ 114,000.00

\$ 84,365.52 Contingency

\$ 3,464,356.00	\$ 285,644.00	\$ 3,750,000.00
New Total		

AMENDED AND RESTATED PROMISSORY NOTE
(this "Note")
(2800 Fifth Street BMR Purchase)

\$3,~~500~~750,000.00

— ~~May~~

January 19, 2022 ~~1, 2021~~

Alameda, California

FOR VALUE RECEIVED, the undersigned, Alameda Affordable Housing Corporation., a California nonprofit public benefit corporation ("Borrower"), hereby promises to pay to the order of the Housing Authority of the City of Alameda, a public body, corporate and politic (together with its successors and assigns, the "Authority"), having an address at 701 Atlantic Avenue in the City of Alameda, CA 94501, at the Authority's said address or at such other place or to such other person as may be designated in writing to Borrower by the Authority, the sum of Three Million Five-Hundred Thousand Dollars (\$3,~~75~~500,000.00) (the "Loan"), which amount includes principal plus interest accrued thereon at the rate hereinafter set forth.

1. Purpose. This promissory note (the "Note") evidences the Borrower's obligation to pay the Authority the principal amount of Three Million Five-Hundred Thousand Dollars (\$3,~~75~~500,000.00) for the funds loaned to Borrower by the Authority for the acquisition of the Improvements, as defined herein, commonly known 2800 Fifth Street Below Market Rate Units, located at 2800 Fifth Street, in the City of Alameda (the "Property"), in which Borrower has an an ~~leasehold~~ interest.

2. Security. This Note is secured by that certain Leasehold Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (the "Deed of Trust"), of even date herewith, wherein the Borrower is the Trustor and the Authority is the Beneficiary, covering the Project.

3. Terms of Payment.

a. Term. The term (the "Term") of this Note shall commence on May 1, 2021 ~~with the date of this Note~~ and shall expire thirty (30) years from that date ~~date of the Note~~.

b. Interest. The Loan shall bear 3% simple interest.

c. Repayment. Commencing on July 1, 2022 and on July 1 of each fiscal year thereafter through the end of the Term, Borrower shall make payments on the Loan from seventy-five percent of Residual Receipts from the prior fiscal year. Payments under this Note shall be made in lawful money of the United States of America. Borrower shall provide the Authority with any documentation reasonably requested by the Authority to substantiate

Borrower's determination of the payments due. The balance of the Loan, if any, shall be due and payable at the end of the Term.

e.d. Prepayment. Borrower shall have the right to prepay all or a portion of the principal due under this Note without any charge or penalty being made therefor.

4. Definitions. Except as otherwise noted, the following definitions shall apply for purposes of this Note.

(i) "Affordable Housing Agreement" means the Affordable Housing Agreement recorded against the Property and restricts its use to affordable rental housing dated October 7th, 2020.

(ii) "Annual Operating Expenses" means with respect to a particular fiscal year the following costs reasonably and actually incurred for operation and maintenance of the Property to the extent that they are consistent with the annual operating budget for the Property approved in advance by the Authority and an annual independent audit performed by a certified public accountant using generally accepted accounting principles:

- (A) property taxes and assessments imposed on the Project, if any;
- (B) debt service currently due on a non-optional basis (excluding debt service due from residual receipts or surplus cash) on loans associated with the Property and approved by the Authority;
- (C) property management fees and reimbursements, not to exceed fees and reimbursements which are standard in the industry and pursuant to a management contract approved by the Authority;
- (D) asset management fees and property management fees payable to any partner or affiliate of Borrower, if any.
- (E) premiums for property damage and liability insurance;
- (F) utility services not paid for directly by tenants, including water, sewer, and trash collection;
- (G) maintenance and repair;
- (H) any annual license or Certificate of Occupancy fees required for operation of the Project;
- (I) security services;
- (J) advertising and marketing;
- (K) loan monitoring fees;

- (L) fees for resident service;
- (M) cash deposited into reserves for capital replacements;
- (N) cash deposited into an operating reserve;
- (O) cash deposited into any other reserve accounts, if any, and as approved by the Authority;
- (P) extraordinary operating costs specifically approved in writing by the Authority;
- (Q) payments of deductibles in connection with casualty insurance claims not normally paid from reserves, the amount of uninsured losses actually replaced, repaired or restored, and not normally paid from reserves, and other ordinary and reasonable operating expenses not listed above.

Annual Operating Expenses shall not include the following: depreciation, amortization, depletion or other non-cash expenses; any amount expended from a reserve account; and any capital cost with respect to the Property, as determined by the accountant for the Property.

(iii) "Dwelling Units" means the eighteen (18) units of low income rental housing located at 2800 Fifth Street, Alameda CA.

(iv) "Gross Revenue" means with respect to a particular fiscal year all revenue, income, receipts, and other consideration actually received from operation and leasing of the Property. Gross Revenue shall include, but not be limited to:

- (A) all rents, fees and charges paid by tenants;
- (B) Section 8, or other rental subsidy payments received for the dwelling units;
- (C) deposits forfeited by tenants;
- (D) all cancellation fees;
- (E) price index adjustments and any other rental adjustments to leases or rental agreements resulting in actual income;
- (F) proceeds from vending and laundry room machines;
- (G) the proceeds of business interruption or similar insurance;
- (H) subject to the rights of any lender of a loan to Borrower to which the Loan has been subordinated, the proceeds of casualty insurance to the extent not utilized to repair or rebuild the Property (or applied toward the cost of recovering such proceeds); and

(I) condemnation awards for a taking of part of all of the Property for a temporary period.

Gross Revenue does not include tenants' security deposits, loan proceeds, capital contributions, or similar advances.

(v) "Improvements" means the buildings, structures (including without limitation, the Dwelling Units) and other improvements, including the building fixtures therein, now or hereafter located on the Property.

(vi) "Residual Receipts" shall mean in a particular fiscal year the amount by which Gross Revenue exceeds Annual Operating Expenses.

5. Acceleration. Except as may be otherwise provided in the Deed of Trust or the other loan documents evidencing this Loan, this Note shall be due and payable in one lump sum upon the sale, conveyance, assignment, hypothecation, or refinance of the Property without prior written consent of the Authority. With the prior written consent of the Authority, which consent shall not be unreasonably withheld, conditioned or delayed, this Note may be assumed for an assumption fee equal to time and expenses of Authority staff needed to process such a request by any permitted assignee of Borrower.

6. Default. Any failure in the performance by Borrower of any non-monetary term, condition, provision or covenant set forth in this Note, the Regulatory Agreement or any regulatory agreement for the Project shall be a default under this Note, and shall cause, at the option of the Authority, the entire unpaid balance, together with all unpaid sums then payable under this Note to become immediately due and payable upon written notice by the Authority to Borrower without further demand.

7. Prepayment. No prepayment penalty, fee or premium will be charged to Borrower for payment of all or any portion of the Loan amount prior to the end of the term described herein.

8. Authority's Remedies for Default.

a. Upon the occurrence of a default, the Authority shall provide Borrower written notice of said occurrence, and Borrower shall have thirty (30) days to cure the default unless the Authority shall agree in writing to an extension of such cure period prior to its expiration which consent shall not be unreasonably withheld; provided, however, if the default is of the type which is incapable of being cured within thirty (30) days, Borrower shall have such time as is reasonably necessary (not to exceed ninety (90) days) to cure such default, provided Borrower has commenced such cure within such thirty (30) days and continues to diligently proceed to cure such default. If, after the cure period provided in this subparagraph (a), (i) Borrower has not cured the default, and (ii) the Authority has not waived its rights under this Note, the entire unpaid balance, together with all unpaid sums then payable under this Note shall, at the option of the Authority, become immediately due and payable upon written notice by the Authority to Borrower without further demand.

b. If default shall occur and be continuing beyond any applicable notice and cure period, the Authority may pursue all rights and remedies available under this Note or as may be otherwise available to the Authority.

9. Recourse. This Note shall be a recourse obligation of Borrower.

10. Notice. Formal notices, demands, and communications between the Authority and Borrower shall be sufficiently given if, and shall not be given unless, dispatched by certified mail, postage prepaid, return receipt requested or sent by express delivery service or overnight courier service, to the principal office of the Authority and Borrower as follows, or at such other address as the parties may designate in writing from time to time:

AUTHORITY:

Housing Authority of the City of Alameda
Housing and Community Development Department
701 Atlantic Avenue
Alameda, CA 94501
Attn: Executive Director

BORROWER:

Alameda Affordable Housing Corporation
701 Atlantic Avenue
Alameda, CA 94501
Attn: Executive Director

Such written notices, demands and communications shall be effective on the date shown on the delivery receipt as the date delivered or the date on which the delivery was refused.

11. Attorneys' Fees. In the event of litigation arising from the enforcement of or a default under this Note, the non-prevailing party promises to pay all reasonable costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in such litigation.

12. Modifications. This Note may not be changed orally. Any waiver, change, modification or discharge of this Note may be made only by the written consent of both parties.

13. Governing Law. This Note shall be governed by and construed in accordance with the laws of the State of California.

[Signature Page Follows]

| DRAFT

IN WITNESS WHEREOF, Borrower has executed this Note as of the day and year first above written.

Borrower:

Alameda Affordable Housing Corporation,
a California nonprofit public benefit corporation

By: _____

Name: Vanessa Cooper

Title: Executive Director

RECORDING REQUESTED BY:

First American Title Company

WHEN RECORDED MAIL DOCUMENT TO:

City of Alameda Community Development
Department
950 W. Mail Square, Suite 205
Alameda, CA 94501
Attn: Executive Director

CONFORMED COPY - has not been compared with Original.

2021397560 12/15/2021 01:57 PM 26 PGS



OFFICIAL RECORDS OF ALAMEDA COUNTY
MELISSA WILK, CLERK-RECORDER
RECORDING FEES: \$0.00

Space Above This Line for Recorder's Use Only

A.P.N.: 074-1380-009

File No.: 3403-348524004

441 Mitchell Avenue, Alameda, CA 94501

Regulatory Agreement and Declaration of Restrictive Covenants

(Please fill in document title(s) on this line)

Exempt from fee under GC 27388.1(a)(2) due to being recorded in connection with a concurrent transfer that is subject to the imposition of documentary transfer tax, or

Exempt from fee under GC 27388.1(a)(1) due to the maximum fees (\$225) being paid on documents in this transaction, or

Exempt from fee under GC 27388.1(a)(2) due to being recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier, or

Exempt from fee under GC 27388.1(a) (1); Not related to real property, or,

Document is executed or recorded by the state or any county, municipality, or other political subdivision of the state - GC 27388.1(a)(2)

Exempt from fee under GC 27388.1(a) (1) for the following reasons:

NOTE: The following exemptions may not be acceptable for use in all counties:

Exempt from fee under GC 27388.1 due to being recorded in connection with a transaction that was subject to documentary transfer tax which was paid on document recorded as Document No. of Official Records, or

Exempt from fee under GC 27388.1 due to the maximum fees having been paid on document(s) recorded as Document No. of Official Records, or

Exempt from fee under GC 27388.1 due to it being recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier. The recorded document transferring the dwelling to the owner-occupier was recorded as Document No. of Official records.

THIS PAGE ADDED TO PROVIDE EXEMPTION INFORMATION FOR THE BUILDING HOMES AND JOBS ACT FEE
(SB-2; AFFORDABLE HOUSING FEE)
(Additional recording fee applies)

**Recording requested by
And when recorded mail to:**

City of Alameda
Community Development Department
950 W. Mall Square, Suite 205
Alameda, CA 94501
Attention: Executive Director

Exempt from recording fees pursuant to
Cal. Gov't Code § 27383

3403-348524004 (SM)

REGULATORY AGREEMENT AND
DECLARATION OF RESTRICTIVE COVENANTS
(441 Mitchell Avenue, Alameda, CA – Very Low)

(Rental Units Required Pursuant to City Inclusionary Housing Requirements
Set Forth in Section 30-16 of the City Municipal Code)

This Regulatory Agreement and Declaration of Restrictive Covenants (“**Agreement**”) is dated December 15, 2021 (“**Effective Date**”) and is entered into between the **CITY OF ALAMEDA**, a municipal corporation (“**City**”) and **ALAMEDA AFFORDABLE HOUSING CORPORATION**, a California nonprofit public benefit corporation (“**Owner**”).

RECITALS

The following recitals are a substantive part of this Agreement.

A. Owner is the owner of that certain real property located at **441 Mitchell Avenue** in the City of Alameda, County of Alameda, State of California, more particularly described in Exhibit 1 attached hereto (“**Property**” or “**Affordable Unit**”).

B. City Municipal Code Section 30-16, added by Ordinance No. 2965-NA adopted on June 15, 2004, sets forth certain inclusionary housing requirements for residential development in the City (“**City Inclusionary Policy**”).

C. The Property is located on the site of a 357 unit residential project (“**Project**”) developed by Pulte Home Company, LLC, a Michigan Limited Liability Company (“**Developer**”) in accordance with City of Alameda Planning Board Resolutions PB 19-27, PB 19-21, and PB 19-22, on file with the City of Alameda's Planning and Building Department, and (b) City of Alameda Planning Board Resolution PB 19-21 Approving the Development Plan and Density Bonus Application which includes certain conditions of approval, including Condition of Approval No. 14, which requires that the Developer reserve at least 39 units (48 units minus a 9 unit credit from Stargell Commons) in the Project for sale to moderate-, low- and very low-income households in accordance with the City Inclusionary Policy (the “**Project Inclusionary Requirement**”).

D. Owner and City desire by the execution of this Agreement to assure the Property meets the requirements of the City Inclusionary Policy, and that the Affordable Unit remains

affordable to a very low-income household for a minimum of fifty-nine (59) years following the date of recordation of this Agreement.

NOW THEREFORE, the parties acknowledge and agree as follows:

ARTICLE 1. DEFINITIONS

1.01 “**Affordable Rent**” is the amount of rent considered as “affordable rent” for very low and low income households, adjusted for family size appropriate to the unit, less a utility allowance, pursuant to California Health and Safety Code Section 50053 or any successor statute thereto. If the statute is no longer in effect and no successor statute is enacted, the City shall establish the Affordable Rent for purposes of this Agreement. For purposes of this Section 1.01 “adjusted for family size appropriate to the unit” shall mean a household of two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, and five persons in the case of a four-bedroom unit.

1.02 “**Applicable Laws**” means all applicable laws, ordinances, statutes, codes, orders, decrees, rules, regulations, official policies, standards and specifications (including any ordinance, resolution, rule, regulation standard, official policy, condition, or other measure) of the United States, the State of California, United States Department of Housing and Urban Development (“HUD”), the County of Alameda, City of Alameda, or any other political subdivision in which the Project is located, and of any other political subdivision, agency or instrumentality exercising jurisdiction over the Owner or the Project.

1.03 “**Area Median Income**” shall mean the median income for households in Alameda County, California, as published from time to time by HUD in a manner consistent with the determination of median gross income under Section 8 of the United States Housing Act of 1937, as amended, and as defined in Title 25, California Code of Regulations, Section 6932. In the event that such income determinations are no longer published by HUD, or are not updated for a period of at least 18 months, the City shall provide the Owner with other income determinations that are reasonably similar with respect to methods of calculation to those previously published by HUD.

1.04 “**Eligible Households**” shall mean households meeting the income restrictions as set forth in Section 2.01.

1.05 “**Housing Authority**” shall mean the Housing Authority of the City of Alameda.

ARTICLE 2. RENT, INCOME AND OCCUPANCY RESTRICTIONS

2.01 Rent and Income Restrictions. The Affordable Unit to be located on the Property shall be rented to low income households whose gross income does not exceed fifty percent (50%) of the Area Median Income at an Affordable Rent

No less than one (1) person per bedroom shall be allowed. No more than two (2) persons shall be permitted to occupy a studio Affordable Unit, no more than three (3) persons shall be permitted to occupy a one (1) bedroom Affordable Unit, no more than five (5) persons shall be permitted to occupy a two (2) bedroom Affordable Unit, and no more than seven (7) persons shall be permitted to occupy a three (3) bedroom Affordable Unit. City may make exceptions to the foregoing occupancy standards to the extent such exceptions are required by Applicable Laws, and

do not increase City's obligations or liabilities under this Agreement, or diminish or impair City's rights and remedies under this Agreement.

Not more than once per year, Owner may adjust the rent in the occupied Affordable Unit to the level allowed for the family size appropriate to the unit. Owner may adjust the rent upon vacancy of an Affordable Unit to the level allowed for the family size appropriate to the unit. City shall annually publish a list of all rent ceilings reflecting the annual adjustments in the income limits for Eligible Households provided by HUD and the State of California Department of Housing and Community Development ("HCD"). Owner must notify the tenant of the Affordable Unit and City in writing of any increase in monthly rent at least thirty (30) days in advance of the effective rent adjustment date. The written notice of rent increase provided to City shall indicate: (1) the rent adjustment for the Affordable Unit; (2) the new rental amount for the Affordable Unit; and (3) the effective date of the adjustment for the Affordable Unit. Failure to provide the notice required shall be considered a default by Owner under this Agreement.

The determination of a status as an Eligible Household shall be made by Owner prior to initial occupancy of the Affordable Unit by such household and shall be subject to review and approval by City. The income of all persons residing in the Affordable Unit shall be considered for purposes of calculating the household income. Owner shall not discriminate against prospective tenants with qualified Public Housing Authority Section 8 certificates or vouchers who are otherwise qualified. Owner shall notify City in writing whenever the tenant in an Affordable Unit changes. The notice shall indicate the name and household size of the tenant vacating the Affordable Unit. Once the Affordable Unit is reoccupied, Owner shall notify City in writing of the new tenant's name, household size and income.

Immediately prior to the first anniversary date of the occupancy of the Affordable Unit by an Eligible Household, and on each anniversary date thereafter, Owner shall re-certify the income of the occupants of the Affordable Unit by obtaining a completed Tenant Income Certification based upon the current income of each occupant of the Affordable Unit. The Tenant Income Certification shall be in the form attached hereto as Exhibit 2 or in such other format as may be agreed to by City and Owner. If an occupant of an Affordable Unit no longer qualifies as an Eligible Household due to an increase in income above the limitation set forth in paragraph (a) and/or (b), as appropriate, of this Section 2.01, the occupant may continue to occupy the former Affordable Unit; provided, however, Owner may increase the rental rate for such former Affordable Unit to market rate. After the former Eligible Household vacates the Affordable Unit, the Owner shall rent the Affordable Unit to an Eligible Household.

2.02 Marketing and Leasing Program.

Owner shall actively market rental of the Affordable Unit to Eligible Households. Prior to lease-up of the Affordable Unit, Owner shall provide City with a copy of its marketing program for the Affordable Unit ("**Affordable Units Marketing Program**"). City shall review the Affordable Unit Marketing Program and either approve or request modifications to the Affordable Unit Marketing Program within thirty (30) days after receipt. Owner shall provide monthly updates to the Affordable Unit Marketing Program commencing thirty (30) days after the date the Affordable Unit Marketing Program is initially approved by City.

Owner is responsible for implementing the Affordable Unit Marketing Program actively and in good faith. City may extend the required marketing period in its discretion if Owner delays implementation or otherwise fails to comply with the Affordable Unit Marketing Program as approved by City.

ARTICLE 3. REPORTING REQUIREMENTS FOR PROPERTY

3.01 Reporting Requirements. Owner shall submit an annual report and income certification to the City. The report, at a minimum, shall include:

- (a) The number of persons occupying the Affordable Unit;
- (b) Name of each Affordable Unit Tenant;
- (c) Initial occupancy date;
- (d) Rent paid per month; and
- (e) Gross income per year.

Such information shall be reported to the City substantially in the form of the Certification of Continuing Compliance attached hereto as Exhibit 3 or in such other format as may be reasonably requested by City.

Annual income recertifications shall also contain those documents used to certify eligibility. City, from time to time during the term of this Agreement, may request additional or different information, if such information is required in order for the City to comply with its reporting requirements, and Owner shall promptly supply such additional or different information in the reports required hereunder. Owner shall maintain all necessary books and records, including property, personal and financial records, in accordance with requirements prescribed by the City with respect to all matters covered by this Agreement. Owner, at such time and in such forms as City may require, shall furnish to City statements, records, reports, data and information pertaining to matters covered by this Agreement. Upon reasonable advance request for examination by City, Owner, at any time during normal business hours, shall make available all of its records with respect to all matters covered by this Agreement. Owner shall permit City to audit, examine and make excerpts or transcripts from these records at City's sole cost.

The first annual report and annual income certification ("**Initial Report**") shall be submitted to the City within thirty (30) days of the date of the initial rental of the Affordable Unit. Subsequent annual reports and annual income certifications or recertifications shall be submitted to the City on the anniversary date of submittal of the Initial Report.

3.02 City Approval of Lease Forms. City shall have the right to review and approve Owner's form of lease for the Affordable Unit, including disclosures of the affordability restrictions on the Affordable Unit, prior to Owner's use of such form.

3.03 Reserved.

ARTICLE 4. PROVISION OF SERVICES AND MAINTENANCE OF PROPERTY

4.01 Maintenance. During the term of this Agreement, Owner shall maintain, or cause to be maintained, the Property, including all improvements thereon, in a manner consistent with

the provisions set forth therefor in the Alameda Municipal Code, and shall keep the entire Property free from any accumulation of debris or waste materials prior to and after construction.

If, at any time, Owner fails to maintain the Property, and has either failed to commence to cure such condition or to diligently prosecute to completion the condition or the condition is not corrected after expiration of sixty (60) days from the date of written notice from the City to the Owner, City may perform the necessary corrective maintenance, and Owner shall pay such costs as are reasonably incurred for such maintenance. The City shall have the right to place a lien on the Property should Owner not reimburse City for such costs within sixty (60) days following City's written demand for reimbursement of such costs. Owner, on behalf of itself, its heirs, successors and assigns, hereby grants to City and its officers, employees and agents, an irrevocable license to enter upon the Property to perform such maintenance during normal business hours after receipt of written notice from City and Owner's failure to cure or remedy such failure within sixty (60) days of such notice. Any such entry shall be made only after reasonable notice to Owner and the tenant of the Affordable Unit, and City shall indemnify and hold Owner harmless from any claims or liabilities pertaining to any such entry by City. Failure by Owner to maintain the Property in the condition provided in this Article 4 may, in City's reasonable discretion, constitute a default under this Agreement.

ARTICLE 5. NO TRANSFER

5.01 Prohibition. Except with respect to Permitted Transferees (as defined below), Owner shall not make any total or partial sale, transfer, conveyance, encumbrance to secure financing, assignment or lease of the whole or any part of the Property or this Agreement without the prior written approval of the City, which approval shall not be unreasonably withheld, conditioned or delayed.

5.02 Permitted Transfers. Notwithstanding any other provision of this Agreement to the contrary, City approval of an assignment or transfer of this Agreement or conveyance of the Property, or any part thereof, shall not be required in connection with any of the following (the "Permitted Transfers"):

- (a) The lease of the Affordable Unit to an Eligible Household.
- (b) Assignments for financing purposes, and any subsequent transfer to the lender providing such financing by foreclosure or deed in lieu of foreclosure thereunder, subject to such financing being considered and approved by the City.
- (c) Transfer of the Property to an affiliate entity which controls, is controlled by or under common control with Owner.
- (d) In the event of an assignment by Owner pursuant to subparagraph (c) not requiring the City's prior approval, Owner nevertheless agrees that at least thirty (30) days prior to such assignment or transfer it shall give written notice to the City of such assignment or transfer and that such transferee shall be required to assume Owner's obligations under this Agreement pursuant to a written assignment and assumption agreement in a form reasonably acceptable to the City Attorney.

5.03 City Consideration of Requested Transfer. The City agrees that it will not unreasonably withhold approval of a request made pursuant to this Article 5 provided (a) the Owner delivers written notice to the City requesting such approval, and (b) the proposed assignee or transferee possesses comparable operational experience and capability, and comparable net worth and resources, as Owner, and (c) the assignee or transferee assumes the obligations of the Owner under this Agreement pursuant to a written assignment and assumption agreement in a form reasonably acceptable to Owner and the City Attorney. Such notice shall be accompanied by evidence regarding the proposed assignees or purchaser's qualifications and experience and its financial commitments and resources sufficient to enable the City to evaluate the proposed assignee or purchaser pursuant to the criteria set forth herein and other criteria as reasonably determined by the City. The City shall approve or disapprove the request within forty-five (45) days of its receipt of the Owner's notice and all information and materials required herein.

ARTICLE 6. NO DISCRIMINATION

Owner covenants, by and for itself and any successors in interest, that there shall be no discrimination against or segregation of any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Property, nor shall Owner, itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, subleases or vendees in the Property.

ARTICLE 7. NO IMPAIRMENT OF LIEN

No violation or breach of the covenants, conditions, restrictions, provisions or limitations contained in this Agreement shall defeat or render invalid or in any way impair the lien or charge of any mortgage, deed of trust or other financing or security instrument; provided, however, that any successor of Owner to the Property shall be bound by such covenants, conditions, restrictions, limitations and provisions, whether such successor's title was acquired by foreclosure, deed in lieu of foreclosure, trustee's sale or otherwise.

ARTICLE 8. DURATION

The covenants contained in Articles 2, 3, 4 and 5 of this Agreement shall be deemed to run with the Property until the date which is fifty-nine (59) years following the Effective Date. The covenants against discrimination contained in Article 6 of this Agreement shall run with the Property in perpetuity.

ARTICLE 9. SUCCESSORS AND ASSIGNS

The covenants contained in the Agreement shall be binding upon Owner and its heirs, successors and assigns, and such covenants shall run in favor of the City and its successors and

assigns for the entire period during which such covenants shall be in force and effect, without regard as to whether the City is or remains an owner of any land or interest therein to which such covenants relate. In the event of any breach of any such covenants, or breach of any of Owner's obligations under this Agreement, City and its successors and assigns shall have the right to exercise all of the rights and remedies, and to maintain any actions at law or suits in equity or other proper proceedings to enforce the curing of such breach. The covenants contained in the Agreement, without regard to technical classification and designation, shall be for the benefit of and shall be enforceable only by the City, and its successors and assigns.

ARTICLE 10. SUBORDINATION AGREEMENT

Except as otherwise expressly provided below, this Agreement shall have priority over the liens of all mortgages, deeds of trust and other liens (other than the lien for current, unpaid property taxes) and Owner shall cause all such mortgagees, deed of trust beneficiaries and other lien holders to execute and deliver to City for recordation in the Official Records of Alameda County, a subordination agreement, in a form reasonably acceptable to City, subordinating such mortgages, deeds of trust and other liens to this Agreement thereby ensuring the priority of this Agreement over all such mortgages, deeds of trust and other liens. Notwithstanding the subordination provisions set forth herein, the City may, in its sole discretion, subordinate this Agreement.

ARTICLE 11. DEFAULT

Any failure by Owner to perform any term or provision of this Agreement shall constitute a "Default" (1) if Owner does not cure such failure within sixty (60) days following written notice of default from City, or (2) if such failure is not of a nature which can be cured within such sixty (60) day period, Owner does not commence substantial efforts to cure the failure within sixty (60) days and thereafter prosecute to completion with diligence and continuity the curing of such failure. Any notice of default given under this Agreement shall identify the nature of the failure in performance which City claims constitutes the Default and the manner in which such Default may be satisfactorily cured. Any failure or delay by City in asserting any of its rights or remedies, including specific performance, as to any Default shall not operate as a waiver of any Default or of any such rights or remedies or deprive City of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

ARTICLE 12. NOTICES, DEMANDS AND COMMUNICATIONS

Any approval, disapproval, demand, document or other notice to be provided under this Agreement shall be given in writing and shall be sent: (a) for personal delivery by a delivery service that provides a record of the date of delivery, the individual to whom delivery was made, and the address where delivery was made; (b) by first-class certified United States mail, postage prepaid, return receipt requested; or (c) by a nationally recognized overnight courier service and marked for next day business delivery. All notices shall be addressed to the party to whom such notice is to be given at the property address stated herein or to such other address as a party may designate by written notice to the other. Any written notice, demand or communication shall be deemed received: (a) immediately if delivered by personal delivery as provided hereinabove;

(b) on the third (3rd) day from the date it is postmarked if delivered by first-class mail, postage prepaid, return receipt requested; and (c) on the next business day if sent via nationally recognized overnight courier and marked for next day business delivery. Notices sent by a party's attorney on behalf of such party shall be deemed delivered by such party.

To City: City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501
Attention: Community Development Director

With a copy to: City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501
Attention: City Attorney

To Owner: Alameda Affordable Housing Corporation
701 Atlantic Avenue
Alameda, CA 94501
Attention: Executive Director

ARTICLE 13. ATTORNEYS' FEES

In any action or proceeding which either party brings against the other to enforce its rights hereunder, the unsuccessful party shall pay all costs incurred by the prevailing party, including reasonable attorneys' fees, which amounts shall be a part of the judgment in any action or proceeding.

ARTICLE 14. RECORDATION OF AGREEMENT

Immediately following the Effective Date, this Agreement and the Notice of Affordability Restrictions on Transfer of Property in the form attached hereto as Exhibit 4, shall be recorded against the Property in the Official Records of Alameda County.

ARTICLE 15. COMPLIANCE MONITORING FEE

Owner acknowledges and agrees that the City is obligated to monitor compliance with this Agreement on an annual basis and, therefore, agrees to pay City for a portion of its administrative costs for such monitoring by paying to City an annual monitoring fee in the amount of Twenty-five Dollars \$25.00 per unit per year, payable on the initial date of occupancy and each year on the anniversary date of the initial date of occupancy.


ARTICLE 16. MISCELLANEOUS

Each party agrees to cooperate with the other in the implementation and administration of this Agreement and, in that regard, shall execute any and all documents which may be reasonably necessary, helpful, or appropriate to carry out the purposes and intent of this Agreement. This Agreement may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement. The words "include" and "including" shall be construed as if followed by the words "without limitation." All exhibits and attachments hereto are incorporated by reference as though fully restated herein. This Agreement shall be interpreted as though prepared jointly by both parties, and shall be construed in accordance with and be governed by the laws of the State of California. If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby. A waiver by either party of a breach of any of the covenants, conditions or agreements hereunder to be performed by the other party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions hereof. No waiver by City of any of the conditions hereof shall be effective unless in writing expressly identifying the scope of the waiver and signed on behalf of an authorized official of City. Any alteration, change or modification of or to the Agreement, in order to become effective, shall be made in writing and in each instance signed on behalf of each party hereto.

[SIGNATURES ON FOLLOWING PAGE]


IN WITNESS WHEREOF, the City and Owner have caused this Agreement to be executed on their behalf by their respective officers thereunto duly authorized, on the Effective Date first above written.

RECOMMENDED FOR APPROVAL:



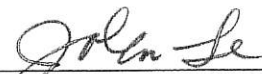
Lisa Nelson Maxwell
Community Development Director

CITY:
CITY OF ALAMEDA, a municipal corporation



Eric J. Levitt
City Manager
[Signature must be notarized]

APPROVED AS TO FORM:




John D. Lê
Assistant City Attorney

- and -

OWNER::

Alameda Affordable Housing Corporation,
a California nonprofit public benefit corporation

By: 

Vanessa M. Cooper
Secretary
[Signature must be notarized]

NOTARY ACKNOWLEDGMENTS

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

) ss:

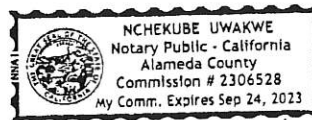
COUNTY OF ALAMEDA)

Nchekube Uwakwe, notary public

On 12-3, 21, before me, _____,
Notary Public personally appeared Vanessa M Cooper
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]

NOTARY ACKNOWLEDGMENTS

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

) ss:

COUNTY OF ALAMEDA)

On 12/9/21, before me, Rina Mae Winston
Notary Public personally appeared Eric J. Levitt
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Rina Mae Winston*

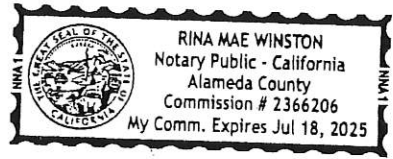


EXHIBIT 1
LEGAL DESCRIPTION

Real property in the City of Alameda , County of Alameda, State of California, described as follows:

PARCEL ONE (Unit):

Unit 4 ("Unit") as shown on the Condominium Plan - Lpt 1 Tract 8524 Bay 37, recorded on June 28, 2021, as Document No. 2021230482, together with any amendments or modifications, thereto ("Condominium Plan") and described and defined in the Declaration of Covenants, Conditions and Restrictions of Bay 37 recorded on June 25, 2021, as Instrument No. 2021229174, of Official Records together with any amendments, modifications, or annexations thereto, as may occur from time to time ("Declaration"), being a portion of Lot 1 as shown on the map entitled Tract Bay 37, filed on November 4, 2020, in Book 363 of Maps, at page 67, Alameda County Records ("Map").

PARCEL TWO (Undivided Interest in Building Common Area):

An undivided one-sixth (1/6th) interest as tenant in common in and to Lot 1, as shown on the Map.

Excepting therefrom Units 1 to 6, inclusive, as shown on the Condominium Plan.

ALSO EXCEPTING THEREFROM all easements as provided for in the Declaration, together with the right to subsequently grant and convey such easements.

ALSO EXCEPTING THEREFROM easements for the exclusive use, possession, and enjoyment of those areas shown on the Condominium Plan as a Balcony, Garage and Porch, together with the right to subsequently grant and convey such easements.

ALSO EXCEPTING THEREFROM , as reserved in the Quitclaim Deed from Union Pacific Railroad Company to Catellus Alameda Development, LLC recorded March 14, 2013 as Instrument Number 2013-096672 of Official Records the following:

"All minerals and all mineral rights of every kind and character now known to exist or hereinafter discovered at a depth of 500 feet or more below the surface of the property, including, without limitation, oil and gas and rights thereto, together with the sole, exclusive and perpetual right to explore for, remove and dispose of said minerals by any means or methods suitable to grantor, its successors and assigns, but without any right to enter upon or use the surface of the property, provided that such exploration, removal and disposal of said minerals does not damage the surface of the property, any improvements thereon or thereunder, or to interfere with the use of the property by grantee, its successors or assigns."

PARCEL THREE (Non-Exclusive Easements)

Non-exclusive easements for use, enjoyment, ingress, egress and support in and to the portion of the Common Area, as defined in the Declaration, for the benefit of Parcel One above.

PARCEL FOUR (Exclusive Use Common Area):

An exclusive easement for the use, possession, and enjoyment of the Balcony, as shown on the Condominium Plan, which bears the number that corresponds to that of the Owner Unit described in Parcel One, above.

An exclusive easement for the use, possession, and enjoyment of the Garage, as shown on the Condominium Plan, which bears the number that corresponds to that of the Owner Unit described in Parcel One, above. An exclusive easement for the use, possession, and enjoyment of the Porch, as shown on the Condominium Plan, which bears the number that corresponds to that of the Owner Unit described in Parcel One, above.

The exclusive easements are appurtenant to the real property conveyed in Parcel One, above.

441 Mitchell Avenue, Alameda, CA

APN: 074-1380-009 (Affects this and other property)

EXHIBIT 2

Tenant Income Certification

Project Name and Address: _____ Date: _____

- Affordable Units: 50% of Median Income
 80% of Median Income
 120% of Median Income

Address/Unit Number: _____ Rent: _____

Tenant/Household Name: _____ Date of Lease: _____

Size of Household: _____ Expiration: _____

Total Household Income: _____ per year

The following list includes each member of the household and their income. Attached are federal or state income tax returns for the most recent tax year, current stubs from paychecks or other evidence of the income of each income-producing member of the household.

Name of Household Member	Relationship	Age	Social Security Number	Annual Income	Source of Income/ Name of Employer
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

I/We the undersigned have read and answered fully, frankly and personally each of the above questions under penalty of perjury and do hereby swear they are true.

Head of Household

Date

Owner/ Agent

Date

EXHIBIT 3

CERTIFICATION OF CONTINUING COMPLIANCE

Project Name and Address: _____ Date: _____

Total Affordable Housing Units in Project:

Very Low Income Units (not to
exceed 50% of Median Income): _____

Low Income Units (not to
exceed 80% of Median Income): _____

Moderate Income Units (not to
exceed 120% of Median Income): _____

The Owner, in accordance with the Regulatory Agreement and Declaration of Restrictive Covenants dated _____, does hereby certify to the City of Alameda that during the preceding year, the units identified on the following pages were occupied in accordance with the Regulatory Agreement and Declaration of Restrictive Covenants and does hereby further certify that the representations set forth herein are true and correct to the best of the undersigned's knowledge.

Signed: _____ Date: _____

Owner/ Agent

[See Attached]

ANNUAL COMPLIANCE REPORT

Project Name and Address: _____

Date: _____

Very Low Income Units (Not to Exceed 50% of Median Income)

Unit No./Address	Type	Tenant Name	Annual Household Income	Number in Household	Monthly Rent
_____	_____	_____	_____	_____	_____

Signed: _____

Date: _____

Owner / Agent

EXHIBIT 4

RECORDING REQUESTED
BY
AND WHEN RECORDED
MAIL TO:
City of Alameda
Community Development
Department
950 W. Mall Square, Suite 205
Alameda, CA 94501
Attention: Director

*Exempt from recording fees
pursuant to Cal. Gov't Code
Section 27383*

*Space Above This Line For Recorder's Use
Only*

**NOTICE OF AFFORDABILITY RESTRICTIONS
ON TRANSFER OF PROPERTY**

(Note: Above Title and text below must remain in 14-point type or larger)

Important notice to owners, purchasers, tenants, lenders, brokers, escrow and title companies, and other persons, regarding affordable housing restrictions on the real property described in this Notice: Restrictions have been recorded with respect to the property described below (referred to in this Notice as the "Property") which restrict the price and terms at which the Property may be sold or rented. These restrictions may limit the sales price or rents of the Property to an amount which is less than the fair market value of the Property. These restrictions also limit the income of persons and households who are permitted to purchase and rent the Property.

Title of Document Containing Affordable Housing Restrictions:

REGULATORY AGREEMENT AND DECLARATION OF RESTRICTIVE
COVENANTS (441 Mitchell Avenue, Alameda, CA – Very Low) (referred to in
this Notice as the "Affordable Housing Restrictions").

Parties to Affordable Housing Restrictions:

City of Alameda ("City") and

the Alameda Affordable Housing Corporation ("Owner").

The Affordable Housing Restrictions are recorded: (check one)

- as Document No. _____, official records of _____ County, on _____; or
- concurrently with this Notice, official records of _____ County.

Legal Description of Property:

See Exhibit A (Attached hereto)

Street Address of Property: _____, Alameda, California.

Assessor's Parcel Number of Property: _____

Summary of Affordable Housing Restrictions (check as applicable):

- The Regulatory Agreement and Declaration of Restrictive Covenants restricts the amount of rent which may be charged for the rental housing unit or units on the Property, as follows:
30% of maximum annual income for households whose gross income does not exceed the applicable income level.
- The Regulatory Agreement and Declaration of Restrictive Covenants restricts the sales price which may be charged for the sale of the ownership housing unit or units on the Property, as follows:
_____.
- The Regulatory Agreement and Declaration of Restrictive Covenants restricts the income level of the tenant or buyer of the Property, as

follows:

50% of area median income

Term of Restrictions: 59 years, commencing on December 15, 2021 and terminating on December 15, 2080

This Notice does not contain a full description of the details of all of the terms and conditions of the Affordable Housing Restrictions. You will need to obtain and read the Regulatory Agreement and Declaration of Restrictive Covenants to fully understand the restrictions and requirements which apply to the Property. In the event of any conflict between the terms of this Notice and the terms of the Regulatory Agreement and Declaration of Restrictive Covenants, the terms of the Regulatory Agreement and Declaration of Restrictive Covenants shall control.

This Notice is being recorded and shall be indexed against the City and the current Owner of the Property.

CITY:
CITY OF ALAMEDA,
a municipal corporation

Dated: _____, 2021 By: _____

Eric J. Levitt
City Manager

[Signature must be notarized]

Approved as to form:

By: _____

John D. Lê
Assistant City Attorney

OWNER:

Alameda Affordable Housing Corporation,
a California nonprofit public benefit
corporation.

Dated: 12/3, 2021

By: *Vanessa Cooper*
Vanessa M. Cooper
Secretary
[Signature must be notarized]

ACKNOWLEDGMENTS

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

) ss:

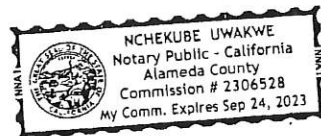
COUNTY OF Alameda

On 12.3, 21, before me, Nchekube Uwakwe, notary public,
Notary Public personally appeared Vanessa M Cooper
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 





Housing Authority
of the
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Vanessa Cooper, Executive Director

Date: January 19, 2022

Re: Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

BACKGROUND

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 which allowed for relaxed provisions of the Ralph M. Brown Act (Brown Act) that allowed legislative bodies to conduct meetings through teleconferencing without having to meet the strict compliance of the Brown Act. All provisions of Executive Order N-29-20 concerning the conduct of public meetings via teleconferencing expired on September 30, 2021.

DISCUSSION

Assembly Bill 361(Chapter 165,Statutes of 2021) (AB 361) was signed into law by the Governor on September 16, 2021, and went into effect immediately. It amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021 expiration of the current Brown Act exemptions as long as there is a "proclaimed state of emergency" by the Governor. This allowance also depends on state or local officials imposing or recommending measures that promote social distancing or a legislative body finding that meeting in person would present an imminent safety risk to attendees. Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. AB 361 will sunset on January 1, 2024.

AB 361 requires the following to continue to conduct teleconferenced meetings:

1. Notice of the meeting must still be given in compliance with the Brown Act, and the notice must include the means by which the public may access the meeting



- and provide public comment remotely.
2. The public must be provided access to the meeting via a call-in option or internet-based service option and allowed to “address the legislative body directly.” The Alameda Affordable Housing Corporation does not have to provide an in-person option for the public to attend the meeting.
 3. The meeting must be conducted “in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.”
 4. If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved, even if this means stopping the meeting at that point and continuing all remaining items.
 5. The Board of Directors cannot require comments to be submitted before the start of the meeting. The public must be allowed to make “real time” public comment.
 6. Reasonable time for public comment must be provided. If the Board provides a timed public comment period, the public comment period must be left open until the time expires.
 7. All votes must be taken by roll call.
 8. The Board of Directors must approve a resolution making findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter to continue to conduct teleconference meetings under AB 361. The body must find it has reconsidered the circumstances of the state of emergency and either 1) the emergency continues to impact the ability to meet safely in person, or 2) State or local officials continue to impose or recommend social distancing.

In light of AB 361, the continuing COVID-19 State of Emergency declared by the Governor, the continuing Local Emergency declared by the City of Alameda, the continuing recommendations by the County of Alameda Health Officer of social distancing as a mechanism for preventing the spread of COVID-19, and the continued threats to health and safety posed by indoor public meetings, staff recommends the Board of Directors adopt the proposed Resolution making the findings required to initially invoke AB 361.

The procedures currently set up for Board of Directors' meetings, which provide public attendance and comment through a call-in or internet-based service option, satisfy the requirements of AB 361. The Executive Director, or designee, will work with the Board to ensure that meeting procedures for all teleconferenced meetings comply with AB 361. Continued reliance will require the Board of Directors to adopt a new resolution making required findings every 30 days.

FISCAL IMPACT

None.

CEQA

N/A

RECOMMENDATION

Adopt Resolution of the Board of Directors of the Alameda Affordable Housing Corporation Ratifying the Proclamation of a State of Emergency by the Governor of the State of California on March 4, 2021, and Making Findings Authorizing Continued Remote Teleconference Meetings of the Board of Directors Pursuant to Brown Act Provisions, as amended by Assembly Bill No. 361.

ATTACHMENTS

1. DRAFT RESOLUTION No. 1024 - AB 361 Resolution (01.19.22)
2. AB 361.pdf 2021

Respectfully submitted,



Vanessa Cooper, Executive Director

HOUSING AUTHORITY OF THE CITY OF ALAMEDA
Resolution No. 1024

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR OF THE STATE OF CALIFORNIA ON MARCH 4, 2021, AND MAKING FINDINGS AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF COMMISSIONERS PURSUANT TO BROWN ACT PROVISIONS, AS AMENDED BY ASSEMBLY BILL NO. 361

WHEREAS, the Housing Authority of the City of Alameda ("Housing Authority") is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of the Housing Authority's Board of Commissioners are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Housing Authority's Board of Commissioners conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist within the jurisdiction of the Housing Authority which includes the City of Alameda, specifically, on March 17, 2020 the Governor of the State of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, as a result of the COVID-19 pandemic the California Department of Health and the Health Officer of the County of Alameda continue to recommend measures to promote social distancing. Additionally, On March 17, 2020, in response to the COVID-19 pandemic, the City Council of the City of Alameda, declared a local emergency as set forth in Ordinance No. 3267; and

WHEREAS, the Board of Commissioners does hereby find that the COVID-19 pandemic has caused, and will continue to cause, imminent risk to the health and safety of attendees meeting in person for a Board of Commissioners' meeting, and the COVID-19 pandemic has caused conditions of peril to the safety of persons within the jurisdiction of the Housing Authority that are likely to be beyond the control of services, personnel, equipment, and facilities of the Housing Authority, and desires to ratify the proclamation of a local emergency by the City of Alameda, ratify the proclamation of a state of emergency by the Governor of the State of California and ratify the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing; and

WHEREAS, as a consequence of the local emergency and state of emergency the Board of Commissioners does hereby find that the Board of Commissioners of the Housing Authority shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board of Commissioners shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code section 54953; and

WHEREAS, when holding teleconferenced meetings under abbreviated teleconferencing procedures permitted under the Brown Act, the Housing Authority will ensure access for the public by complying with all requirements set forth in Government Code section 54953(e), including, but not limited to, giving notice of the meeting and posting agendas, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Reconsideration. The Board hereby reconsiders the circumstances of the state of emergency.

Section 3. Ratification of the City of Alameda's Proclamation of a Local Emergency. The Board hereby ratifies the City of Alameda's proclamation of a Local Emergency as set forth in Ordinance No. 3267 adopted on March 17, 2020.

Section 4. Ratification of the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing. The Board hereby finds that state and local officials continue to recommend measures to

promote social distancing. The Board further hereby ratifies the California Department of Health and the Health Officer of the County of Alameda's recommended measures to promote social distancing and finds that, as a result of the state of emergency, meeting in person would present imminent risk to the health or safety of attendees.

Section 5. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020, and hereby finds that the state of emergency continues to directly impact the ability of the Board of Commissioners and members of the public to meet safely in person.

Section 6. Remote Teleconference Meetings. The Housing Authority's Executive Director, and designee, and the Board of Commissioners are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continued teleconferencing and conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 7. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the adoption of this Resolution, or, (ii) such time as the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Commissioners of the Housing Authority may continue to teleconference without compliance with Government Code section 54953(b)(3).

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the City of Alameda this 19th day of January, 2022, by the following vote:

AYES: _____ NOES: _____ ABSETEENTIONS: _ ABSENT: __

ATTEST:

Vanessa M. Cooper
Secretary Board of Commissioners

Carly Grob, Chair
Board of Commissioners

Adopted: January 19, 2022

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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