



Housing Authority
of the
City of Alameda

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701 Atlantic Avenue • Alameda, California 94501-2161

AGENDA

DATE & TIME

REGULAR MEETING OF THE BOARD OF COMMISSIONERS

Wednesday, February 16, 2022 - 7:00 PM

Closed Session - 6:00 p.m.

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. BOARD 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 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.
 - 4.B. 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, and Sylvia Martinez, Director of Housing Development, Negotiating Parties: Alameda Hospitality, LLC; Under Negotiation: Price and Terms of Payment.
 - 4.C. 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.D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.
Property Location: 1825 Poggi Street Alameda, CA 94501
Assessor's Parcel Numbers: 74-451-1-8
Agency Negotiation: Vanessa Cooper, Executive Director and Sylvia Martinez, Director of Housing Development
Negotiating Parties: Housing Authority of the City of Alameda and Vue Alameda Owner L.P.
Property Owner: Vue Alameda Owner L.P.
Under Negotiation: Investment in Real Property, Price and Terms of Payment



- 4.E. Pursuant to Government Code Section 54956.9(a)
Conference with Legal counsel re existing litigation: Housing Authority of the City of Alameda v. Johnson, Alameda County Superior Court No. RG18933615
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 Meetings held January 12, 2022 and January 19, 2022. **Page 6**
 - 9.B. Accept the Monthly Overview Report for Executive Department. **Page 16**
 - 9.C. Accept the Monthly Overview Report for the Housing Programs Department. **Page 24**
 - 9.D. Accept the Monthly Overview Report for Emergency Housing Voucher (EHV). **Page 33**
 - 9.E. Accept the Monthly Overview Report for the Alameda Rent Program. **Page 36**
 - 9.F. Accept the Monthly Overview Report for Property Operations. **Page 47**
 - 9.G. Accept the Monthly Overview Report for Housing Development. **Page 52**
 - 9.H. Accept the Monthly Development Report for North Housing. **Page 55**
 - 9.I. Accept the Monthly Development Report for Rosefield Village. **Page 59**
 - 9.J. Accept the Monthly Overview Report on Procurement. **Page 71**
 - 9.K. Accept the Fiscal Year to Date Financial Report through the Month of December 2021. **Page 73**
 - 9.L. Authorize Executive Director to Execute Documents Pertaining to Rosefield Village's Unsecured Loan Promissory Note. **Page 91**
 - 9.M. Approve Chapter 8 Property Acquisitions (70-153-31, 73-420-32) and Authorize the Executive Director, or her Designee, to Negotiate and Execute Purchase Documents. **Page 98**
 - 9.N. Authorize the Executive Director, or her designee, to accept the due diligence on the purchase at 2615 Eagle Street and execute any necessary documents to purchase the property not to exceed the terms previously approved by the Board on June 2, 2021. **Page 103**
 - 9.O. Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Financial Report through the Month of December 2021. **Page 105**
10. AGENDA



- 10.A. Alameda Family Services Presentation. **Page 130**
- 10.B. Presentation regarding 1826 Poggi Street, Summer House. **Page 132**
- 10.C. Adopt the Resolution to Amend the Housing Authority's Revised Employee Policies and Procedures Handbook, Last Revised 2.16.2022, Effective 2.17.2022. **Page 157**
- 10.D. Adopt the Revised Schedule of Authorized Positions and Pay Schedule for Fiscal Year 2021-2022. **Page 254**
- 10.E. Approve the Housing Authority of the City of Alameda to Submit the Moving to Work (MTW) Annual Contribution Contract (ACC) Amendment to the Public Housing and Housing Choice Voucher ACCs and Authorize the Executive Director to Execute Any Documents Required by the U.S. Department of Housing and Urban Development (HUD) to Execute the MTW ACC Amendment to the PHA Annual Plan. **Page 259**
- 10.F. 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. **Page 270**
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
SPECIAL MEETING OF THE BOARD OF COMMISSIONERS
WEDNESDAY, JANUARY 12, 2022**

PLEDGE OF ALLEGIANCE

1. ROLL CALL

Present: Chair Grob, Vice-Chair Tamaoki, Commissioner Mun,
Commissioner Rickard, and Commissioner Sidelnikov

Absent: Commissioner Hadid and Commissioner Kay

2. COMMISSIONER RECUSALS

None.

3. Public Comment (Non-Agenda)

None.

4. Closed Session - 6:00 p.m. - Adjournment to Closed Session to Consider:

Chair Grob called the meeting to order at 6:00 p.m. and announced that the Board would adjourn to Closed Session.

- 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

Chair Grob adjourned Closed Session at 6:46 p.m.

Chair Grob announced that the Board discussed item 4.A.

5. AGENDA

5.A. Ratify Document to Extend Due Diligence Period at 2615 Eagle Avenue.

Sylvia Martinez, Director of Housing Development provided a brief summary of the negotiations surrounding AHA’s request to the Alameda Unified School District (AUSD) for a sixty day no cost extension to the due diligence period for 2615 Eagle Avenue. In order to perform the recommended additional testing, Ms. Martinez stated that staff’s amended recommendation is for the Board to Direct the Executive Director, or her designee, to Negotiate and sign an Amendment to the Purchase and Sale Agreement to extend the due diligence period for 2615 Eagle Avenue at the terms set form by AUSD; which is a sixty day extension at \$40k.

Commissioner Rickard moved to Direct the Executive Director, or her designee, to Negotiate and sign an Amendment to the Purchase and Sale Agreement to extend the due diligence period for 2615 Eagle Avenue for sixty days at \$40k, 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 5 Chair Grob, Vice-Chair Tamaoki, Commissioner Mun, Commissioner Rickard, and Commissioner Sidelnikov

5.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.

Chair Grob 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 Sidelnikov seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes 5 Chair Grob, Vice-Chair Tamaoki, Commissioner Mun,



Commissioner Rickard, and Commissioner Sidelnikov

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

None.

7. EXECUTIVE DIRECTOR'S COMMUNICATIONS

Vanessa Cooper, Executive Director announced that the waitlist for Rosefield Village will open on Tuesday, January 18, 2022.

8. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)

Commissioner Rickard wished the Board and Staff a Happy New Year.

9. ADJOURNMENT

Chair Grob adjourned the meeting at 6:51 p.m.

Vanessa M. Cooper
Secretary and Executive Director

Carly Grob, Chair
Board of Commissioners



**DRAFT MINUTES
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
WEDNESDAY, JANUARY 19, 2022**

PLEDGE OF ALLEGIANCE

1. ROLL CALL

Present: Chair Grob, Vice-Chair Tamaoki,
Commissioner Kay, Commissioner Mun,
and Commissioner Sidelnikov

Late Arrival: Commissioner Rickard joined the meeting, Closed Session,
at 6:45 p.m.

Absent: Commissioner Hadid

2. COMMISSIONER RECUSALS

Commissioner Mun announced she would recuse herself from items 9.B., 9.C.,
9.L, and 9.O. Ms. Mun left the meeting for these items.

3. Public Comment (Non-Agenda)

None.

4. Closed Session - 6:00 p.m. - Adjournment to Closed Session to Consider:

Chair Grob called the meeting to order at 6:00 p.m. and announced that the
Board would adjourn to Closed Session.

- 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

Chair Grob adjourned Closed Session at 7:00 p.m.

6. RECONVENE REGULAR MEETING - 7:00 p.m.

Chair Grob reconvened the Regular Meeting at 7:00 p.m.

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

Chair Grob announced that Commissioner Rickard joined Closed Session at 6:45 p.m. and that the Board discussed items 4.A. & 4.B.

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 December 15, 2021.
*9.B. Accept the Monthly Overview Report for Executive Department.
*9.C. Accept the Monthly Overview Report for the Housing Programs Department.
*9.D. Accept the Monthly Overview Report for the Alameda Rent Program.



- *9.E. Accept the Monthly Overview Report for Property Operations.
- *9.F. Accept the Monthly Overview Report for Housing Development.
- *9.G. Accept the Monthly Development Report for Rosefield Village.
- *9.H. Accept the Monthly Overview Report on Procurement.
- *9.I. Accept the Fiscal Year to Date Financial Report through the Month of November 2021.
- *9.J. Accept the Quarterly Investment Report for Period Ending December 31, 2021.
- *9.K. Accept the Annual Review of the Investment Policy.
- *9.L. Accept the Monthly Overview Report for Emergency Housing Voucher (EHV).
- *9.M. Accept a report on Pension Liabilities.
- *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
- *9.O. Accept the Monthly Development Report for North Housing.

Items accepted or adopted are indicated by an asterisk.

Due to their absences at the December 15, 2021 Board of Commissioners Meeting, Commissioner Kay, and Commissioner Sidelnikov abstained from voting on item 9.A.

In regard to item 9.M, Vice-Chair Tamaoki expressed gratitude for, and recognized, the work and strategizing that it took to get to the point where AHA is able to fully fund the pension liabilities.

Due to the abstentions of Commissioner Kay and Commissioner Sidelnikov, and the recusal of Commissioner Mun, Chair Grob called items 9.D thru 9.K, and 9.M and 9.N first.

Commissioner Sidelnikov moved to accept Consent Calendar items 9.D thru 9.K, and 9.M and 9.N, 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	6	Chair Grob, Vice-Chair Tamaoki, Commissioner Kay, Commissioner Mun, Commissioner Rickard, and Commissioner Sidelnikov
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Chair Grob called item 9.A



Yes 4 Chair Grob, Vice-Chair Tamaoki, Commissioner Mun,
And Commissioner Rickard

Abstention 2 Commissioner Kay and Commissioner Sidelnikov

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

In response to Vice-Chair Tamaoki, Sylvia Martinez, Director of Housing Development confirmed that 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. The Board and Vanessa Cooper, Executive Director expressed gratitude for the teamwork performed by, and nimbleness of, Ms. Martinez and the Housing Development staff on the highly competitive application for this award.

Chair Grob called items 9.B., 9.C., 9.L, and 9.O.

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

Yes 5 Chair Grob, Vice-Chair Tamaoki, Commissioner Kay,
Commissioner Rickard, and Commissioner Sidelnikov

Recusal 1 Commissioner Mun

10. AGENDA

10.A. Alameda Boys and Girls Club Presentation.

Ms. Cooper introduced Marc Morales, Director of Operations – Alameda Boys and Girls Club, and Joshua Altieri, Community Relations Manager and expressed gratitude for Mr. Morales’s partnership and work performed on facilitating the video to be presented, the work needed when the Alameda Boys and Girls Club served as a Section 8 Waitlist Application Center in September 2021, and his recent work to publicize the recent opening of the Rosefield Village application acceptance period.

Marc Morales, Director of Operations provided an overview of the services provided to AHA clients, by the Alameda Boys & Girls Club prior to and since the beginning of the COVID pandemic.



In response to Chair Grob, Mr. Morales stated that the idea of an e-sports room was first presented to the Alameda Boys & Girls Club three years ago, by a group of Seniors from Encinal High School. At that time, due to the limited availability of space, it did not seem feasible to create such a room. However, an Alameda Boys & Girls Club Board Member performed a significant amount of research, and designed 2 4-station consoles for two teams to host and included a vacant wall for the hosting of all on the standard games.

AHA Staff and the Board expressed gratitude for the multitude of diverse services provided to AHA clients and the community of Alameda.

- 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.

Ms. Martinez provided a presentation that summarized the updated report on the 2800 Fifth Street BMR Purchase of eighteen units, noting the additional closing costs incurred by the purchase of individual solar systems for each unit, as lease options for all the units was not available, and the paying of the annual HOA fees and property tax deposits.

Commissioner Rickard moved to 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, and Commissioner Sidelnikov seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes	6	Chair Grob, Vice-Chair Tamaoki, Commissioner Kay, Commissioner Mun, Commissioner Rickard, and Commissioner Sidelnikov
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- 10.C. Adopt the Resolution of the 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.

Chair Sidelnikov 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 Kay seconded the motion. This meeting took place via Zoom, so a roll call vote was taken, and the motion passed unanimously.

Yes 6 Chair Grob, Vice-Chair Tamaoki, Commissioner Kay, Commissioner Mun, Commissioner Rickard, and Commissioner Sidelnikov

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

None.

12. EXECUTIVE DIRECTOR'S COMMUNICATIONS

Ms. Cooper expressed gratitude for the work performed by Officer Larsen, Alameda Police Department (APD) and wished him well in his future endeavors. Officer Larsen expressed his gratitude for the partnership and work of AHA staff and announced that Officers Colt Ching and Shannon Yunck will fill his role as AHA's APD liaisons.

13. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)

Vice-Chair Tamaoki expressed gratitude for the partnership and work of the APD Officers. Noting that a number of positive reports are included in the meeting packet, Vice-Chair Tamaoki expressed gratitude for the work performed by AHA staff.

Chair Grob also expressed gratitude for the work of the APD Officers and AHA staff.

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

Not applicable.

15. Announcement of Action Taken in Closed Session, if any.
Not applicable.



16. ADJOURNMENT

Chair Grob adjourned the meeting at approximately 7:45 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: February 16, 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
	Reposted as Senior Management Analyst	1 FTE	interviews in process	
	Administrative Manager	1 FTE	Position posted, utilizing recruiter	
	Management Analyst (HR)	1 FTE	Interviews in process	
	Principal Management Analyst	1 FTE	interviews in process	



Finance		0 FTE		Department is fully staffed
Housing Programs	Assistant Director Housing Programs	1 FTE	Position posted, utilizing a recruiter	
Property Operations	Assistant Resident Manager: IP	1 FTE	Position posted	
	Maintenance Specialist	1 FTE	Will not fill	Vacant; will not fill
	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

Recruiting continues to be challenging, though there has been some uptick in applications after the holiday period. AHA is piloting a more candidate-friendly, streamlined application and interview process for recruitments handled internally to determine if this approach aids in attracting qualified candidates in this competitive market. External recruiters have been engaged to assist with positions that require specialized skills or that could benefit from broader outreach, particularly to passive candidates not generally reached with standard recruitment practices. Once candidates are selected and brought on board, retention strategies will be key to maintaining a more stable staffing profile over time.

A survey of compensation, including salaries and benefits, for all Agency positions is underway.

Data is expected to be available in the upcoming month, and recommendations will be brought to the Board shortly thereafter.

It has been announced that lawmakers expect to reactivate California's COVID-19 supplemental paid sick leave through September 30, 2022. Details are still being worked out, but initial reports are that the leave would be available retroactive back to January 1, 2022, and employees would be eligible for leave when having to take time off to care for themselves or a family member with COVID. Management is monitoring this, and will take the necessary steps to implement the new law when it is passed.

Reasonable Accommodations

The table below provides a summary of monthly and year-to-date statistics on Reasonable Accommodation (RA) processing as of February 1, 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	0	20	167	167
November	20	0	20	187	187
December	16	0	16	203	203
TOTAL	203		203		

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	44	25	31

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	30
Live-In-Aides	30
Parking	13
Unit Modifications/Requests	61
Voucher Extension	15
Other	54

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 December were distributed across most categories, with an emphasis on Cyber Security. The recently implemented "Phish Button" feature in Microsoft Outlook continues to

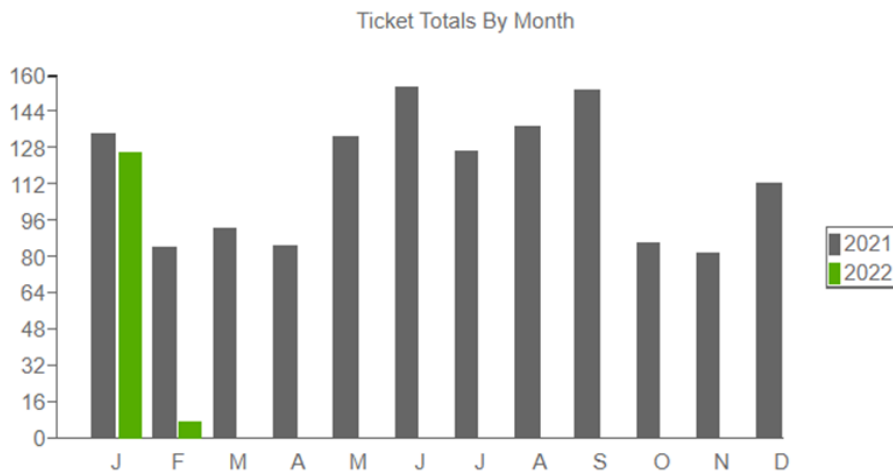
create additional tickets. Overall, ticket counts continue to trend lower, becoming more comparable to December of 2020.

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 December was about 0.17 hours.

TECHORDIA SERVICE TICKET REQUESTS - December 2021

TYPE OF SERVICE REQUEST	NUMBER OF TICKETS
Access Rights	16
Hardware	18
Software	13
On-Boarding/Off-Boarding	10
On-Site Visits	1
Cyber Security	32
TOTAL	90

As of February 2, 2022, there were 133 tickets in 2022, and, at that time, there were 45 open tickets. Below is a chart of tickets between 2021 and 2022. 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.

Moving to Work (MTW) Designation

The Housing Authority of the City of Alameda has been accepted into HUD's Moving to Work Demonstration Program. (See separate memo for details and to authorize the selection.)

Community Relations

In the month of January, staff worked with Alameda Recreation and Parks Department (ARPD) to start the mobile recreational program at Esperanza housing community. ARPD will deliver fun and recreational activities which promote physical fitness, and will visit Esperanza twice per month (second and fourth Wednesday) through May 2022. The next recreational program to start will be LeapArts, which will conduct free art sessions for all AHA residents and will be hosted at Independence Plaza and will be offered the second Wednesday of every month in 2022 beginning in February.

The website re-design process is underway with staff currently working with the web development agency (Planeteria) to complete the homepage design and FAQ/Search functionality. 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	Total Followers	Unique Visitors	Impressions Delivered (Total digital views by unique visitors)
LinkedIn	318	95	7,105

Year to Date	Total Followers	Impressions Delivered (Number of people that saw any content from AHA Facebook page)
Facebook (AHA account created February 2021)	621	63,402

Year to Date	Emails Sent out by AHA (to AHA landlords, program participants, tenants, vendors. Plus other contacts in AHA email database/contact lists)	Email Open Rate	Click Rate
Email	9,859	41%	10%

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	13,258	11,990	33,253	2 minutes and 23 seconds	52%

AHA's Ombudsman Program received thirteen total contacts in the month of January, with nine of those contacts coming from the general public seeking information related to non-AHA affiliated items. Three contacts came from the AHA tenants seeking resolution to neighbor disputes and potential lease violations. One contact came from the general public seeking more information about access to affordable housing.

	January	YTD
Total Ombudsman Contacts	13	13
Contacts from the general public (Non AHA Landlord/tenant matter)	9	9
Contacts from the general public (Seeking Housing)	1	1
Contacts related to AHA tenant (Potential Lease violation)	2	2
Contacts related to AHA	1	1

tenant (Neighbor Dispute)		
Contacts related to AHA tenant (Reasonable Accommodation)	0	0
Contacts related to AHA tenant (Property Condition)	0	0
Contacts related to AHA tenant (Rental Payment)	0	0
Contacts related to AHA tenants (and AHA private landlord)	0	0

Customer Survey Update

The annual survey has been delayed as we reviewed potential vendors, process changes, and modifications to the surveys themselves. We 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. We have added an additional question to the Landlord survey regarding usage of the Rent Cafe landlord portal. The surveys will be distributed in the first week of 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.

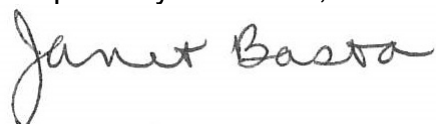
RECOMMENDATION

Accept the Monthly Overview Report for the Executive Department.

ATTACHMENTS

None

Respectfully submitted,



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: February 16, 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 December 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 ended the year with a utilization rate of 92.5 % of funding for calendar year 2021. This could impact the ability to retain a High Performer rating in 2022, as Housing and Urban Development (HUD) has ended the waiver for SEMAP scores for 2022, which means staff will need to either spend 98% of the AHA budget authority, or increase AHA's UML at or above 98%. AHA staff plan to begin selecting applicants from the new Housing Choice Voucher (HCV) waitlist in early March, 2022, in order to meet that goal.

AHA Awarded Moving To Work (MTW) Status

On January 27th, 2022, the Housing Authority of the City of Alameda (AHA) was selected by the Department of Housing and Urban Development (HUD) for admission to the Landlord Incentives Cohort of the Moving to Work (MTW) Demonstration Program. (Please see Board memo)



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 reviewed the PIH notice and did not recommend any of the remaining waivers to the Executive Director for approval at this time. Staff will review the waivers closely prior to the deadline and if AHA is eligible to apply for waivers a recommendation will be submitted for approval. In the month of February, AHA did not implement any new waivers.

Staffing

Available staffing in the department continues to be constrained for several months now due to multiple long-term leaves, vacation and sick absences and position vacancies. AHA completed an amendment to the contract with Quadel in order 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 black ink, appearing to read "Lynette Jordan". The signature is written in a cursive, flowing style.

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 January 2022

Item	January	February	March	April	May	June	July	August	September	October	November	December	YTD
HAP spent for month	\$2,876,536												\$ 2,876,536
Vouchers under lease at start of month	1513												n/a
Vouchers issued during the month	0												0
New units leased in private market	4												4
New units leased in affordable market	0												0
Seeking vouchers	36												36
Port outs leased	0												0
Port ins leased	0												0
Annuals completed	98												98
Interims completed	41												41
Rent Increases completed	15												15
Inspections conducted	141												141
Inspections passed first time	55												55
Hearings requested	4												4
Hearings held	0											0	0
End of Participation *	0											0	0

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

To: Honorable Chair and Members of the Board of Commissioners

From: Shekhar Dubbani, Management Analyst

Date: February 16, 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 have issued a total of 50 vouchers.
- AHA has received all referrals under the allocation set-aside for Domestic Violence (DV), which is six total vouchers.
- AHA has received three referrals out of five vouchers set-aside for the Transition Aged Youth (TAY) category. Two voucher issuances are pending due to gathering required



documentation.

Category	Total	Notes
Vouchers Issued after Briefing	50	(General Category)
Completed Applications Pending with the County	0	
Voucher Issuance Pending (Briefing Not Completed)	2	(Pending Voucher Issuance)
DV (Total Allocated = 6)	6	(Vouchers Issued)
TAY (Total Allocated = 5)	1	
Total	52	

Below is a summary of the voucher issuance of EHV:

Vouchers Awarded to AHA	57
Vouchers Issued	50
Vouchers Pending	7*

*Out of the 7 vouchers pending, two 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	12
Port-outs Requested	19
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 circular stamp or mark.

Shekhar Dubbani, Management Analyst



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: February 16, 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 also mailed 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. Staff are currently fielding calls from these landlords and their tenants, in order to assist them with resolving their pending non-compliance issues. As a result of these outreach and enforcement efforts, the Rent Program has finally achieved a registration compliance rate of 91%.

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 February 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. In February 2022, Rent Program staff will also initiate a targeted outreach campaign to contact the landlords of the twenty non-compliant properties with the most unregistered units. Staff will attempt to directly engage with these unresponsive landlords, in a proactive effort to bring their properties into compliance.

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 staff extended the lease through June 2022, while the Rent Program and the City continue to discuss a prospective new location at City Hall West.

On February 2, 2022, AHA Executive Director Vanessa Cooper and Alameda Rent Program Director Gregory Kats met with Alameda City Attorney Yibin Shen and Mayor Ezy Ashcraft to discuss the future of the Rent Program. The Mayor and City Attorney informed AHA that the Alameda City Council would hear a referral, at their upcoming February 15, 2022 meeting, to transition the Rent Program into the City Attorney's Office. If this referral is approved by the City Council, the City would then issue AHA six months' notice, in writing, of their intention to move the Rent Program into the City

Attorney's Office.

Rent Program staff were informed of the upcoming referral on the morning of February 3, 2022. Both the Mayor and the City Attorney were eager to stress the great job that AHA has done in managing the Rent Program since its inception. The Mayor was also very complimentary about AHA's other recent successes, including Rosefield and achieving MTW status.

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.

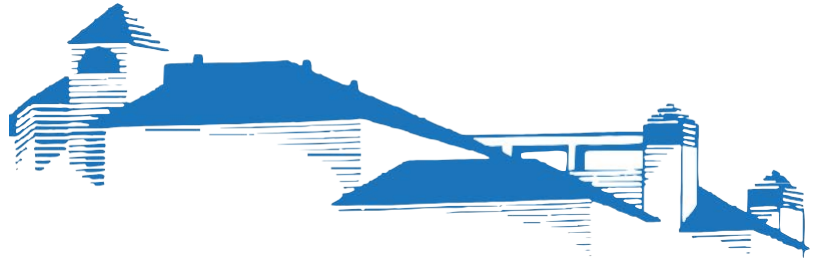
ATTACHMENTS

1. 2022.01- MONTHLY REPORT

Respectfully submitted,



Gregory Kats, Director of Rent Stabilization Programs



ALAMEDA RENT PROGRAM

JANUARY 2022 REPORT

FY 2021 -2022

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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	470	853	5	1,951	2,697
FEB 2022					
MAR 2022					
APR 2022					
MAY 2022					
JUN 2022					
TOTAL	2,892	5,033	28	12,966	17,943

Activities

Promoted upcoming Informational Workshop in Mandarin on February 17, 2022, including notice in a local Chinese-language newspaper.	Program staff continues to process Rent Registry submissions, including late registration, fee exemption requests, and reports of new ownership.	Housing Authority offices are now open to the public from 8:30 a.m. to 5 p.m. Monday through Thursday; contact the Rent Program to schedule an appointment with staff.
Mailed a total of 2,880 letters to landlords and tenants, including notices of a unit's Maximum Allowable Rent and advising landlords to address invalid rent increases, unpaid fees, and/or incomplete registration.		

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	1	3	0	6	12	22
FEB 2022						
MAR 2022						
APR 2022						
MAY 2022						
JUN 2022						
TOTAL	3	3	0	13	29	48

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	1	0	0	1	0	2
DEC 2021	0	0	0	1	0	1
JAN 2022	0	0	0	0	7	7
FEB 2022						
MAR 2022						
APR 2022						
MAY 2022						
JUN 2022						
TOTAL	1	1	1	3	10	16

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	1	2	1	0	7	11
JAN 2022	0	1	0	0	3	11	15
FEB 2022							
MAR 2022							
APR 2022							
MAY 2022							
JUN 2022							
TOTAL	3	2	2	4	3	18	32

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		PENDING	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	0	3
AUG 2021	0	1	0	2	2	0	5
SEP 2021	0	1	0	0	0	0	1
OCT 2021	0	2	0	1	0	0	3
NOV 2021	0	2	0	0	0	0	2
DEC 2021	0	2	0	1	0	0	3
JAN 2022	0	1	0	2	0	1	4
FEB 2022							
MAR 2022							
APR 2022							
MAY 2022							
JUN 2022							
TOTAL	0	10	0	8	2	1	21

*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
\$9,703.00	0	0	1

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	2	0	0	2
FEB 2022				
MAR 2022				
APR 2022				
MAY 2022				
JUN 2022				
TOTAL	9	1	0	10

BUYOUT AGREEMENT SUMMARY FOR ACTIVE CASES			
AVERAGE AMOUNT	TIME IN THE UNIT		
	0 to 5 years	5+ to 10 years	10+ years
\$17,887.00	2	0	0

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	0	4	2	2	8
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 January 2022.

Rent Registry

Open registration using the online Rent Registry has concluded. To date, 87% 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	25	159	17	18	7	226
FEB 2022						
MAR 2022						
APR 2022						
MAY 2022						
JUN 2022						
TOTAL	302	243	175	145	138	1,003

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.

No appeals were submitted in January 2022.

To: Honorable Chair and Members of the Board of Commissioners

From: Stephanie Shipe, Director of Portfolio Management

Date: February 16, 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 January 2022.

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 January 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 January. Progress is taking place in filling the vacancies. Of the sixteen (16) vacant units, nine (9) have move-ins scheduled, thirteen (13) 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 Eagle Village is 102.6% and is higher due to collecting on past due rents from residents and Emergency Rental Assistance Program (ERAP). Anne B. Diament is 95.7%, which is mainly due to pending subsidy payments for new move-ins, Little John Commons is 97.2%, Parrot Village & Gardens is 96.9% and Scattered Sites is 97.6%, the majority of these delinquencies are due to residents' income affected by COVID-19.

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 many rent increases for our subsidized units. Staff are doing rent increase at Independence Plaza in February 2022 for all subsidized and non-subsidized units.

SOCIAL SERVICES

In January 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 130 households on a bi-weekly basis. Staff from different departments participate in this activity.

MAINTENANCE

Staff put routine work orders on hold in January due to the changing COVID-19 environment and only completed urgent and emergency work orders. Maintenance staff then focused on turning vacant units and work on exterior preventative maintenance items. Routine work orders have now restarted. Protocols have been established to mitigate face-to-face interactions with tenants and staff when work takes place in the units. Given that most residents 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 January 2022.

UNIT CONVERTING TO OFFICE

Staff expect to convert a vacant home at Parrot Gardens into an office for Parrot Village and Parrot Gardens. This office will be staffed by property management 4 days a week and LifeSTEPS will be able to have an office here as well to better serve the tenants at these properties. This is an excellent opportunity for to provide a higher level of customer service to the residents, property and the neighborhood. Staff anticipate executing this change by March.

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

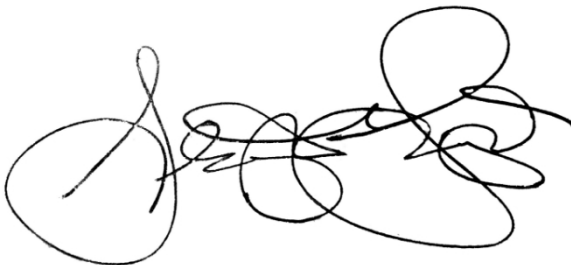
RECOMMENDATION

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', with a large, stylized initial 'S'.

Stephanie Shipe, Director of Portfolio Management

ATTACHMENT 1

Month of January 2022

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	\$ 113,591	\$ 23,292	\$ 85,421	\$ 108,713	95.7%	\$ 4,011
* Independence Plaza	AAHC	AHA	186	Senior	1	\$ 208,289	\$ 126,740	\$ 80,674	\$ 207,414	99.6%	\$ 15,092
China Clipper	AHHC	JSCO	26	Family	1	\$ 48,700	\$ 16,506	\$ 32,595	\$ 49,101	100.8%	\$ (4,362)
Eagle Village	AAHC	JSCO	36	Family	1	\$ 89,386	\$ 19,714	\$ 71,968	\$ 91,682	102.6%	\$ 11,950
Esperanza	AAHC	JSCO	120	Family	1	\$ 345,178	\$ 81,697	\$ 260,741	\$ 342,438	99.2%	\$ 27,153
Everett Commons	ICD	JSCO	20	Family	1	\$ 47,337	\$ 10,350	\$ 36,674	\$ 47,024	99.3%	\$ 5,037
Littlejohn Commons	ICD	JSCO	31	Senior	1	\$ 52,741	\$ 10,694	\$ 40,589	\$ 51,283	97.2%	\$ 8,130
Parrot Village & Gardens	AAHC/AHA	JSCO	58	Family	1	\$ 165,366	\$ 30,929	\$ 129,302	\$ 160,231	96.9%	\$ 144,183
Scattered Sites	AHA/AAHC	JSCO	34	Family	0	\$ 73,253	\$ 14,356	\$ 57,143	\$ 71,499	97.6%	\$ (581)
TOTAL			576		8	\$ 1,143,841	\$ 334,278	\$ 795,107	\$ 1,129,385	98.7%	\$ 210,613

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	1	35	1
* Independence Plaza	AAHC	3	1.6%	0	1.6%	3	3	158	3
China Clipper	AHHC	1	4.0%	0	4.0%	0	0	29	
Eagle Village	AAHC	2	5.7%	0	5.7%	2	0	50	1
Esperanza	AAHC	4	3.4%	0	3.4%	3	1	31	
Everett Commons	ICD	0	0.0%	0	0.0%	0	0	0	
Littlejohn Commons	ICD	2	6.7%	0	6.7%	0	1	12	
Parrot Village & Gardens	AAHC/AHA	3	5.3%	0	5.3%	1	0	44	2
Scattered Sites	AHA/AAHC	0	0.0%	0	0.0%	0	0	0	
TOTAL		16	2.8%	0	2.8%	9	6	359	7

**ATTACHMENT 2
Capital Projects Update
FY 2021-2022 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 2/8/22
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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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: February 16, 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 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 working on feasibility for developments discussed in the Closed Session of January 20, 2021 and January 19, 2022.

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 March 14, 2022 and escrow closes in late March. The Board was updated on this item in Closed Session.



2. Pulte purchases – The next three purchases are anticipated in February 2022. Seven more purchases will occur some time before the end of 2022. A total of 18 homes will be purchased and rented at affordable levels to families in Alameda.
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 are available. Staff provided an update on this acquisition in November 2021.
4. 1826 Poggi Street – This item will be discussed in Closed Session and an informational report by the sponsor will be made in Regular Session.

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. Staff has also been meeting with City of Alameda departments to align potential housing development with the upcoming Housing Element cycle and other issues. As part of these collaborations, the Housing Authority and City of Alameda recently mutually terminated the license agreement for bicycle and pedestrian access at St. Charles Street, as the document had become obsolete because of a number of factors.

New Funding Opportunities

The North Housing development is actively applying for funding, as discussed in its Board report.

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.

1. Independence Plaza - Staff is consulting with a structural engineer to ensure the original design, as drawn, is sufficient for a like for like replacement. If “like for like” type of replacement is acceptable, the RFP’s are expected to be issued by the end of February. There is a meeting scheduled with the residents of IP to discuss the repairs and answer any questions and address any concerns regarding this scope of work and how it will affect the residents.
2. A Request for Proposals to perform Physical Needs Assessments (PNAs) for the property portfolio has been drafted and is expected to be issued by the end of February.
3. The 701 Atlantic garage/office remodel scheduling is contingent upon the purchase of the property at 2615 Eagle Ave. and completing any repairs and/or upgrades of that property prior to moving the maintenance staff out of 701 Atlantic Ave. and into 2615 Eagle Ave.

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



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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: February 16, 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

Staff, together with the Review Panel, have reviewed and ranked all the responses to the General Contractor RFQ. Staff also interviewed the top five ranking firms and are awaiting responses from the general contractors on additional follow-up questions and clarifications. 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.

Funding

On January 19, 2022, staff submitted a No Place Like Home Program (NPLH) funding application to HCD for North Housing PSH I, the first phase of the 90 PSH unit



development. The requested \$6.1 million NPLH funds will be used to assist fourteen (14) NPLH units. HCD's current timeline for award announcements for NPLH funding is expected to be June 30, 2022.

The City of Alameda published a Notice of Funding Availability (NOFA) and Request for Proposals (RFP) for the Community Development Block Grant, HOME Investment Partnerships Program, and Affordable Housing Fund on January 19, 2022. Per the NOFA, staff met with the city's Community Development Program Manager to discuss the proposed project(s) at North Housing and expressed our intent to respond to the NOFA. The City's current timeline for City Council to adopt the funding recommendations is expected to be May 3, 2022.

As discussed previously, AHA conditionally awarded twenty (20) and forty (40) Section 8 Project-Based Vouchers (PBV) for North Housing PSH I and North Housing PSH II, respectively. The initial Housing Assistance Payment (HAP) Contract for the total of sixty (60) PBVs over twenty (20) years is expected to be approximately \$15,000,000.

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. Per communication with Planning Department staff, approval of the latest design review submittal package is expected in the next 30 days. Staff is working with the design team on the design development drawings, currently at 35 percent complete.

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 \$1,131,070. Please refer to the attached chart summarizing expenses through January 31, 2022 (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 January 31, 2022

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 January 31, 2022.

<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)	\$485,274
Carrying Costs (see details below)	\$471,399
Grand Total	\$5,106,930

<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



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To: Honorable Chair and Members of the Board of Commissioners

From: Allyson Ujimori, Senior Project Manager

Date: February 16, 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 January 31, 2022, is approximately 74%. This month's construction activities included the continuation of the solar install, tape and texturing of interior walls, interior painting, cabinet install, elevator install, completion of some of the rehab units, starting of demo at the remaining rehab units, and starting site work. The exteriors of the new construction building are completed, and the building is completely sealed in from the weather. Currently, the project is on-track to complete on time.

There are no change orders this month. 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.

Given the project cost savings, the project will get a few upgrades. These upgrades include installation of solar photovoltaic system to offset common area electricity in the building, roofing upgrades, and landscaping upgrades on the east side of the property to evoke the design of the main courtyard. These upgrades will contribute to more sustainable building operations and activating common area open spaces for residents to enjoy.

Contingency Utilization

	Original Budget	Previous Revisions	Current Revisions	Revised Budget
Construction Contract	\$38,218,849	\$9700,715	-\$11,117	\$39,269,564
Hard Cost Contingency	\$4,586,262	-\$970,715	\$11,117	\$3,615,546
Soft Cost Contingency	\$300,000	-\$195,046	-\$5,742	\$99,214

Construction Contract Utilization

Contract Total	Value of Work Completed to Date	Retention Withheld	Amounts Paid to Date	Balance to Finish
\$38,916,179	\$29,123,032	\$2,511,631	\$26,611,401	\$12,658,163

Occupied Units

Staff continues to work with AHA Portfolio Management Department and the John Stewart Company on relocation needs for the two remaining households that occupied units planned for rehabilitation. In January 2022, one household was permanently moved, and the other was temporarily moved to a completed unit within the project site. Below is an update on the relocation status through January 31, 2022:

Total Units	Vacant Units	Moves Completed	Current Occupied	Remaining Units to Permanent Relocate	Remaining Units to Temporarily relocate
53	50	31	2*	0	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 later this year. The pre-application opened on the Alameda County Housing Portal between January 17, 2022, at 8 am, through February 7, 2022, 5 pm (<https://housing.acgov.org/listings>). As of January 31, 2022, the Portal has received over 5,800 applications. On February 18, 2022, the John Stewart Company will hold a random lottery to establish the project’s waitlist and start contacting randomly selected households to commence the application and interview process.

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	\$26,814,680	62%	\$16,550,431
Soft Costs	\$15,751,616	\$8,333,820	50%	\$8,347,990
Total	\$76,472,178	\$52,583,951	68%	\$24,898,421

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, which is anticipated to be received in February 2022. Staff believes the remainder of the loan can be repaid through the construction loan in the next couple months; however, if not, the repayment will occur at permanent loan conversion, from construction savings and tax credit equity.

Per Agenda Item 9.M. staff is requesting updates to documents pertaining to this loan, as requested by the investor. Please see the staff report for details.

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. 9-I Attach 1 - RV Photo Updates

Respectfully submitted,



Allyson Ujimori, Senior Project Manager



Rosefield Village Photo Updates
AHA Board of Commissioners Meeting
February 16, 2022
Photos by Alain McLaughlin
Taken on January 7 & 10, 2022















To: Honorable Chair and Members of the Board of Commissioners

From: Daniel Mills, Management Analyst

Date: February 16, 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 January.

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.

As a component of this focus on automation and standardization, AHA has introduced a procurement training curriculum. The two primary courses, "Basics 101" and "Standard", are planned for Q1. Other specialized classes are forthcoming, covering such topics as document management and purchase orders. We will keep the Board informed of how this program progresses.

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 are still conducting long-term internal testing for CivicClerk, the Board Management Software, to assist in generating and distributing the scheduled Board memos. After discussions with the vendor, staff has revamped the training materials to improve document formatting and consistency. Simultaneously, staff is reviewing other options for Board Management solutions and are reaching out to other public agencies. 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. The online survey was distributed with our recent newsletter and can be found here: www.surveyaha.com. We will notify the Board of the survey results and the next steps in the initiative.

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 closed, under review.
Interior Furnishings	For Rosefield Village.	ICD	RFP closed, contract signed.
Legal Services	LIHTC Properties.	AAHC	RFP closed, under review.
Payroll Services	For AHA personnel.	AHA	RFP to be issued in Q1 2022.

FISCAL IMPACT

Reference each individual procurement event.

CEQA

N/A

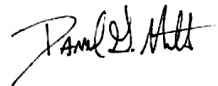
RECOMMENDATION

Accept the Monthly Overview Report on Procurement.

ATTACHMENTS

None

Respectfully submitted,



Daniel Mills, Management Analyst



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: February 16, 2022

Re: Accept the Fiscal Year to Date Financial Report through the Month of December 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 December 2021 (activity for the period from July through December 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 and the next financial report will present information for the period from July 2021 through March 2022 (fiscal year quarter 1, 2 & 3).

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	27,485,512	28,251,772	-766,261	-2.71
LESS: OPERATING EXPENSES	24,342,752	26,592,192	2,249,440	8.46
NOI	3,142,760	1,659,581	1,483,180	89.37

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 property transfers).

Performance Indicator	Cash	HAP	Months Covered
Cash and Investments/Total HAP	39,519,276	3,048,165	12.96
Cash and Investments/Operating Expense	39,519,276	4,362,624	9.06
Cash and Investments/HAP and Operating Expense	39,519,276	7,410,789	5.33
Percentage Debt to Assets	141,329,660	261,277,394	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. Finance staff is working with Asset Management on the planned transfer of the remaining scattered site properties from AHA to AAHC. Additionally, Finance staff will review financial statements for the acquisition of the Pulte BMR units.

Operations Budget – Revenue

Year-to-date - Rental income (Total Tenant Revenue) of \$7,075,052.32 is predominantly made up of Housing Assistance Payments (HAP) received for AHA units and tenant rents received. This is slightly higher than budget by \$63,335.74 (0.90%).

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 as well as the 1st calendar half of 2022. The tenant portion of rents received is higher than budget by \$134,759.53 (7.15%), with vacancies lower than budget by \$29,495.72 (15.29), offset by a lower HAP subsidy received of \$258,791.92 (5.66%). 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 \$57,064.91 (6.50%). 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. Budgeted amounts for the current fiscal year has reflected a low rate of return on these investments. This is offset by additional interest income from the Jack Capon loan in FY 2022. 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 \$78,540.48 or 8.29% lower than budget.

Expenses

Total operating expenses, including HAP, are substantially lower than the year-to-date by \$2,249,440.18 (8.46%). 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, offset by slightly higher maintenance costs in the properties due to deferred maintenance. 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 \$1,545,378.33 (8.57% 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 \$210,359 (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 December 2021. Currently, AHA is owed the balance from August through December 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 December 2021, AHA, AAHC and its affiliates have \$18.849 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 which was presented in the January 2022 Board of Commissioners meeting agenda.

I) Cash and Cash Equivalents Position	
Cash	18,849,934
LAIF (Local Area Investment Fund)	11,661,651
CAMP (California Asset Management Program)	9,007,306

Total Cash and Cash Equivalents	39,519,276
II) Restricted and Unrestricted Cash and Equivalents Breakout	
Restricted Property Funds (Security Deposit, Replacement Reserve, Escrow Deposits, etc.)	3,514,686
Restricted Federalized Funds (Section 8, Family Self Sufficiency, etc.)	1,424,766
Unrestricted Cash	34,579,824
Total Cash and Cash Equivalents	39,519,276

There were no fiscal year Board deemed restricted funds disbursed through the month of December 2021.

OTHER ISSUES IMPACTING FINANCE DEPARTMENT

COVID-19 Mission Critical Tasks:

The finance management team has been prioritizing the following mission critical tasks during the current health situation.

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 in the upcoming months, an additional contractor was 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. In February 2022, HUD rejected the submission with 4 comments. For reference, in prior years, rejected submissions received 20+ comments. AHA staff will formulate a response prior to the deadline of resubmission of mid-February 2022.

The work for the annual audited financial statements is currently underway with the audit firm Novogradac & Company LLP. AHA staff will present the audited financial statements to the Board of Commissioners in the March 2022 board meeting.

AAHC

Although AHA is exempt from filing a federal tax return, AAHC is required to file a tax return. Novogradac & Company LLP is engaged to complete this work. 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 at the April 2022 Board of Director's meeting.

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 prepared 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. This work will be completed

starting towards the end of 2022/beginning of 2023.

Unfunded Pension Liabilities

The actuarial results were presented in the January 2022 Board of Commissioners memorandum for the period ending June 30, 2021. The actuarial results for the period ending June 30, 2022 will be brought to the Board of Commissioners in the beginning of 2023. Although it is expected that the unfunded accrued pension liability will be fully paid within the next 15 years as projected by the soft fresh start mechanism, this is based on the assumption that the investment assets held at CalPERS as well as funding of the liabilities continue as projected. As previously presented to the Board of Commissioners, this will be reviewed on an annual basis within a 90%-110% guardrail and any substantial deviation will be reviewed and presented.

Budget

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

Banking Activities

No new accounts were closed and formed from the month of December through early February 2022.

Quarterly Financial Reporting

As part of the strategic plan, AHA staff is migrating to a quarterly versus monthly financial reporting. As such, the next financial report will present information for the period from July 2021 through March 2022 and the next financial report will present information for the period from July 2021 through March 2022 (fiscal year quarters 1, 2, & 3).

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 December 2021.

ATTACHMENTS

1. Attachment A - Balance Sheet - 12.2021
2. Attachment B - Budget Comparison - 12.2021
3. Attachment C - Budget Comparison Chart - 12.2021

Respectfully submitted,

Louie So

Louie So, Director of Finance

Balance Sheet

Period = Jul 2021-Dec 2021

Book = Accrual

	Balance
1000000 ASSETS	
1100000 CURRENT ASSETS	
1101000 CASH	
1110010 Cash - Unrestricted	13,077,433.00
1110018 Cash - Operating Checking with 3rd Party	1,906,616.73
1110019 Petty Cash with 3rd Party	800.00
1110020 Cash - Petty cash	500.00
1110021 Cash - Benefit Account	88,403.56
1110030 Cash - FSS	161,744.59
1110040 Cash - Replacement Reserve Bldg	406,000.00
1130010 Cash - Restricted Other	99,750.00
1130030 Cash - Restricted Sec Dep	203,788.41
1140000 Cash - Tenant Security Deposits	-22.28
1140050 Cash - Tenant Security Deposits with 3rd Party	264,667.66
1199000 TOTAL CASH	<u>16,209,681.67</u>
1200000 ACCOUNTS RECEIVABLE	
1240010 Accounts Receivable - Government	556,125.80
1240050 HAP Rent Receivable	12,074.81
1240070 Accounts Receivable- HUD	6,945.77
1250010 Accounts Receivable - Other	1,100,037.52
1250050 Accounts Receivable - 3rd Party Management	86,573.18
1255000 Subsidy Suspense Receivable	1,838.90
1260000 Accounts Receivable - Tenant	283,734.32
1260050 Accounts Receivable - Tenant Rent with 3rd Party	208,438.48
1261000 Allowance for Doubtful Accounts -Dwelling Rent	-122,417.92
1280000 Fraud Recovery	29,045.64
1281000 Allowance for Doubtful Accounts - Fraud	-28,837.04
1290000 Accrued Interest Receivable	-0.18
1299000 TOTAL ACCOUNTS RECEIVABLE	<u>2,133,559.28</u>
1300000 INVESTMENTS AND OTHER CURRENT NOTES	
1310000 Investments(LAIF)- Unrestricted	10,469,080.85
1320010 Investments - Other	202.00
1320020 Investments(LAIF) (Restricted) - FSS Escrow	89.27
1320030 Investments(LAIF)- Building Reserve	1,067,119.88
1320040 Investments(LAIF) - Equipment Reserve	123,751.15
1350000 Investments - Restricted	0.15
1350010 Investment(LAIF)-Restricted (Jack Capon Villa Trust)	1,408.10
1350031 Investments - CAMP	9,007,690.60
1350100 Mortgage Receivable	116,539,521.49
1350103 Mortgage Receivable-Jack Capon L. P.	77,396.24
1350105 Loan Receivable-Security Deposit Loan	92,569.00
1350106 Loan Receivable - ICD	18,573,482.00
1350107 Loan Receivable-RCD/Stargell/Tri Pointe	2,000,000.00
1350109 Loan Receivable - Section 8	<u>1,790,000.00</u>
1360000 TOTAL INVESTEMENTS AND OTHER CURRENT NOTES	<u>159,742,310.73</u>
1400000 PREPAID EXPENSES	
1420010 Prepaid Insurance - Property	0.00
1420020 Prepaid Insurance - Liability	88,708.53

Balance Sheet

Period = Jul 2021-Dec 2021

Book = Accrual

	Balance
1420040 Prepaid Insurance - Worker Comp	37,595.71
1420050 Prepaid - Other	9,181.40
1420051 Prepaid Rent	20,213.17
1420070 Escrow Deposits - Property	1,971,000.00
1420075 Escrow Dep. PNC Hedge Res.	0.00
1420095 Prepaid Expense - Management Company	24,048.56
1430010 Replacement Reserve-NorthMarq Loan	669,252.06
1430020 Reserve for Replacement NorthMarq	0.00
1440099 TOTAL PREPAID EXPENSES	<u>2,819,999.43</u>
1440105 INTERPROGRAM	
1440110 Interprogram (Due From)	<u>3,048,736.28</u>
1440899 TOTAL INTERPROGRAM	<u>3,048,736.28</u>
1500000 TOTAL CURRENT ASSETS	183,954,287.39
1590000 LONG TERM ASSETS	
1600000 FIXED ASSETS	
1609999 LAND AND BUILDINGS	
1610000 Land	58,219,778.63
1620030 Buildings	30,922,109.33
1620031 Buildings Improvements	<u>1,453,515.59</u>
1629000 TOTAL LAND AND BUILDINGS	90,595,403.55
1630040 Furniture and Equipment - Dwelling	347,786.73
1630041 Furniture and Equipment - Other	117,968.55
1650000 Leasehold Improvements	14,819,591.01
1660030 Accumulated Depreciation	-31,852,407.41
1660060 Accumulated Depreciation - 3rd Party	<u>-2,866.69</u>
1699000 TOTAL FIXED ASSETS	74,025,475.74
1700000 ALL OTHER ASSETS	
1740000 Other Asset	<u>177,510.02</u>
1770000 TOTAL ALL OTHER ASSETS	177,510.02
1800000 DEFERRED OUTFLOW	
1800200 Deferred Outflow of Resources	<u>2,381,066.01</u>
1890000 TOTAL DEFERRED OUTFLOW	2,381,066.01
1900000 CONSTRUCTION IN PROGRESS	
1900100 CIP - On Site Improvement	410,593.40
1900200 CIP - Admin Expenses(including postage & advertising)	1,092.02
1900210 CIP - Architectural & Engineering Fees	63,227.50
1900216 CIP - Survey Fees	33,304.85
1900230 CIP - Professional Services (Other)	17,208.00
1900280 CIP - Insurance Costs During Construction	16,608.31
1900290 CIP - Organization - Legal	6,009.50
1900335 CIP - Permanent Loan - Fees	186,000.00
1900410 CIP - Environmental Testing & Reports	3,950.00
1900420 CIP - Permit & Fees (plan'g,build'g,public work,school dist)	<u>1,061.33</u>
1919999 TOTAL CONSTRUCTION IN PROGRESS	<u>739,054.91</u>
1929999 TOTAL LONG TERM ASSETS	<u>77,323,106.68</u>
1999999 TOTAL ASSETS	261,277,394.07
3000000 LIABILITIES AND EQUITY	
3005000 LIABILITIES	

Balance Sheet

Period = Jul 2021-Dec 2021

Book = Accrual

	Balance
3100000 CURRENT LIABILITIES	
3100500 ACCOUNTS PAYABLE	
3120010 Accounts Payable<= 90 Days	-95,602.39
3120011 Accounts Payable -CALPERS (employee portion)	542.52
3120014 Accounts Payable-Garnishment (employee portion)	-128.50
3120015 Accounts Payable-Vision Insurance (employee portion)	698.26
3120016 Accounts Payable-Life Insurance (employee portion)	-35.31
3120018 Accounts Payable-PARS retirement (employee portion)	140.22
3120019 Accounts Payable-Flexible Spending Account(employee portion)	1,821.78
3120021 Employees Cobra	910.75
3120022 Accounts Payable-PERS 1959 Surv(Employee Portion)	40.92
3120023 Accounts Payable-FSA Transit Plan	507.85
3120024 Accounts Payable FSS	155,320.15
3120026 Accounts Payable FSS Interest	-28.49
3120029 Accounts Payable - 3rd Party Management Company	89,749.57
3120030 Accrued Wage/Payroll Taxes Payable	0.00
3120040 Accrued Compensated Absences - Current Portion	154,443.92
3120045 Accrued Vacation Payable - 3rd Party Management	10,248.46
3120070 Accrued Payables	258,629.82
3120075 Accrued Accounts Payable - 3rd Party Management	86,063.60
3330020 Account Payable - HUD	0.00
3330100 Tenants- Rents Payable	9,900.00
3339000 TOTAL ACCOUNT PAYABLE	<u>673,223.13</u>
3400000 SECURITY DEPOSITS HELD	
3410010 Tenant Security Deposits	176,596.12
3410015 Tenant Security Deposits - held with 3rd Party Management	263,633.83
3410020 Tenant Security Deposits - Pets	450.00
3410030 Tenant Security Deposits - Gate Opener	25.00
3410040 Tenant Security Deposits - Satellite Dish/Antenna	500.00
3410050 Tenant Security Deposits - Interest	0.43
3410999 Security Deposit Refund	-802.50
3419000 TOTAL SECURITY DEPOSITS HELD	<u>440,402.88</u>
3419900 OTHER LIABILITIES	
3420000 Prepay Tenant Rent	51,100.86
3421000 Prepay Tenant Rent - 3rd Party Management	140,214.37
3425000 Unearned Revenue	1,469,049.98
3426000 Prepaid Ground Lease Rent	16,175,870.97
3430000 Current Portion of Long Term Debt - Capital Projects	427,128.07
3449000 TOTAL OTHER LIABILITIES	<u>18,263,364.25</u>
3470000 INTERPROGRAM	
3470050 Interprogram (Due to)	3,000,982.11
3471000 Due To/Due From Suspense Account	-147.99
3480000 TOTAL INTERPROGRAM	<u>3,000,834.12</u>
3499000 TOTAL CURRENT LIABILITIES	<u>22,377,824.38</u>
3500000 NON-CURRENT LIABILITIES	
3510100 Mortgage Loan Payable	25,350,614.65
3510130 Interest Payable - City of Alameda Loan	1,162,577.38
3510140 Home Fund Loan #1	216,363.20

Balance Sheet

Period = Jul 2021-Dec 2021

Book = Accrual

	Balance
3510143 \$3.6M Housing Authority Loan Payable	86,952,061.37
3510150 Housing Community Dev. Loan	916,399.98
3510157 Loan Payable - Esperanza	1,790,000.00
3510160 Home Fund Loan #2	282,700.00
3540000 Accrued Compensated Absences - Noncurrent	116,779.93
3570000 OPEB Liability	-128,123.28
3580000 Pension Liability	2,292,462.40
3599000 TOTAL NON-CURRENT LIABILITIES	<u>118,951,835.63</u>
3999000 TOTAL LIABILITIES	141,329,660.01
4000000 Equity/Net Assets	
4000001 EQUITY	
4000100 DEFERRED INFLOW	
4001000 Deferred Inflow of Resources	1,601,572.00
4900000 TOTAL DEFERRED INFLOW	<u>1,601,572.00</u>
4999999 CONTRIBUTED CAPITAL	
5010000 Net Investment in Capital Assets	24,337,631.97
5090000 Unrestricted	91,741,233.21
5120000 Unrestricted	2,265,986.24
5120010 Net Restricted Assets	1,310.64
5950000 TOTAL CONTRIBUTED CAPITAL	<u>118,346,162.06</u>
5999900 TOTAL EQUITY	<u>119,947,734.06</u>
6000000 TOTAL LIABILITIES AND EQUITY	<u>261,277,394.07</u>

Budget Comparison (with PTD)

Period = Jul 2021-Dec 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
6999990 INCOME				
7000000 REVENUE				
7020000 TENANT REVENUE				
7030000 Tenant Rental Revenue	2,019,440.89	1,884,681.36	134,759.53	7.15
7030030 Maintenance Charges	12,971.47	0.00	12,971.47	N/A
7030040 Late Charges	40.00	0.00	40.00	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 (Independence Plaza)	800,000.02	732,664.02	67,336.00	9.19
7030100 Tenant HAP Subsidy	4,311,942.14	4,570,734.06	-258,791.92	-5.66
7030110 Vacancy Loss	-163,469.14	-192,964.86	29,495.72	-15.29
7030300 Commercial Rents (Including Ground Lease)	51,264.00	16,602.00	34,662.00	208.78
7040000 Other Tenant Revenue	11,917.94	0.00	11,917.94	N/A
7050000 TOTAL TENANT REVENUE	7,075,052.32	7,011,716.58	63,335.74	0.90
7060000 FEDERAL GRANTS				
7060060 Shelter Plus Care Revenue (Pending Receipt from Alameda County 5 months)	233,236.15	236,301.48	-3,065.33	-1.30
7069000 TOTAL FEDERAL GRANTS	233,236.15	236,301.48	-3,065.33	-1.30
7079000 OTHER GRANTS				
7080000 Other Government Grants (AUSD ROPS Income Billed and Pending Receipt)	1,930,400.00	1,015,999.98	914,400.02	90.00
7089000 TOTAL OTHER GRANTS	1,930,400.00	1,015,999.98	914,400.02	90.00
7100000 OTHER INCOME				
7110010 Investment Income - Unrestricted (Low Interest Rate environment)	6,371.87	11,493.78	-5,121.91	-44.56
7110011 Interest Income (Jack Capon distribution in FY 2022)	44,987.67	28,500.00	16,487.67	57.85
7110020 Interest on Equip. Reserve	75.31	0.00	75.31	N/A
7110060 Interest - Replacement Reserve	649.41	0.00	649.41	N/A
7110070 Other - Income	1,960.71	0.00	1,960.71	N/A
7110075 Laundry Commission	10,889.37	9,176.04	1,713.33	18.67
7110082 Land Fee/Ground Lease	2,681.94	80,025.00	-77,343.06	-96.65
7110092 Professional Service Revenue (City of Alameda Reimbursements - Billed in Arrears)	820,420.09	877,485.00	-57,064.91	-6.50
7150030 Miscellaneous Other Revenue	1,607.78	0.00	1,607.78	N/A
7150070 Administrative Fee	4,016.74	4,627.14	-610.40	-13.19
7159000 TOTAL OTHER INCOME	893,660.89	1,011,306.96	-117,646.07	-11.63
8000000 HUD GRANT				
8010000 HUD Operating Grants (Passthrough)	16,483,929.63	18,029,307.96	-1,545,378.33	-8.57
8020000 Administrative Fees from HUD	868,599.00	947,139.48	-78,540.48	-8.29
8020110 PORT-In Administrative Fees	9,203.04	0.00	9,203.04	N/A
8030000 Administrative Fees Paid (PORT-Outs)	10,569.13	0.00	10,569.13	N/A
8100102 EHV Placement Fee	2,000.00	0.00	2,000.00	N/A
8100120 TOTAL HUD GRANT	17,353,162.54	18,976,447.44	-1,623,284.90	-8.55
8999000 TOTAL REVENUE	27,485,511.90	28,251,772.44	-766,260.54	-2.71
9000000 EXPENSES				
9000900 OPERATING EXPENSES				
9100000 ADMINISTRATIVE				
9110010 Administrative Salaries (Due to vacancies)	2,290,708.74	2,844,576.36	553,867.62	19.47

Budget Comparison (with PTD)

Period = Jul 2021-Dec 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
9110020 Temporary Help - Administrative	64,908.67	174,676.62	109,767.95	62.84
9120000 Auditing Fees	6,950.00	26,326.02	19,376.02	73.60
9130000 Outside Management Fees	154,803.95	145,299.18	-9,504.77	-6.54
9150010 Admin Employee Benefits - Medical/Dental	413,270.83	735,050.94	321,780.11	43.78
9150020 Admin Employee Benefits - PERS/PARS	209,990.95	274,627.50	64,636.55	23.54
9150030 Admin Employee Benefits - FICA	32,784.68	42,743.88	9,959.20	23.30
9150040 Admin Employee Benefits - SUI	1,272.10	7,728.00	6,455.90	83.54
9150060 Admin Employee Benefits - Life/LTD	15,792.73	18,424.62	2,631.89	14.28
9150090 Admin Employee Benefit - WC	50,663.61	55,812.00	5,148.39	9.22
9160010 Office Supplies/Equipment	29,921.95	130,063.38	100,141.43	76.99
9160030 Dues & Subscriptions Publications	813.00	0.00	-813.00	N/A
9160040 Postage	4,045.19	4,601.64	556.45	12.09
9160050 Telephone	32,123.52	29,603.40	-2,520.12	-8.51
9160060 Bank Charges and Check Supplies	24,067.55	19,487.28	-4,580.27	-23.50
9160080 Stationery Envelopes and Business Cards	779.78	0.00	-779.78	N/A
9160090 Forms and Copies/Printing	28,899.98	2,271.30	-26,628.68	-1,172.40
9160100 Classified Ads and Public Notices/outreach material	44,363.81	65,699.40	21,335.59	32.47
9160110 Legal Expense (Due mostly to Esperanza, Eagle Village and Parrot Village Refinance and transfer between legal entities)	443,102.39	282,112.26	-160,990.13	-57.07
9160111 Payroll charge	7,143.24	7,795.92	652.68	8.37
9160112 Survey/Title Fee	2,875.00	0.00	-2,875.00	N/A
9160113 Office Rent	83,051.19	92,454.66	9,403.47	10.17
9160114 Administrative Support	14,098.67	0.00	-14,098.67	N/A
9160115 Organization Cost	20.00	0.00	-20.00	N/A
9160120 Training/Conferences and Travel	5,918.76	66,324.78	60,406.02	91.08
9160130 Membership Dues and Fees	2,097.95	4,999.98	2,902.03	58.04
9160131 Taxes & Government Fees	2,942.10	15,795.54	12,853.44	81.37
9160160 Contracts - Accounting Services	11,520.00	47,760.00	36,240.00	75.88
9160170 Contracts - Administrative Services/Consultant	117,869.09	76,287.78	-41,581.31	-54.51
9160180 Contracts - Application Service Provider - Yardi	82,717.34	85,682.22	2,964.88	3.46
9160190 Contracts - Computer/Telephone Maintenance/Email	97,781.25	112,557.30	14,776.05	13.13
9160210 Contracts - Housing Program Services	2,145.12	0.00	-2,145.12	N/A
9160220 Contracts - Human Resource Services	314.20	13,030.50	12,716.30	97.59
9160230 Contracts - Housing Inspection Services	49,615.34	50,162.52	547.18	1.09
9160260 Contracts - Office Machine Lease	9,034.11	18,803.52	9,769.41	51.96
9160270 Contracts - Web Hosting/Maintenance/Web Ads	13,384.62	19,123.50	5,738.88	30.01
9160290 Contracts - HR Recruitment	69,218.37	0.00	-69,218.37	N/A
9160510 Association Dues	23,390.40	22,675.98	-714.42	-3.15
9169000 TOTAL ADMINISTRATIVE	4,444,400.18	5,492,557.98	1,048,157.80	19.08
9200000 TENANT/SOCIAL SERVICES/POLICE				
9210030 Police Services (Paid after issuance of Police Report in Arrears)	67,356.00	105,000.00	37,644.00	35.85
9210100 Tenant/Social Sevices - Salaries	182,388.27	201,308.16	-18,919.89	-9.40
9219000 TOTAL TENANT/SOCIAL SERVICES/POLICE	249,744.27	306,308.16	56,563.89	18.47
9219990 RELOCATION				
9220000 Tenant-Relocation Costs	13,090.65	0.00	-13,090.65	N/A

Budget Comparison (with PTD)

Period = Jul 2021-Dec 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
9229000 TOTAL RELOCATION	13,090.65	0.00	-13,090.65	N/A
9230005 TENANT SERVICES EMPLOYEE BENEFITS AND INSURANCE				
9230010 Tenant Svcs Employee Benefits - Medical/Dental	10,748.07	59,611.92	48,863.85	81.97
9230020 Tenant Svcs Employee Benefits - PERS/PARS	4,443.53	6,541.26	2,097.73	32.07
9230030 Tenant Svcs Employee Benefits - FICA	792.11	28,041.60	27,249.49	97.18
9230040 Tenant Svcs Employee Benefits - SUI	31.98	483.00	451.02	93.38
9230050 Tenant Svcs Employee Benefits - Life/LTD	358.92	0.00	-358.92	N/A
9230071 Property Insurance	-1,170.10	0.00	1,170.10	N/A
9230075 Property Taxes (" Deposit " only and expected to be refunded after welfare exemption has been	106,175.64	0.00	-106,175.64	N/A
9230080 Tenant Svcs Employee Benefits - Other	1,837.88	5,188.32	3,350.44	64.58
9230090 Tenant Svcs Employee Benefit - WC	19,086.93	20,676.00	1,589.07	7.69
9239000 TOTAL TENANT SERVICES EMPLOYEE BENEFITS AND INSURANCE	37,299.42	120,542.10	83,242.68	69.06
9240005 TENANT SERVICES				
9240020 Tenant Service Activities - Contracts and O/S Services	149,158.29	117,172.50	-31,985.79	-27.30
9240050 Tenant/Social Sevices - Other	2,500.00	0.00	-2,500.00	N/A
9249000 TOTAL TENANT SERVICES	151,658.29	117,172.50	-34,485.79	-29.43
9300000 UTILITIES				
9310000 Water	168,184.89	146,818.98	-21,365.91	-14.55
9320000 Electricity	39,022.17	58,543.98	19,521.81	33.35
9330000 Gas	24,887.45	23,420.16	-1,467.29	-6.27
9380010 Sewer	59,045.43	68,752.08	9,706.65	14.12
9380020 Garbage	241,523.93	221,418.60	-20,105.33	-9.08
9399000 TOTAL UTILITIES	532,663.87	518,953.80	-13,710.07	-2.64
9399990 MAINTENANCE				
9400000 MAINTENANCE SALARIES				
9410010 Maintenance - Salaries	297,199.83	341,892.30	44,692.47	13.07
9419000 TOTAL MAINTENANCE SALARIES	297,199.83	341,892.30	44,692.47	13.07
9420005 MAINTENANCE MATERIALS				
9420010 Maintenance Materials	78,178.48	39,357.36	-38,821.12	-98.64
9420020 Vehicle - gasoline	0.00	1,213.74	1,213.74	100.00
9420030 Janitorials Supplies	554.57	425.04	-129.53	-30.47
9429000 TOTAL MAINTENANCE MATERIALS	78,733.05	40,996.14	-37,736.91	-92.05
9429005 MAINTENANCE CONTRACTS				
9429015 Maintenance Contracts - Unit Turnaround	18,479.85	27,903.00	9,423.15	33.77
9429030 Maintenance Contracts - Tree Trimming	22,148.00	8,662.50	-13,485.50	-155.68
9429040 Maintenance Contracts - Cycle Painting	10,010.48	0.00	-10,010.48	N/A
9429060 Maintenance Contracts - Floor Covering	51,111.31	5,074.56	-46,036.75	-907.21
9429100 Maintenance Contracts - Services	65,414.86	50,382.48	-15,032.38	-29.84
9430010 Maintenance Contracts - Painting	7,553.43	20,018.64	12,465.21	62.27
9430020 Maintenance Contracts - Plumbing	62,455.93	21,936.36	-40,519.57	-184.71
9430030 Maintenance Contracts - Landscape, Pool, Pond Maintenance	47,847.03	38,951.76	-8,895.27	-22.84
9430040 Maintenance Contracts - HVAC Maintenance	22,531.39	8,496.06	-14,035.33	-165.20
9430060 Maintenance Contracts - Elevator Maintenance	14,055.80	18,781.74	4,725.94	25.16
9430070 Maintenance Contracts - Extermination	18,447.00	26,328.60	7,881.60	29.94
9430080 Maintenance Contracts - Electrical Maintenance	13,343.73	8,698.44	-4,645.29	-53.40

Budget Comparison (with PTD)

Period = Jul 2021-Dec 2021

Book = Accrual

	PTD Actual	PTD Budget	Variance	% Var
9430090 Maintenance Contracts - Security and Nurse Call Systems	51,362.71	91,825.20	40,462.49	44.06
9430110 Maintenance Contracts - Gutter Cleaning Services	23,408.11	2,319.30	-21,088.81	-909.27
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)	127,390.67	8,846.70	-118,543.97	-1,339.98
9430140 Maintenance Contracts - Vehicle Maintenance	7,730.26	1,376.10	-6,354.16	-461.75
9430150 Maintenance Contracts - Janitorial	79,692.92	62,621.16	-17,071.76	-27.26
9439000 TOTAL MAINTENANCE CONTRACTS	645,680.43	402,222.60	-243,457.83	-60.53
9450005 MAINTENANCE EMPLOYEE BENEFITS				
9450010 Maint Employee Benefits - Medical/Dental	80,475.54	80,578.86	103.32	0.13
9450020 Maint Employee Benefits - PERS/PARS	21,985.03	26,946.42	4,961.39	18.41
9450030 Maint Employee Benefits - FICA	18,806.73	3,526.08	-15,280.65	-433.36
9450040 Maint Employee Benefits - SUI	118.55	805.02	686.47	85.27
9450050 Maint Employee Benefits - Life/LTD	573.90	1,984.50	1,410.60	71.08
9450070 Maint Employee Benefits - Uniforms/Shoes	1,156.09	961.98	-194.11	-20.18
9450091 Maint Employee Benefit - WC	6,784.44	31,312.50	24,528.06	78.33
9459000 TOTAL MAINTENANCE EMPLOYEE BENEFITS	129,900.28	146,115.36	16,215.08	11.10
9499000 TOTAL MAINTENANCE	1,151,513.59	931,226.40	-220,287.19	-23.66
9500000 GENERAL EXPENSES				
9500100 Interest Expense	544,357.28	569,629.77	25,272.49	4.44
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)	-41,305.65	0.00	41,305.65	N/A
9500210 Office Rent Expenses	996.50	0.00	-996.50	N/A
9500300 Claim's Settlement Cost	-1,515.40	0.00	1,515.40	N/A
9520000 Protective Services - Contract Costs	0.00	2,413.02	2,413.02	100.00
9610010 Insurance - Workers Compensation	9,948.34	0.00	-9,948.34	N/A
9610020 Insurance - Liability	5,292.21	8,125.98	2,833.77	34.87
9610030 Insurance - Property	157,002.60	167,805.84	10,803.24	6.44
9610040 Insurance - Vehicle	1,918.20	4,986.66	3,068.46	61.53
9610060 Insurance - Other	25,880.95	16,340.16	-9,540.79	-58.39
9620010 Other General Expenses (Landlord Incentives)	21,000.00	0.00	-21,000.00	N/A
9660000 Cost of Bond Issuance	2,000.00	0.00	-2,000.00	N/A
9698000 TOTAL GENERAL EXPENSES	826,970.87	769,301.43	-57,669.44	-7.50
9699000 TOTAL OPERATING EXPENSES	7,407,341.14	8,256,062.37	848,721.23	10.28
9700000 MOD REHAB AND SPC EXPENSES				
9700570 Rent to Owners - Bessie Coleman	99,131.00	126,961.98	27,830.98	21.92
9700800 PORT-In (A/R Billings) (Negative Represents Income from Other Housing Authorities)	-210,359.00	0.00	210,359.00	N/A
9700900 TOTAL MOD REHAB AND SPC EXPENSES	-111,228.00	126,961.98	238,189.98	187.61
9710000 EXTRAORDINARY EXPENSES				
9710090 Pre-development Cost	28,893.51	50,000.02	21,106.51	42.21
9713001 HOUSING ASSISTANCE PAYMENTS (VOUCHER)				
9719000 TOTAL EXTRAORDINARY EXPENSES	28,893.51	50,000.02	21,106.51	42.21
9730001 HOUSING ASSISTANCE PAYMENTS (VOUCHER)				
9730010 Housing Assistance Payments - Landlords (Passthrough from HUD)	16,946,945.00	18,101,147.46	1,154,202.46	6.38
9730020 Housing Assistance Payments - FSS (Passthrough from HUD)	43,704.00	37,800.00	-5,904.00	-15.62
9730070 Utility Allowance to Tenants (Passthrough from HUD)	22,596.00	20,220.00	-2,376.00	-11.75

Budget Comparison (with PTD)

Period = Jul 2021-Dec 2021

Book = Accrual

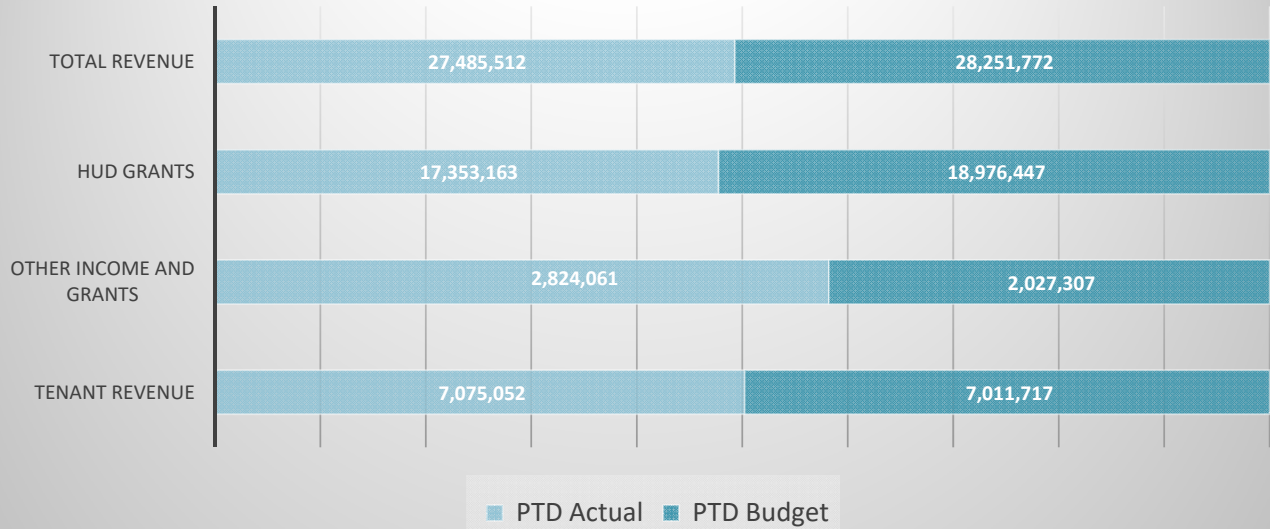
	PTD Actual	PTD Budget	Variance	% Var
9739000 TOTAL HOUSING ASSISTANCE PAYMENTS (VOUCHER)	17,013,245.00	18,159,167.46	1,145,922.46	6.31
OPERATING EXPENSES	24,342,751.65	26,592,191.83	-2,249,440.18	-8.46
NET OPERATING INCOME BEFORE DEPRECIATION	3,142,760.25	1,659,580.61	1,483,179.64	89.37
9739500 OTHER EXPENSES				
9740000 Depreciation Expense	845,064.00	852,229.92	7,165.92	0.84
9993000 TOTAL OTHER FINANCING	0.00	0.00	0.00	N/A
9996000 TOTAL EXPENSES	<u>25,187,815.65</u>	<u>27,444,421.75</u>	<u>2,256,606.10</u>	<u>8.22</u>
9998000 NET INCOME	2,297,696.25	807,350.69	1,490,345.56	184.60

Budget Comparison (with PTD)

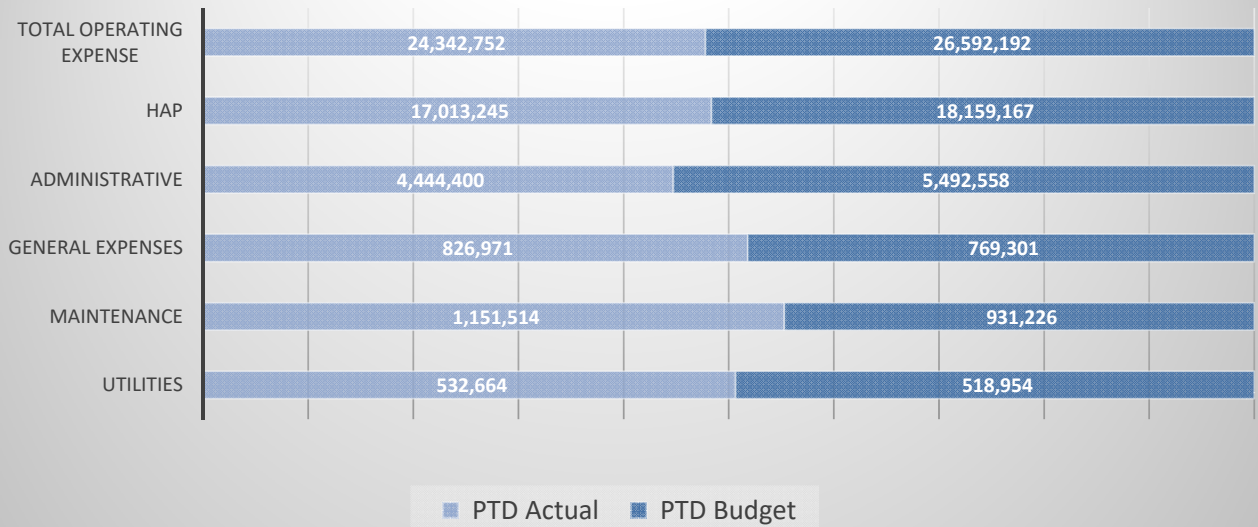
July through December 2021

Book = Accrual

AHA REVENUE - ACTUAL VERSUS BUDGET (PTD)



AHA EXPENSES - ACTUAL VERSUS BUDGET (PTD)



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



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: Allyson Ujimori, Senior Project Manager
Date: February 16, 2022
Re: Authorize Executive Director to Execute Documents Pertaining to Rosefield Village's Unsecured Loan Promissory Note.

BACKGROUND

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 Constitution & Eagle, L.P., which owns the development. Three categories of uses are property taxes, EBMUD water connection fees, and additional soft cost contingency. Promissory notes were originally issued at zero interest for fifteen years.

DISCUSSION

The project's tax credit investor is concerned about the potential tax consequences of the current notes that include a 15 year term and 0% interest. Per tax counsel, the term will be extended and a small interest rate will be charged. As a result, project staff proposed to void the existing notes and create new notes with a revised loan amount, interest rate, and term, as outlined below:

Terms	August 2, 2021 Note	Proposed Note
Amount	\$1,223,000	\$1,026,000
Interest Rate	0%	2% compounded
Term	15 years	30 years

The loan amount is lower because, due to the efforts of asset management staff, the welfare tax exemption was approved in time for the project to avoid paying the taxes and then seeking reimbursement. The loan term and interest rate changes are required to avoid tax consequences to the Limited Partner when the loan is repaid. Although the term has been extended, staff expects the loan to be fully repaid at or before permanent loan conversion in early 2023.

FISCAL IMPACT



Staff believes the remainder of the loan can be repaid through the construction loan in the next couple months; however, if not, the repayment will occur at permanent loan conversion, from construction savings and tax credit equity. Should neither be the case, the loan balance and accrued interest will be paid via the distributions of capital proceeds, as directed by the Limited Partnership Agreement. Conservatively, the loan would likely be paid off through operations between Years 10 and 15, well ahead of the 30-year term.

CEQA

CEQA is not applicable to this item.

RECOMMENDATION

Authorize the Executive Director, or her designee, to Execute Documents Pertaining to Rosefield Village’s Unsecured Loan Promissory Note.

ATTACHMENTS

- 1. 9-O Attach 1 - Draft AHA ICD Cover Letter to Void Note
- 2. 9-O Attach 2 - Draft AHA Rosefield LLC Promissory Note

Respectfully submitted,



Allyson Ujimori, Senior Project Manager



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

December 31, 2021

Janet Basta, Secretary/Treasurer
Island City Development
701 Atlantic Avenue
Alameda, CA 94501

RE: Voiding of August 2, 2021 Unsecured Promissory Note for \$1,223,000

Dear Ms. Basta:

On August 2, 2021, Island City Development, a California nonprofit corporation ("Borrower"), and the Housing Authority of the City of Alameda, a public body corporate and politic ("Lender") executed a promissory note in the principal sum of One Million Two Hundred Twenty-Three Thousand Dollars (\$1,223,000).

It is agreed between the Lender and the Borrower that this Note is void as of August 2, 2021.

Borrower:

Island City Development,
a California nonprofit public benefit corporation

By: _____
Janet Basta, Secretary/Treasurer

Lender:

Housing Authority of City of Alameda,
a public body, corporate and politic

By: _____
Vanessa Cooper, Executive Director

UNSECURED, RECOURSE PROMISSORY NOTE
(this “Note”)

\$1,026,000

Alameda, California

FOR VALUE RECEIVED, Rosefield LLC, a California limited liability company (“**Borrower**”), with its principal place of business at 701 Atlantic Avenue, Alameda, CA 94501, enters into this Promissory Note (“**Note**”) this 16th day of February, 2022, effective July 29, 2021 (“**Effective Date**”) and promises to pay to the Housing Authority of the City of Alameda, a public body corporate and politic (“**Lender**”), with its principal place of business at 701 Atlantic Avenue, Alameda, CA 94501, the principal sum of One Million Twenty-Six Thousand Dollars (\$1,026,000) originally disbursed on July 29, 2021.

1. **Repayment Terms.** The indebtedness evidenced by this Note shall bear interest at the rate of 2% per annum compounded annually, beginning on the Effective Date. On July 29, 2021 (the “**Maturity Date**”), the entire amount of outstanding principal and accrued interest not theretofore paid shall be due and payable.

2. **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.

3. **Uses.** Borrower shall use the proceeds of this Note for the purpose of predevelopment, development and related costs in connection with the acquisition, development and rehabilitation of Rosefield Village

4. **No Offset.** Borrower hereby waives any rights of offset it now has or may hereafter have against Lender, its successors and assigns, and agrees to make the payments called for herein in accordance with the terms of this Note.

5. **Waiver; Attorneys’ Fees.** Borrower and any endorsers or guarantors of this Note, for themselves, their heirs, legal representatives, successors and assigns, respectively, and severally waive diligence, presentment, protest, and demand, and notice of protest, dishonor and non-payment of this Note, and expressly waive any rights to be released by reason of any extension of time or change in terms of payment, or change, alteration or release of any security given for the payments hereof, and expressly waive the right to plead any and all statutes of limitations as a defense to any demand on this Note or agreement to pay the same, and jointly and severally agree to pay all costs of collection when incurred, including reasonable attorneys’ fees. If an action is instituted on this Note, the undersigned promises to pay, in addition to the costs and disbursements allowed by law, such sum as a court may adjudge reasonable as attorneys’ fees in such action.

6. **Manner and Place of Payment.** All payments of principal and interest due under this Note shall be payable in lawful money of the United States of America at the office of Lender or at such other address as Lender may in writing provide to Borrower.

7. **Unsecured.** This Note is not secured by any property

8. **Recourse.** The obligations evidenced by this Note shall be recourse to Borrower.

9. **Borrower's Cure Rights.** Notwithstanding anything to the contrary in this Note, Borrower shall have the right to cure any defaults and Lender agrees to accept cures tendered by Borrower within sixty (60) days of written notice to Borrower of such default, plus such additional time as is reasonably necessary to cure the default provided Borrower has commenced the cure within such sixty (60) day period and is diligently prosecuting the cure.

10. **Default.**

(a) **Events of Default.** Borrower shall be in default under this Note upon the occurrence of any of the following events or conditions:

(i) **Non Payment.** Failure by Borrower to make due and punctual payments of any and all amounts due under this Note, following any notice and cure periods;

(ii) **Noncompliance With Other Obligations.** Failure by Borrower to comply with or perform any of the other terms, covenants and conditions of, or the occurrence of an event or condition of default under this Note, following any notice and cure periods;

(b) **Default; Acceleration.** Upon any default or event of default under this Note, then, or at any time thereafter, the whole of the unpaid principal hereof, together with accrued and outstanding additional interest at a rate of 2% of the outstanding unpaid principal balance (the "**Additional Interest**"), at the election of Lender and without notice of such election, shall become immediately due and payable.

(c) **Additional Interest.** Borrower recognizes and acknowledges that any default on any payment, or portion thereof, due hereunder will result in losses and additional expenses to Lender. Borrower further acknowledges that in the event of any such default, Lender would be entitled to damages for the detriment proximately caused thereby, but that it would be extremely difficult and impractical to ascertain the extent of or compute such damages. Therefore, if for any reason Borrower fails to make any payment hereunder when the same is due, then each such delinquent payment shall also be subject to a late fee (the "**Late Fee**") in an amount equal to four percent (4%) of the amount delinquent regardless of whether or not there has been an acceleration of the indebtedness under this Note. Borrower acknowledges that the Late Fee agreed to hereunder represents the reasonable estimate of those damages which would be incurred by Lender, and a fair return to Lender for the loss of the use of the funds not timely received from Borrower, on account of a default by Borrower as herein specified, established by Borrower and Lender through good faith consideration of the facts and circumstances surrounding the transaction contemplated under this Note as of the date hereof, but that such Late Fee is in addition to, and not in lieu of, any other right or remedy available to Lender as specified in this Note. Notwithstanding anything to the contrary contained in this Section 9(c), if any federal or state law applicable pursuant to Section 11 below limits the rate of the Late Fee that may be charged to a rate less than the rate herein specified, then the maximum charge or rate permitted by such law shall be charged by Lender for purposes of this Section 9(c).

(d) **Collection and Enforcement Costs.** Borrower, and all other persons or entities who are, or may become liable on the indebtedness evidenced by this Note, agree jointly

and severally, to pay all costs of collection, including reasonable attorneys' fees and all costs of any action or proceeding, in case the unpaid principal sum of this Note, or any payment of Additional Interest or principal, is not paid when due, or in case it becomes necessary to enforce any other obligation of Borrower hereunder.

(e) **Waivers.** Borrower, and all other persons or entities who are, or may become, liable for all or any part of this indebtedness, jointly and severally, waive diligence, presentment, protest and demand, notice of protest, of demand, of nonpayment, of dishonor and of maturity and agree that time is of the essence of every provision hereof.

11. **Notice.** All notices required under this Note shall be in writing (sent to the address set forth above in the introduction or such other address designated in a written notice given in a manner provided herein) and sent by a reputable courier, first class mail or hand delivery.

12. **Interest Rate Limitation.** Notwithstanding any provision herein, total liability for payments in the nature of Additional Interest hereunder shall not exceed limits imposed by the usury laws of the State of California or any other applicable law. None of the terms and provisions contained in this Note shall ever be construed to create a contract for the use, forbearance or detention of money requiring payment of Interest at a rate in excess of the maximum interest rate permitted to be charged by applicable law. Borrower shall never be required to pay interest on this Note at a rate in excess of the maximum interest that may be lawfully charged under such usury laws, as any such right or remedy shall not be construed as a waiver or release of such rights or remedies, or the right to exercise them at any later time. If Lender collects monies which are deemed to constitute Interest which would otherwise increase the interest rate on this Note to a rate in excess of that permitted to be charged by such usury laws, all such sums deemed to constitute interest in excess of the maximum rate shall, at the option of Lender, either be credited to the payment of principal (if allowed by law) or returned to Borrower.

13. **Assignment.** Lender shall not sell or assign this Note without the consent of Borrower and the Limited Partner.

14. **Governing Law.** The provisions of this Note shall be governed by and construed in accordance with the laws of the State of California.

[SIGNATURE PAGE FOLLOWS]

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

Borrower:

Rosefield LLC,
a California limited liability company,

By: Island City Development,
a California nonprofit public benefit corporation,
its sole manager

By: _____
Janet Basta, Secretary/Treasurer



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: Sylvia Martinez, Director of Housing Development

Date: February 16, 2022

Re: Approve Chapter 8 Property Acquisitions (70-153-31, 73-420-32) and Authorize the Executive Director, or her Designee, to Negotiate and Execute Purchase Documents.

BACKGROUND

Every January, the Housing Authority receives notice of Alameda properties listed with delinquent taxes for five or more years and approved by the Board of Supervisors for sale at Public Auction. An objection to auction is allowed under Chapter 8, Part 6 Division 1 of the County Tax Sale Procedure Manual. This provision, also known as an Agreement Sale, allows government entities and nonprofits to purchase tax-defaulted properties for public use outside of the auction process. Low-income housing is a qualifying use. The Housing Authority is not a taxing entity and cannot object on its own behalf. However, it has used its nonprofit partner, the Alameda Affordable Housing Corporation, to lodge these objections in the past. The Board approved pursuit of such opportunities in 2018 and in 2020, although none have resulted in a purchase to date. The Chapter 8 process is slow because of the extensive noticing requirements and approval process by the County Board of Supervisors, both of which protect the homeowner and the purchaser.

DISCUSSION

There are two viable properties on the January 2022 notice which are summarized in the attachments, and site maps and locations are provided.

Because of the short lead time to file an objection (first week of February), staff has filed objections and an interest to purchase. This filing is a placeholder only and does not obligate the Corporation to continue with the sale. Staff has requested title information and has searched building records (which are minimal for both properties). Both buildings are over 50 years old, which may require historic review for physical changes if proposed.



FISCAL IMPACT

The anticipated purchase prices are described in the attachments, for a total of approximately \$350,000. These funds need to be made available under the Reserve Policy. Staff recommends utilizing the remaining \$350,000 uncommitted in the Production component of the Reserve Policy approved in October 2021. This action will exhaust the Production component until new funds are identified.

In the past, staff has proposed a 30-year, zero interest loan from the Housing Authority to be paid back through residual receipts from the property and recorded against the property for collateral. Additionally, where appropriate, a Housing Authority regulatory agreement restricting the property to households at or below 80% AMI will be recorded. Once purchased, staff can apply for CDBG Rehabilitation funds to complete physical repairs to the property, as needed, for habitability as affordable housing or community services.

Note, the properties could ultimately be owned by either AHA or AAHC. Rental properties that are owned by AAHC can more easily host residents using Housing Choice Voucher, but a property that is used for other purposes can receive a property tax exemption more easily if it is owned by the Housing Authority.

CEQA

N/A

RECOMMENDATION

Approve Chapter 8 Property Acquisitions (70-153-31, 73-420-32) and Authorize the Executive Director, or her Designee, to Negotiate and Execute Purchase Documents.

ATTACHMENTS

1. Attach 1 Summary of Tax Defaulted properties

Respectfully submitted,

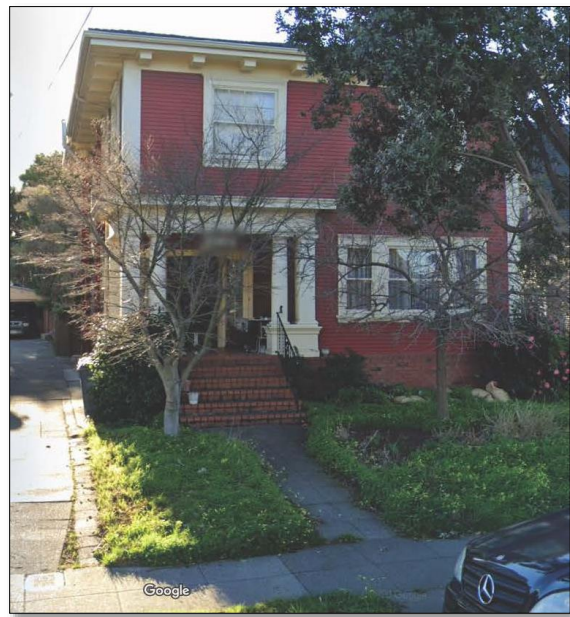
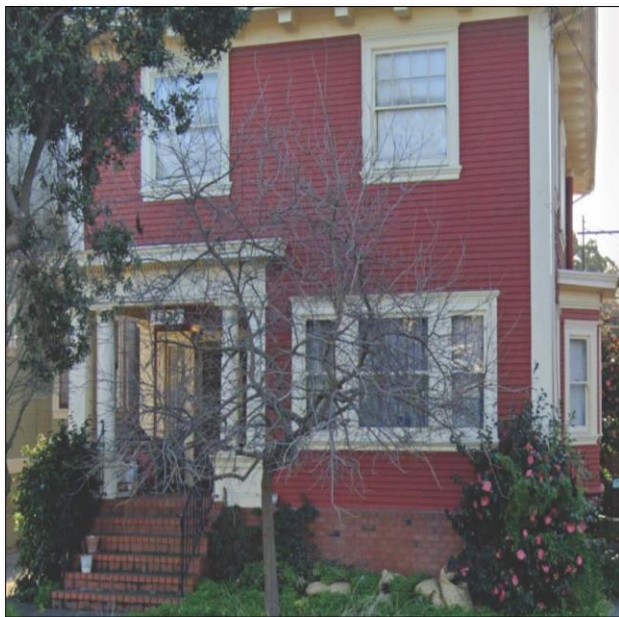
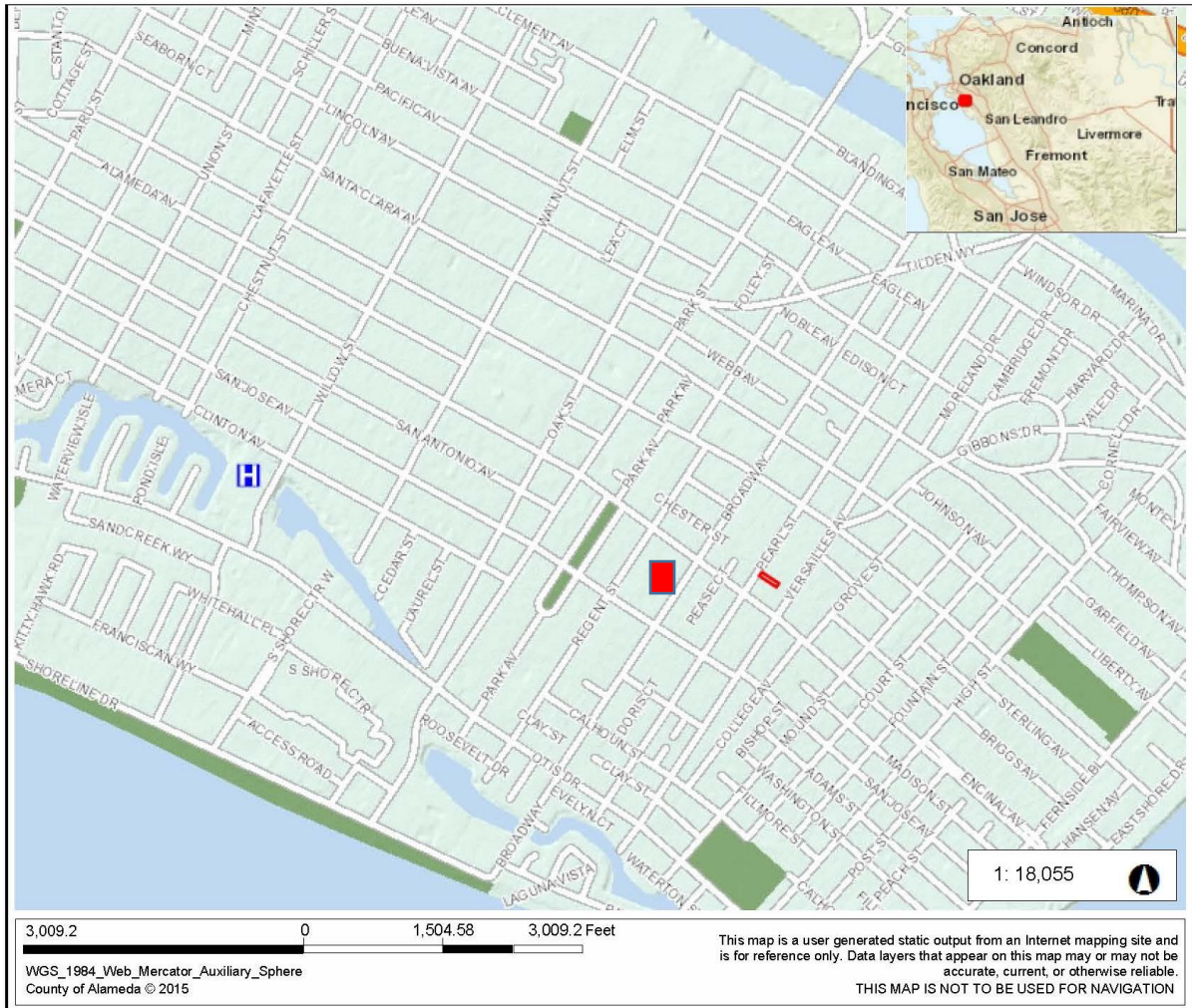


Sylvia Martinez, Director of Housing Development

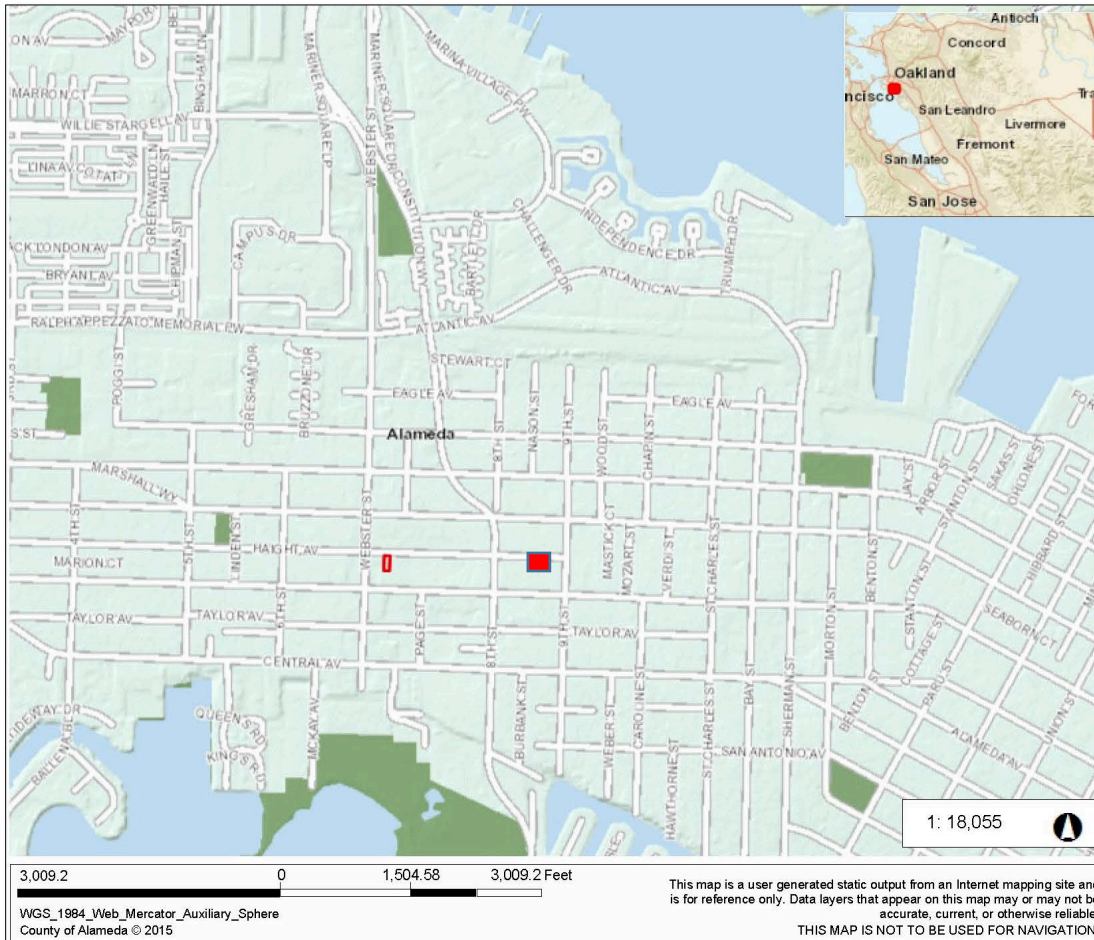
Attach 1 Summary of Tax Defaulted properties - 2022

Tax default properties - 2022						
Address	Tax default/ Acquisition Price (est. 2x taxes)	Assessed value	Year Built/ Last Transfer	Historic	Land Area	Bldg area
1320 Pearl Street 70-153-31	\$22,974/\$45,000	\$105,099	1900/2004	Yes	.15 ac	2423 sf
710 Haight Street 73-420-32	\$147,114/\$294,228	\$883,694	1968/2006	Yes	.15 ac	5186 sf

1320 PEARL ST ALAMEDA CA 94501



710 Haight Ave, Alameda, Ca 94501





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: Sylvia Martinez, Director of Housing Development

Date: February 16, 2022

Re: Authorize the Executive Director, or her designee, to accept the due diligence on the purchase at 2615 Eagle Street and execute any necessary documents to purchase the property not to exceed the terms previously approved by the Board on June 2, 2021.

BACKGROUND

On June 2, 2021 the Board of Commissioners authorized staff to make a formal offer to the Alameda Unified School District (AUSD) for a property at 2615 Eagle Avenue, Alameda, CA. The offer was approved by AUSD decisionmakers on August 10, 2021. The escrow was opened, and due diligence began shortly after. The due diligence period was extended to March 14, 2022 due to the recommendation for additional soil testing. Per the purchase and sale agreement, the sale should occur 10 business days after the due diligence period expires, estimated at the end of March 2022.

DISCUSSION

The Housing Authority's consultants have been engaged in a final round of soil testing to help clarify any issues at the property. Results should be available by the end of February or early March. With the guidance of the consultant, the Housing Authority Executive Director and other staff can determine if the results are acceptable. If the results are deemed acceptable, the due diligence for the purchase of the site will be complete. Staff is requesting that the Board delegate the final determination to accept due diligence to the authority of the Executive Director, or her designee, to allow the project to move forward in a streamlined fashion.

FISCAL IMPACT

Staff has incurred approximately \$80,000 in due diligence costs, and \$80,000 in non-refundable extension fees. The \$100,000 deposit is still refundable if a decision on due diligence is made before March 14, 2022. If the purchase moves forward, the remainder of the purchase price will be advanced as approved in the funding schedules of the 2021 Reserve Policy.



CEQA

Not applicable

RECOMMENDATION

Authorize the Executive Director, or her designee, to accept the due diligence on the purchase at 2615 Eagle Street and execute any necessary documents to purchase the property not to exceed the terms previously approved by the Board on June 2, 2021.

ATTACHMENTS

None

Respectfully submitted,

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

Sylvia Martinez, Director of Housing Development



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: Cheley Quiambao, Asset Manager

Date: February 16, 2022

Re: Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Financial Report through the Month of December 2021.

BACKGROUND

The Housing Authority of the City of Alameda (AHA) and the Alameda Affordable Housing Corporation (AAHC) holds a portfolio of its own affordable housing stock.

The cumulative unit count is 525 units, of which 49% serve seniors and 51% serve families. Most units are supported by either Section 8 Project Based Voucher or Housing Choice Voucher rental subsidies and do not have hard debt.

Alameda Affordable Housing Corporation (AAHC) portfolio includes Anne B Diament Plaza (65 units), Independence Plaza (186 units), China Clipper Plaza (26 units), Eagle Village (36 units), Parrot Village (50 units), Esperanza (120 units), and Scattered Sites 2- Lincoln Willow (5 units), Stanford House (4 units), and Pulte Homes (under construction).

The Housing Authority of the City of Alameda (AHA) portfolio includes Parrot Gardens (8 units) and Scattered Sites 1- Senior Condos (7 units), Mulberry Homes (4 units), Paru House (1 unit), Lincoln House (4 units), and Sherman House (9 units).

The property management services are contracted to the John Stewart Company (JSCo), with the exception of Anne B Diament and Independence Plaza, which are managed by AHA staf. The resident services are contracted to LifeSTEPS.

DISCUSSION

This memo provides an overview AHA/ AAHC portfolio asset management fiscal year to date financial report through the month of December 2021. This report tracks performance per the budget and includes achievements, items of note, and upcoming events or changes.



AAHC PROPERTIES

Anne B Diament Plaza (65 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$682,552, which is 2.76% lower than budget because the budget assumed higher rents than payment standards. The variance will carry on for the rest of the year.
- Operating Expense includes marketing, administrative, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$428,333, which is 17.22% lower than budget, and is at \$6,590 Per Unit Per Year or \$549 Per Unit Per Month. The primary cause of the variance is unspent budget for administrative, utilities, operating and maintenance, and staffing.
- Total Operating Income is \$254,219, which is 38.36% higher than budget.
- The mandatory hard debt service and the reserve deposits requirement is \$0.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$254,219, which will be distributed per the seller carry note.
- Staff reinspected the balconies and found minor deficiencies. Repairs are anticipated later in the year.
- No other extraordinary events have occurred to report at this time.

Independence Plaza (186 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$2,024,893, which is 5.7% higher than budget.
- Operating Expense includes marketing, administrative, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$1,251,522, which is 7.52% lower than budget, and is at \$6,729 Per Unit Per Year or \$561 Per Unit Per Month. The primary cause of the variance is unspent budget for administrative, utilities, staffing, and resident services .
- Total Operating Income is \$773,371, which is 37.5% higher than budget.
- The mandatory hard debt service and reserve deposits requirement is \$420,636 and Debt Service Coverage Ratio is 1.84.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$352,735, which will be distributed per the seller carry note.
- The \$1.6 million CIC funding from the City of Alameda has been received for the full fiscal year.
- Staff started inspection of the balconies in 2019, though repairs were put on hold due to covid. Staff picked up reinspection of 100% of the units, since the hiring of the Construction Manager. Priority scope of work is being finalized.

China Clipper Plaza (26 units)

- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$289,642, which is 14.38% lower than budget. This is because of high vacancy loss due to difficulty filing vacancies and because the Section 8 PBV approved rents were lower than payment

standard due to not meeting rent reasonableness.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$137,284, which is 1.69% higher than budget, and is at \$5,280 Per Unit Per Year or \$440 Per Unit Per Month.

-Total Operating Income is \$152,359, which is 25% lower than budget.

-The mandatory hard debt service and the reserve deposits requirement is \$0.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$152,359, which will be distributed per the seller carry note.

-No extraordinary events have occurred to report at this time .

Eagle Village (36 units)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$513,478, which is 15.2% lower than budget. This is because the Section 8 PBV approved rents were lower than payment standard due to rent reasonableness and high vacancy loss.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$175,139, which is 15.69% lower than budget, and is at \$4,865 Per Unit Per Year or \$405 Per Unit Per Month. The primary cause of the variance is unspent budget for administrative, utilities, taxes and insurance, and resident services .

-Total Operating Income is \$244,949, which is 11.25% lower than budget.

-The mandatory hard debt service and reserve deposits requirement is \$93,960 and Debt Service Coverage Ratio is 3.62.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$244,949, which will be distributed per the seller carry note.

-No extraordinary events have occurred to report at this time.

Parrot Village (50 units)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$821,360, which is 13.7% lower than budget. This is because the Section 8 PBV approved rents were lower than payment standard due to rent reasonableness.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$260,764, which is 2.28% lower than budget, and is at \$5,215 Per Unit Per Year or \$435 Per Unit Per Month.

-Total Operating Income is \$560,596, which is 18.15% higher than budget.

-The mandatory hard debt service and reserve deposits requirement is \$129,708 and Debt Service Coverage Ratio is 4.32.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$430,888, which will be distributed per the seller carry note.

-No extraordinary events have occurred to report at this time.

Esperanza (120 units)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$2,082,314, which is 3.54% higher than budget.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$747,905, which is 15.18% higher than budget, and is at \$6,233 Per Unit Per Year or \$519 Per Unit Per Month. The primary cause of the variance is \$139,847 of cameras, unit turnover, flooring, plumbing, water heater, window work that will be reclassified to Capital Improvements.

-Total Operating Income is \$1,334,409, which is 2% lower than budget.

-The mandatory hard debt service and reserve deposits requirement is \$512,173 and Debt Service Coverage Ratio is 2.61.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$822,236, which will be distributed per the seller carry note.

-No extraordinary events have occurred to report at this time .

Scattered Sites 2 (9 units)

-Lincoln Willow (5 units) and Stanford House (4 units)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$104,331, which is 4.86% lower than budget.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$43,410, which is 19.48% higher than budget, and is at \$4,823 Per Unit Per Year or \$402 Per Unit Per Month. The primary cause of the variance is repairs contracts- stucco repair, leak and ceiling repair, and diverter work.

-Total Operating Income is \$60,921, which is 16.92% lower than budget.

-The mandatory hard debt service and the reserve deposits requirement is \$0.

-Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$60,921, which will be distributed per the seller carry note.

-No extraordinary events have occurred to report at this time.

AHA PROPERTIES

Parrot Gardens (8 units)

-Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$92,491, which is 34.37% lower than budget. This is because of high vacancy loss and the Section 8 PBV approved rents were lower than payment standard due to rent reasonableness.

-Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$66,199, which is 3.9% lower than

- budget, and is at \$8,275 Per Unit Per Year or \$690 Per Unit Per Month.
- Total Operating Income is \$26,292, which is 63.5% lower than budget.
- The mandatory hard debt service and the reserve deposits requirement is \$0.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts is \$26,292, which will be distributed per the lender and regulatory agreements.
- One unit has been vacant since December 2020 and staff has been exploring different ideas to market and/ or utilize the unit. For example, converting the third bedroom to a bonus room because it is small and has no closet, adding a washer and dryer hook up, and utilizing the unit as a Manager's office.
- No other extraordinary events have occurred to report at this time .

Scattered Sites 1 (25 units)

- Senior Condos (7 units), Mulberry Homes (4 units), Paru House (1 unit), Lincoln House (4 units), and Sherman House (9 units.)
- Total Operating Revenue includes tenant rent, rental subsidy, vacancy loss, laundry income, and interest on accounts. Total Operating Revenue is \$321,345, which is 12.29% higher than budget.
- Operating Expense includes marketing, administrative, property management fee, salaries and benefits, utilities, operating and maintenance, taxes and insurance, and resident services. Total Operating Expense is \$118,003, which is 12.91% higher than budget, and is at \$4,720 Per Unit Per Year or \$393 Per Unit Per Month. The primary cause of the variance is the prepaid HOA fees for the full year , which should even out at the end of the year.
- Total Operating Income is \$203,342, which is 11.93% higher than budget.
- The mandatory hard debt service and reserve deposits requirement is \$3,204 and Debt Service Coverage Ratio is 63.46.
- Total Net Cash Flow or Surplus Cash/ Residual Receipts, after mandatory hard debt service and reserve deposits is \$200,138, which will be distributed per the lender and regulatory agreements.
- No extraordinary events have occurred to report at this time.

Overall, the portfolio is performing well and stabilized. Total Operating Revenue is \$6,932,406. Total Operating Expense is \$3,228,558. Total Operating Income is \$3,703,848. Total Net Cash Flow is \$2,544,737, which will be distributed per the seller carry notes and loan and regulatory agreements.

FISCAL IMPACT

None.

CEQA

N/A

RECOMMENDATION

Accept the AHA/ AAHC Portfolio Asset Management Fiscal Year to Date Financial Report through the Month of December 2021.

ATTACHMENTS

1. AHA AAHC Portfolio Snapshot 1221
2. AHA AAHC Portfolio Asset Management Fiscal Year To Date Financial Report Through the Month of December 2021

Respectfully submitted,

Cheley Quiambao

Cheley Quiambao, Asset Manager

AHA/ AAHC Portfolio Financial Performance
07/01/2021-12/31/2021

	Anne B Diamant		Independence Plaza		China Clipper Plaza		Eagle Village		Parrot Village		Esperanza		Scattered Sites 2 (AAHC)		Parrot Gardens		Scattered Sites 1 (AHA)		AHA/ AAHC Portfolio	
	Senior Budget	Actuals	65 Senior Budget	186 Actuals	26 Family Budget	Actuals	36 Family Budget	Actuals	50 Family Budget	Actuals	120 Family Budget	Actuals	9 Family Budget	Actuals	8 Family Budget	Actuals	25 Family/ Seni Budget	Actuals	Budget	Actuals
Rental Revenue	137,892	141,691	816,644	786,023	90,422	117,790	145,387	145,631	194,243	195,104	439,040	508,224	12,474	23,209	41,338	46,311	62,160	81,725	1,939,600	2,045,708
Subsidy Revenue	583,116	537,849	396,180	429,409	254,481	195,300	472,526	401,754	776,954	638,572	1,631,928	1,630,126	98,467	90,860	102,464	72,204	229,327	238,958	4,545,443	4,235,032
Vacancy Loss	(21,630)	-	(36,385)	-	(6,902)	(23,984)	(12,362)	(34,034)	(19,426)	(12,316)	(59,850)	(66,735)	(2,223)	(9,738)	(2,878)	(26,024)	(5,833)	(215)	(167,489)	(173,046)
Other Income	1,800	3,012	739,264	809,462	271	536	-	127	-	-	-	10,699	943	-	-	514	877	742,791	824,713	
Total Operating Revenue	\$ 701,178	\$ 682,552	\$ 1,915,704	\$ 2,024,893	\$ 338,272	\$ 289,642	\$ 605,551	\$ 513,478	\$ 951,772	\$ 821,360	\$ 2,011,118	\$ 2,082,314	\$ 109,661	\$ 104,331	\$ 140,924	\$ 92,491	\$ 286,168	\$ 321,345	\$ 7,060,346	\$ 6,932,406
Administrative and Marketing	80,899	69,704	639,104	514,740	21,945	22,016	23,489	20,170	17,590	19,403	50,564	38,611	3,440	3,571	17,635	20,066	24,742	35,465	879,409	743,745
Property Management Fee	-	-	-	-	11,729	9,351	18,541	15,212	32,052	24,580	62,528	62,512	4,776	4,527	4,751	2,338	12,544	13,844	146,921	132,364
Payroll, Benefits, Taxes	263,230	196,763	304,712	226,695	25,469	24,424	35,306	31,912	47,661	44,026	101,407	92,041	10,977	8,925	8,135	7,374	29,019	24,577	825,916	656,738
Utilities	49,183	37,587	129,852	99,581	11,153	12,040	24,012	17,830	37,502	35,362	86,284	64,263	1,226	3,112	9,945	11,130	5,463	11,451	354,621	292,356
Operating and Maintenance	66,264	54,383	125,568	176,125	42,900	53,539	65,620	72,325	90,267	107,428	226,564	380,511	7,613	18,156	21,930	17,513	12,199	17,202	659,124	897,161
Taxes and Insurance	11,232	11,427	34,575	139,934	15,705	11,624	17,122	7,834	23,889	11,067	82,321	68,945	5,898	3,611	4,512	5,692	15,262	10,014	210,518	270,148
Resident services	46,627	58,469	119,492	94,448	6,106	4,290	20,170	9,855	17,880	18,899	39,683	41,022	2,200	1,507	1,980	2,087	5,279	5,449	259,417	236,027
Total Operating Expense	\$ 517,435	\$ 428,333	\$ 1,353,303	\$ 1,251,522	\$ 135,006	\$ 137,284	\$ 204,261	\$ 175,139	\$ 266,841	\$ 260,764	\$ 649,351	\$ 747,905	\$ 36,331	\$ 43,410	\$ 68,888	\$ 66,199	\$ 104,509	\$ 118,003	\$ 3,335,925	\$ 3,228,558
Total Operating Income	\$ 183,743	\$ 254,219	\$ 562,401	\$ 773,371	\$ 203,265	\$ 152,359	\$ 401,290	\$ 338,339	\$ 684,931	\$ 560,596	\$ 1,361,767	\$ 1,334,409	\$ 73,330	\$ 60,921	\$ 72,036	\$ 26,292	\$ 181,658	\$ 203,342	\$ 3,724,421	\$ 3,703,848
Debt Service, Reserve Depos	-	-	420,636	420,636	-	-	125,280	93,390	125,280	129,708	872,874	512,173	-	-	-	-	368	3,204	1,544,438	1,159,111
Net cash flow	\$ 183,743	\$ 254,219	\$ 141,765	\$ 352,735	\$ 203,265	\$ 152,359	\$ 276,010	\$ 244,949	\$ 559,651	\$ 430,888	\$ 488,893	\$ 822,236	\$ 73,330	\$ 60,921	\$ 72,036	\$ 26,292	\$ 181,290	\$ 200,138	\$ 2,179,983	\$ 2,544,737
Debt Service Coverage Ratio	#DIV/0!	#DIV/0!	1.3370	1.8386	#DIV/0!	#DIV/0!	3.2031	3.6229	5.4672	4.3220	1.5601	2.6054	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	493.6366	63.4619	2.4115	3.1954
Operating Expense PUPY	\$ 7,961	\$ 6,590	\$ 7,276	\$ 6,729	\$ 5,193	\$ 5,280	\$ 5,674	\$ 4,865	\$ 5,337	\$ 5,215	\$ 5,411	\$ 6,233	\$ 4,037	\$ 4,823	\$ 8,611	\$ 8,275	\$ 4,180	\$ 4,720	\$ 6,354	\$ 6,150
Operating Expense PUPM	\$ 663	\$ 549	\$ 606	\$ 561	\$ 433	\$ 440	\$ 473	\$ 405	\$ 445	\$ 435	\$ 451	\$ 519	\$ 336	\$ 402	\$ 718	\$ 690	\$ 348	\$ 393	\$ 530	\$ 512

AHA/ AAHC PORTFOLIO ASSET MANAGEMENT FISCAL YEAR- TO- DATE THROUGH THE MONTH OF DECEMBER 2021

**PREPARED BY
CHELEY QUIAMBAO
ASSET MANAGER**

AHA/ AAHC PORTFOLIO

AAHC

Anne B Diament Plaza

Independence Plaza

China Clipper Plaza

Eagle Village

Parrot Village

Esperanza

Scattered Sites 2 (Lincoln Willow, Stanford House, Pulte Homes*)

AHA

Parrot Gardens

Scattered Sites 1 (Senior Condos, Mulberry Homes, Paru House, Lincoln House, Sherman House)

Anne B Diament Plaza 65 Senior



Debt Service, Reserve Deposits
\$-
\$-



\$- \$100,000 \$200,000 \$300,000 \$400,000 \$500,000 \$600,000 \$700,000 \$800,000

	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$254,219	\$-	\$428,333	\$682,552
Budget (Bottom)	\$183,743	\$-	\$517,435	\$701,178

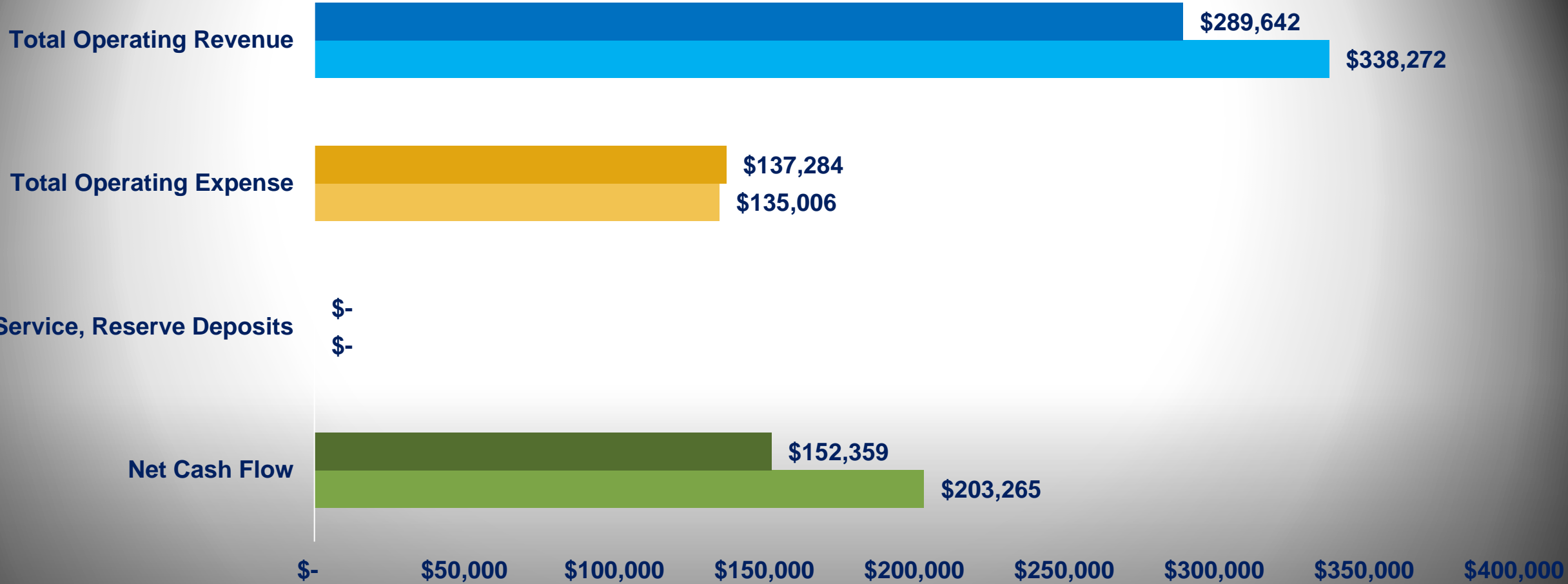
Independence Plaza 186 Senior



\$- \$500,000 \$1,000,000 \$1,500,000 \$2,000,000 \$2,500,000

	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$352,735	\$420,636	\$1,251,522	\$2,024,893
Budget (Bottom)	\$141,765	\$420,636	\$1,353,303	\$1,915,704

China Clipper Plaza 26 Family



	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$152,359	\$-	\$137,284	\$289,642
Budget (Bottom)	\$203,265	\$-	\$135,006	\$338,272

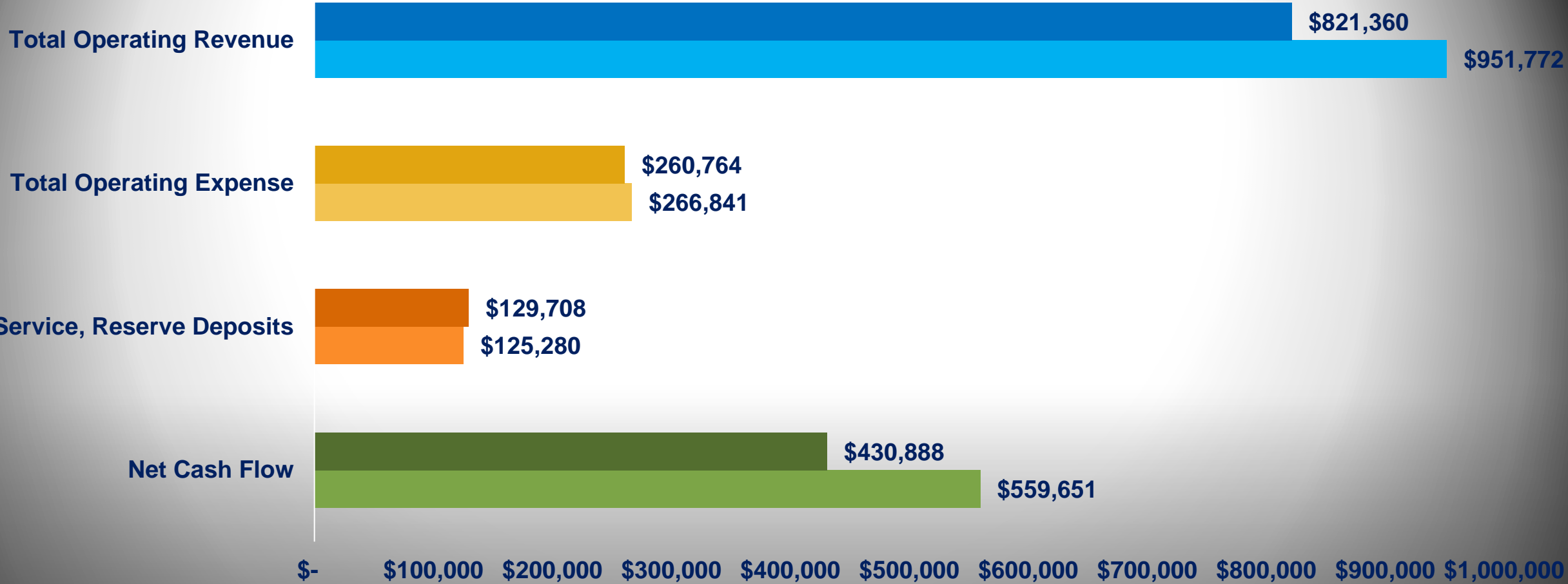
Eagle Village 36 Family



\$- \$100,000 \$200,000 \$300,000 \$400,000 \$500,000 \$600,000 \$700,000

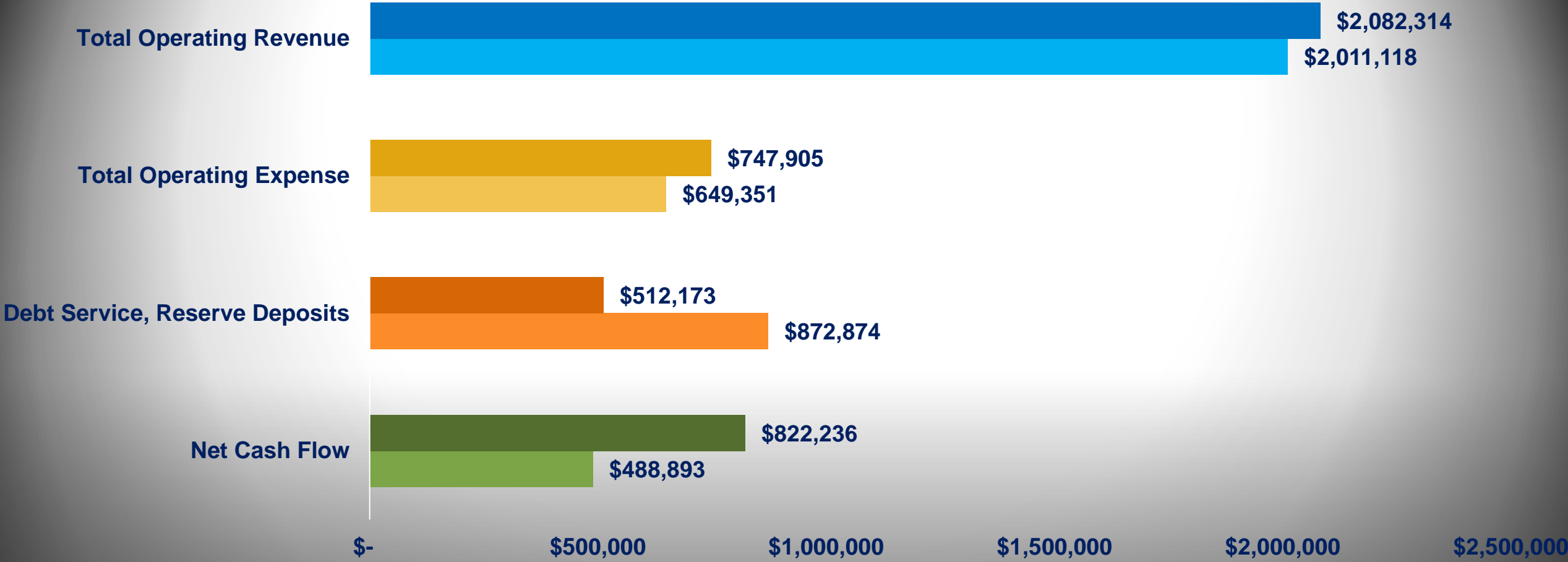
	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$244,949	\$93,390	\$175,139	\$513,478
Budget (Bottom)	\$276,010	\$125,280	\$204,261	\$605,551

Parrot Village 50 Family



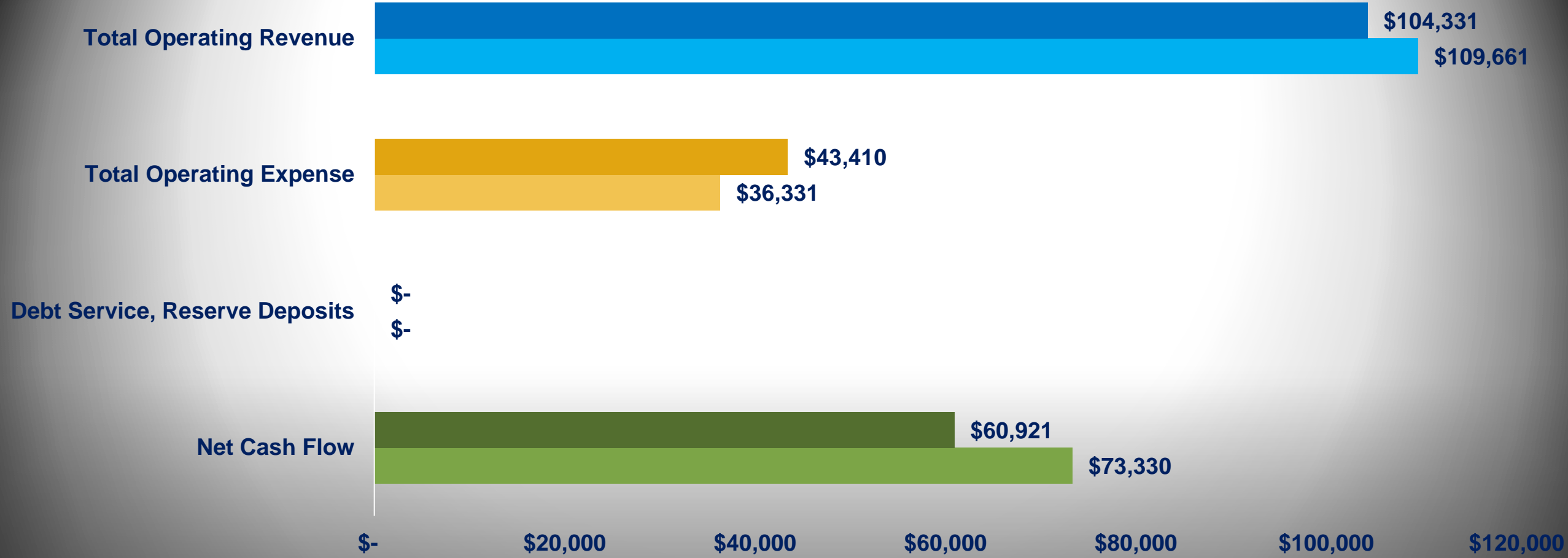
	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$430,888	\$129,708	\$260,764	\$821,360
Budget (Bottom)	\$559,651	\$125,280	\$266,841	\$951,772

Esperanza 120 Family



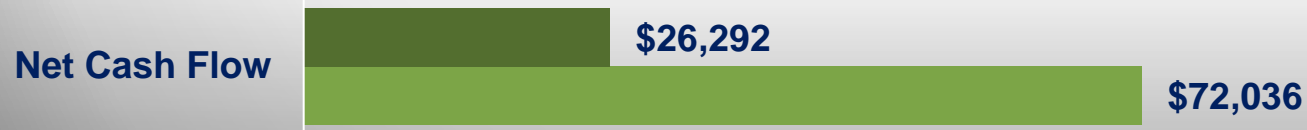
	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$822,236	\$512,173	\$747,905	\$2,082,314
Budget (Bottom)	\$488,893	\$872,874	\$649,351	\$2,011,118

Scattered Sites 2 (AAHC) 9 Family



	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$60,921	\$-	\$43,410	\$104,331
Budget (Bottom)	\$73,330	\$-	\$36,331	\$109,661

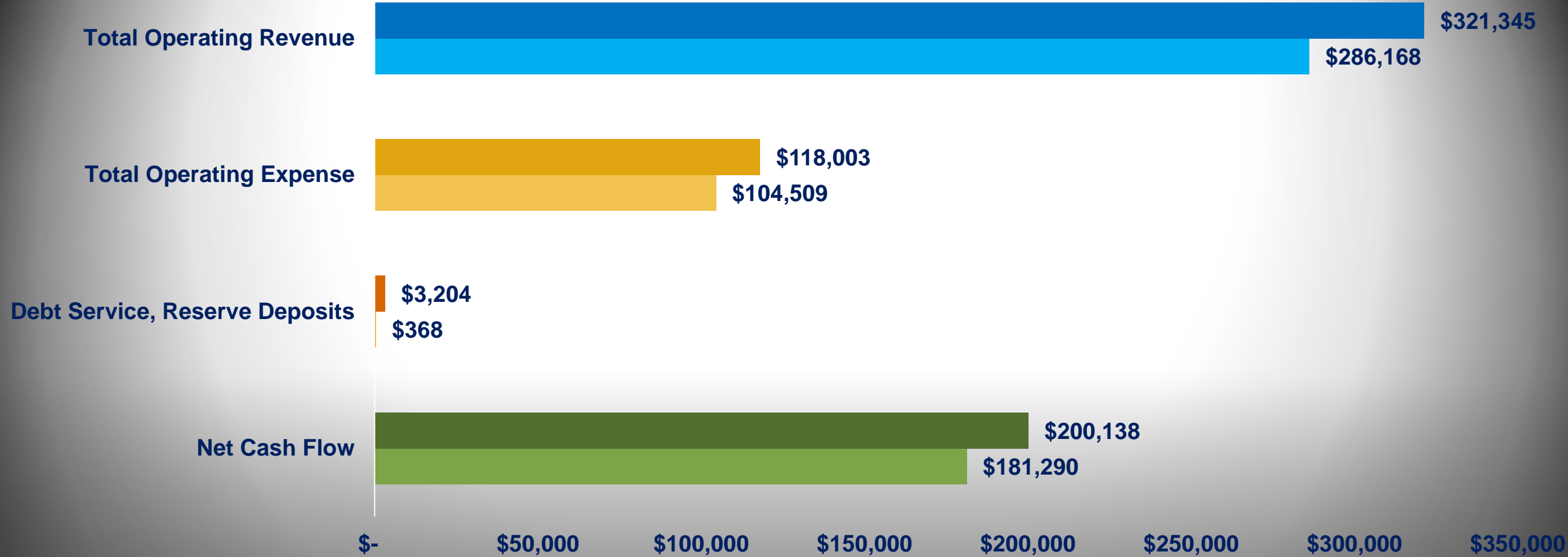
Parrot Gardens 8 Family



\$- \$20,000 \$40,000 \$60,000 \$80,000 \$100,000 \$120,000 \$140,000 \$160,000

	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$26,292	\$-	\$66,199	\$92,491
Budget (Bottom)	\$72,036	\$-	\$68,888	\$140,924

Scattered Sites 1 (AHA) 25 Family/ Senior



	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$200,138	\$3,204	\$118,003	\$321,345
Budget (Bottom)	\$181,290	\$368	\$104,509	\$286,168

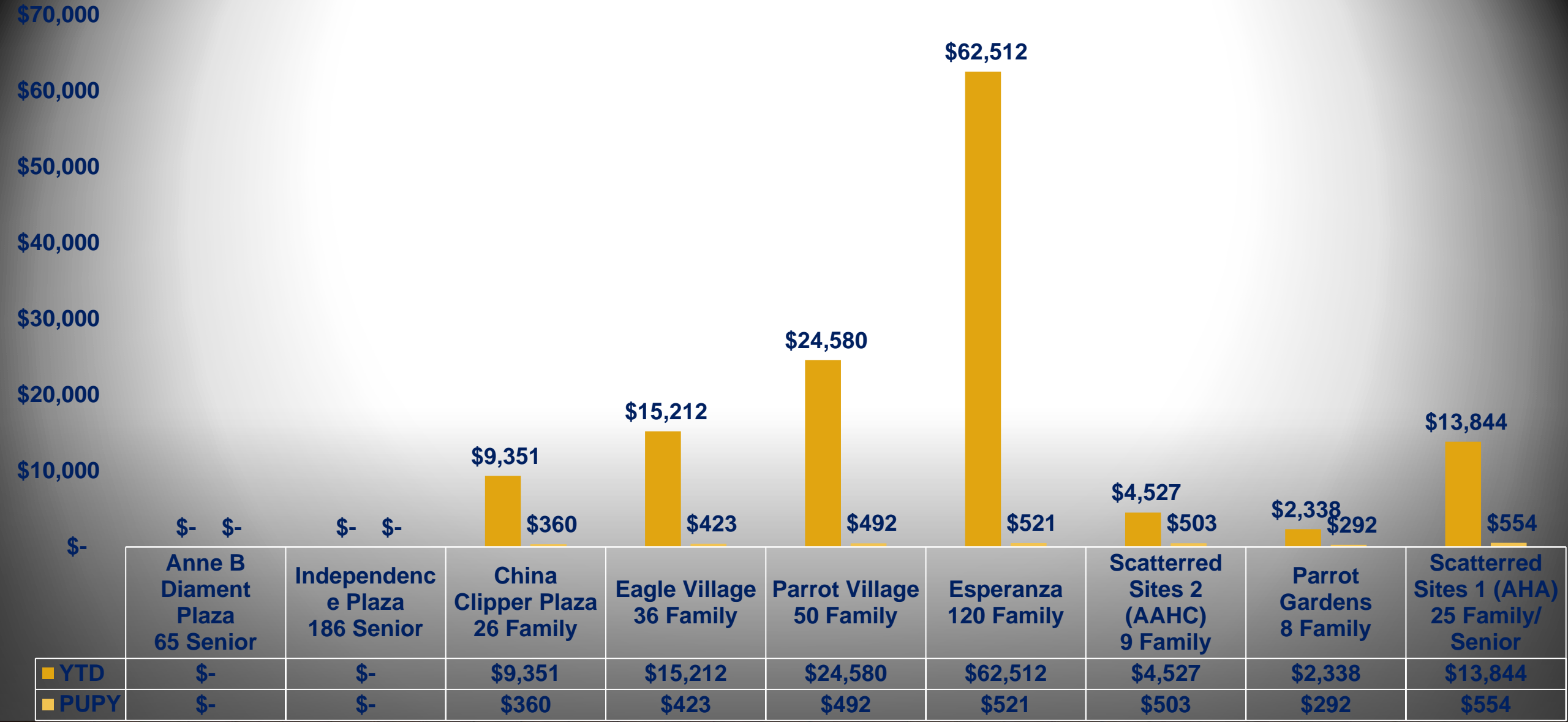
Portfolio Performance



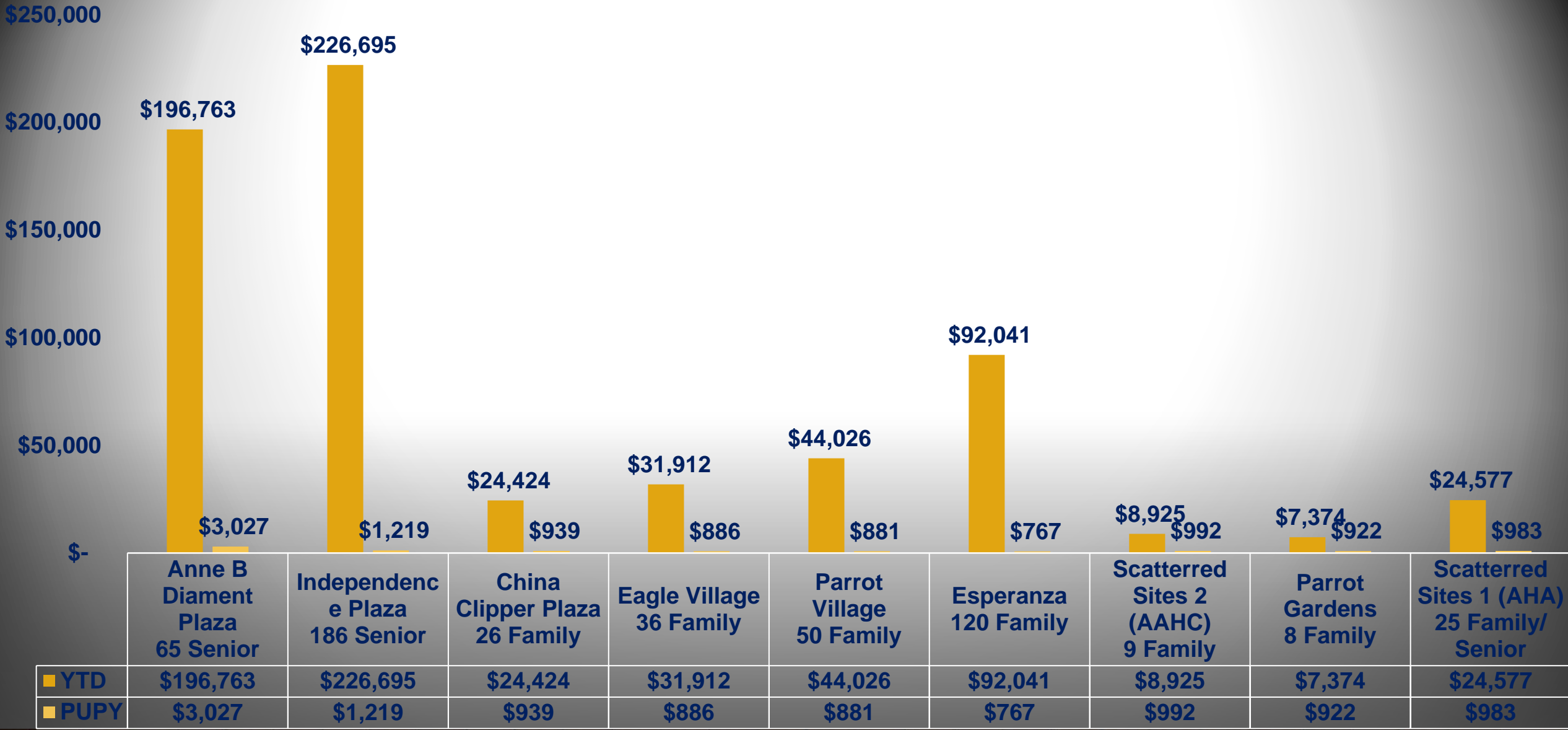
\$- \$1,000,000 \$2,000,000 \$3,000,000 \$4,000,000 \$5,000,000 \$6,000,000 \$7,000,000 \$8,000,000

	Net Cash Flow	Debt Service, Reserve Deposits	Total Operating Expense	Total Operating Revenue
Actual (Top)	\$2,544,737	\$1,159,111	\$3,228,558	\$6,932,406
Budget (Bottom)	\$2,179,983	\$1,544,438	\$3,335,925	\$7,060,346

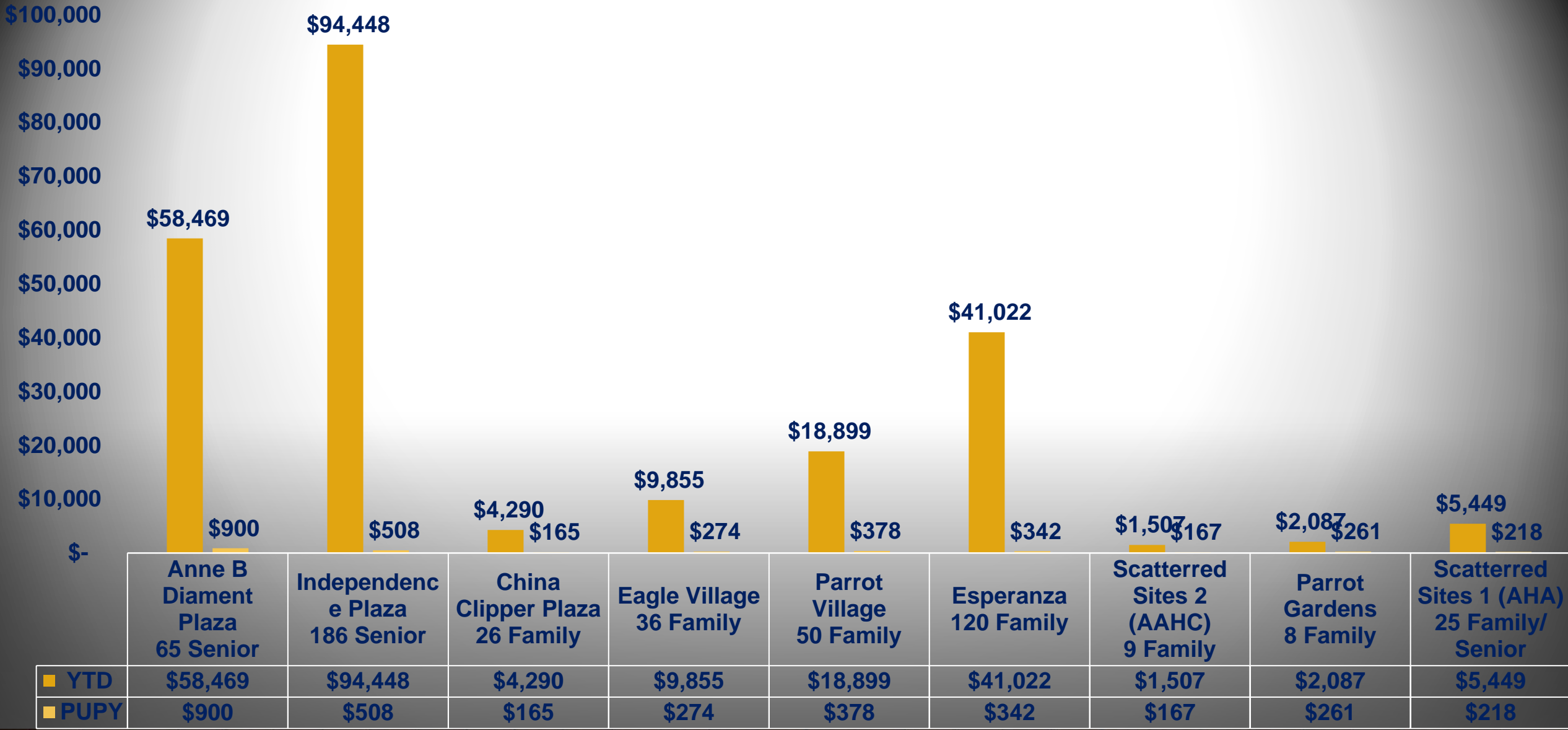
Property Management Fees



Property Staff Salaries and Benefits



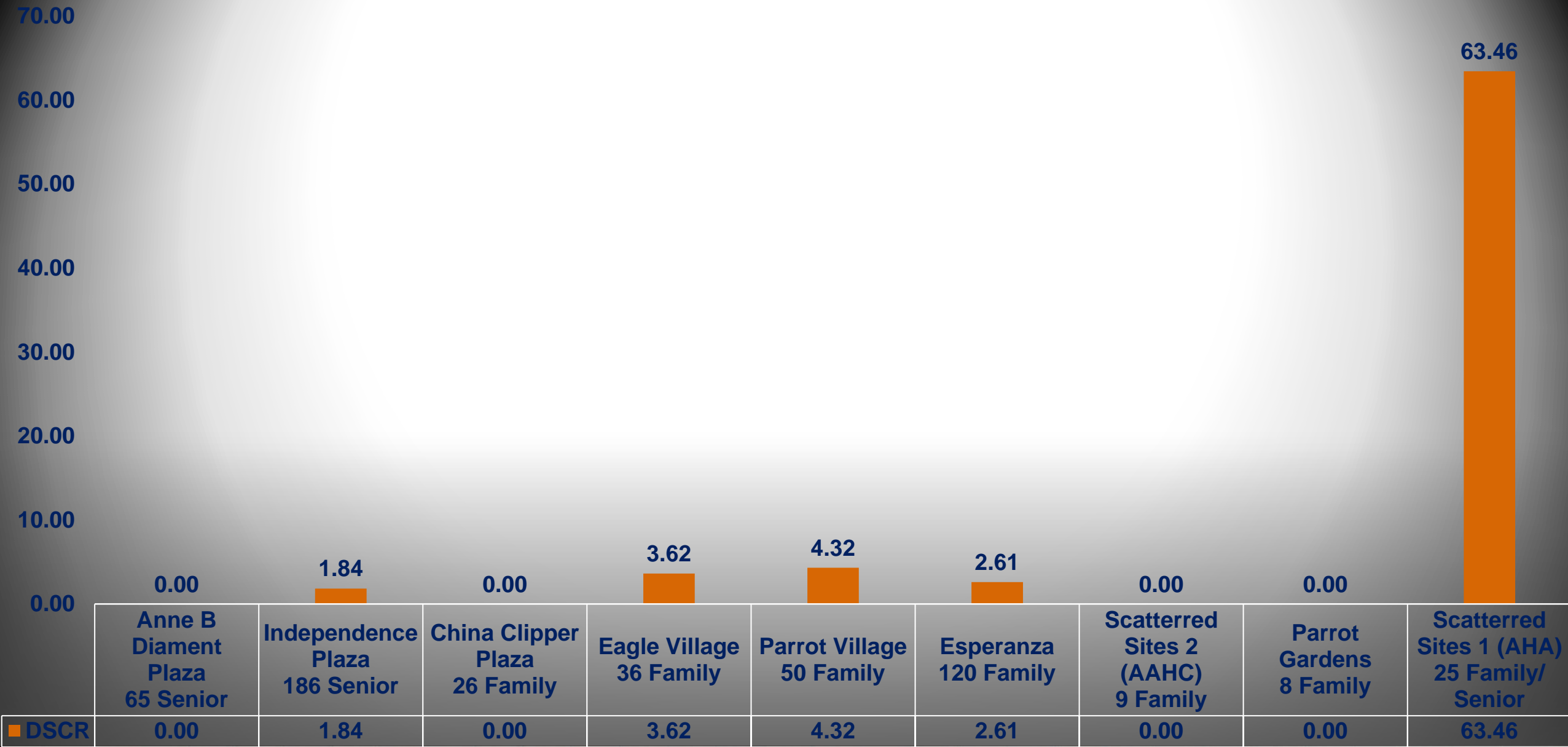
Resident Services



Operating Expense PUPY (Operating Expense/ Unit)



Debt Service Coverage Ratio (Debt Service/ Total Operating Income)



Thank you!



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: Joshua Altieri, Community Relations Manager

Date: February 16, 2022

Re: Alameda Family Services Presentation.

BACKGROUND

Presentation by Alameda Family Services

DISCUSSION

The Housing Authority of the City of Alameda (AHA) partners with many community organizations, including Alameda Family Services (AFS). Alameda Family Services provides critical supportive services to many Housing Authority families for a broad age range of children. The supportive services provided by AFS include school-based services, early childhood and family support, plus clinic/community-based behavioral health care. Yunia Renteria, a Family Support Services Manager from Alameda Family Services, will highlight our partnership and AFS's community impact on AHA families.

FISCAL IMPACT

Not applicable.

CEQA

Not applicable.

RECOMMENDATION

Not applicable.

ATTACHMENTS

None

Respectfully submitted,

Joshua Altieri



Joshua Altieri, Community Relations Manager



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: Sylvia Martinez, Director of Housing Development
Date: February 16, 2022
Re: Presentation regarding 1826 Poggi Street, Summer House.

BACKGROUND

The Waterford Company (<https://www.waterfordco.com/overview>) has requested an opportunity to present the potential conversion of Summer House, 1826 Poggi Street, to Middle Income Housing. Their presentation is attached.

DISCUSSION

Presentation only.

FISCAL IMPACT

No impact at this time.

CEQA

Not applicable

RECOMMENDATION

Presentation only.

ATTACHMENTS

1. Summer House - Alameda - Middle Income Presentation_v3

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sylvia Martinez".

Sylvia Martinez, Director of Housing Development





WATERFORD

“MIDDLE INCOME” ESSENTIAL HOUSING PROGRAM



CSCDA
CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY



**LEAGUE
OF CALIFORNIA
CITIES**

100 BAYVIEW CIRCLE, SUITE 4500
NEWPORT BEACH, CA 92660
949.529.3530
WWW.WATERFORDCO.COM

WATERFORD PROPERTY COMPANY

- Waterford Property Company “Waterford” is an experienced owner and developer of institutional “Class A” multifamily rental projects throughout the State of California. Since its founding in 2014, Waterford has acquired over \$2.8 billion in real estate assets.
- Waterford is an expert in the development of affordable housing. Sean Rawson, Co-Owner of Waterford, has developed and has been a principal and owner of over 3,000 affordable residential units during his career.
- Since 2021, Waterford has closed and acquired over \$2 billion across 15 Class-A multifamily assets (4,014 units) in California cities through the middle-income housing program.

CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA)

- The CSCDA was created in 1988 by the League of California Cities and California State Association of Counties, under California’s Joint Exercise of Powers Act, to provide California’s local governments with an effective tool for the timely financing of community based public benefits projects.
- The CSCDA has 533 member cities as well as counties and special districts throughout California. CSCDA helps local governments build community infrastructure, provide affordable housing, create jobs and provide access to quality healthcare. CSCDA has issued over \$63 billion in bonds for local governments throughout California.

GOLDMAN SACHS

- Goldman Sachs is an expert in municipal bond offerings for public infrastructure and housing projects.
- In 2021 alone, Goldman Sachs led or passively managed the underwriting of \$76.5 billion of municipal bond offerings.
- Goldman Sachs will be the lead investment banker and underwriter for the project.

GREYSTAR

- Greystar operates in more than 210 markets globally with approximately a 748,000-unit portfolio. In California alone, Greystar has 116,286 units under management.
- Greystar will serve as Property Manager following the acquisition of the project.
- Having Greystar as Property Manager on every Waterford/CSCDA asset creates synergies throughout the portfolio and allows Waterford & Greystar to address necessary issues and seamlessly allocate the best resources as needed.

(THE CRISIS) CALIFORNIA HAS FAILED ITS MIDDLE-INCOME WORKFORCE...

- ❑ Our nurses, teachers, librarians, bank tellers, first responders and civil servants earn above “very low” and “low” income households, yet are still priced out of the communities they serve
- ❑ The ripple effects of these housing shortfalls include congestion, pollution, crime, homelessness, health issues, poor student performance and social unrest and dislocation
- ❑ The effects of the dislocation of “middle income” employees is harmful to California employers, as they may have positions that go unfilled cost impacts of workers commutes.

(THE CAUSE) CALIFORNIA’S MIDDLE-INCOME HOUSING CRISIS IS COMPLEX...

- ❑ Restrictive land use policies
- ❑ Organized Not In My Back Yard (NIMBY) policies
- ❑ Record high construction costs
- ❑ Widening income inequality
- ❑ Insufficient housing choices
- ❑ Nonexistent middle-income housing supply

(THE SOLUTION) WATERFORD’S BEST IN CLASS TEAM TO PROVIDE INNOVATIVE HOUSING SOLUTIONS TO CALIFORNIA’S SUPPLY PROBLEM...

- ✓ **Preserve Existing Tenant Population**
- ✓ **Create “Middle Income” Housing with no public subsidies and no equity investments**
- ✓ **Restrict Annual rent increased to 4%**
- ✓ **Impose “Middle Income” Regulatory Agreements**

THE “MISSING-MIDDLE”

- California has a significant shortage of available essential housing for the “Missing Middle”. These are individuals and families that earn too much to qualify for traditional affordable housing, but not enough to afford the market rate rents within the communities they work and serve.
- Essential housing (also known as moderate-income housing) is housing for individuals and families earning less than 60% to 120% of the Area Median Income (AMI).
- Typically, the “Missing Middle” is the most difficult segment of the population to provide housing for because the rents are not low enough to make projects eligible for government subsidies, but the rents are still too low to justify the construction costs.



OVERVIEW OF ESSENTIAL HOUSING PROGRAM

PROCESS

- CSCDA and its Projects Administrator (Waterford) acquires new or existing rental multifamily communities and records a regulatory agreement restricting rents at the property to less than 60% to 120% AMI
- All properties are financed through CSCDA tax exempt governmental bonds
- The City enters into a Public Benefits Agreement whereby the City (along with the County and School District) receive all surplus revenue upon the sale of the property.

PROPERTY TARGETS

- CSCDA and its Projects Administrator (Waterford) plan to acquire Class A or B existing multifamily properties in core supply-constrained markets targeted to the “Missing Middle” while maintaining their Class A or B designation
- All properties will be professionally managed and be operated as if there is no “income restriction” in place
- **Since all residual cash flow will be used to pay down the outstanding balance and because the local government is the ultimate financial beneficiary to all developed equity in the asset, Waterford and its team will have ample capital to reinvest back into the property and guarantee that all properties are operated in a best-in-class manner**



OVERVIEW OF WATERFORD ESSENTIAL HOUSING PORTFOLIO



WATERFORD



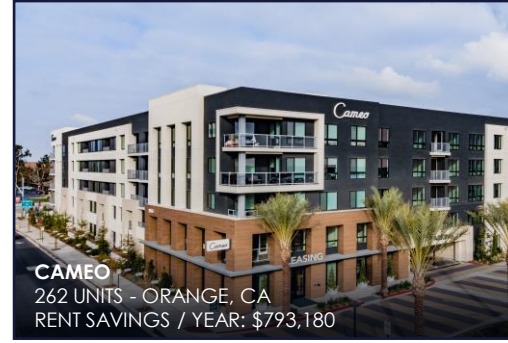
CSCDA
CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY



PARALLEL
386 UNITS - ANAHEIM, CA
RENT SAVINGS / YEAR: \$4,356,407



ALTANA
507 UNITS - GLENDALE, CA
RENT SAVINGS / YEAR: \$3,474,867



CAMEO
262 UNITS - ORANGE, CA
RENT SAVINGS / YEAR: \$793,180



1818
265 UNITS - ANAHEIM, CA
RENT SAVINGS / YEAR: \$2,755,032



ALCOVE
112 UNITS - ESCONDIDO, CA
RENT SAVINGS / YEAR: \$376,954



THE PARAMOUNT
400 UNITS - ANAHEIM, CA
RENT SAVINGS / YEAR: \$5,419,765



WESTGATE (PHASES II & III)
340 UNITS - PASADENA, CA
RENT SAVINGS / YEAR: \$2,683,740



GARRISON
94 UNITS - ORANGE, CA
RENT SAVINGS / YEAR: \$311,878



WESTGATE (PHASE I)
480 UNITS - PASADENA, CA
RENT SAVINGS / YEAR: \$3,997,061



ROWAN
126 UNITS - ESCONDIDO, CA
RENT SAVINGS / YEAR: \$390,887



OCEANAIRE
216 UNITS - LONG BEACH, CA
RENT SAVINGS / YEAR: \$1,652,548



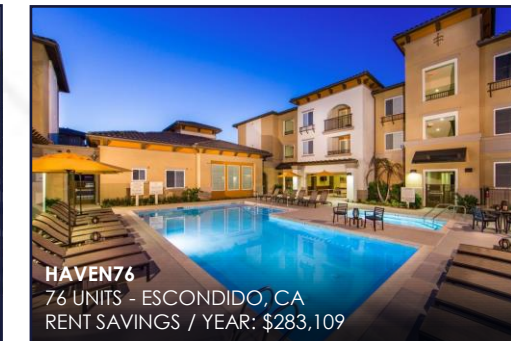
THE HUDSON
173 UNITS - PASADENA, CA
RENT SAVINGS / YEAR: \$1,332,102



THEO
105 UNITS - PASADENA, CA
RENT SAVINGS / YEAR: \$458,223



777 PLACE
472 UNITS - POMONA, CA
RENT SAVINGS / YEAR: \$3,343,139



HAVEN76
76 UNITS - ESCONDIDO, CA
RENT SAVINGS / YEAR: \$283,109

➤ **Total Waterford Essential Housing Communities in CA: 15**

➤ **Total Waterford Essential Housing Units: 4,014**

WATERFORD/CSCDA ESSENTIAL HOUSING PORTFOLIO – RESIDENT RENT SAVINGS



WATERFORD



CSCDA
CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY

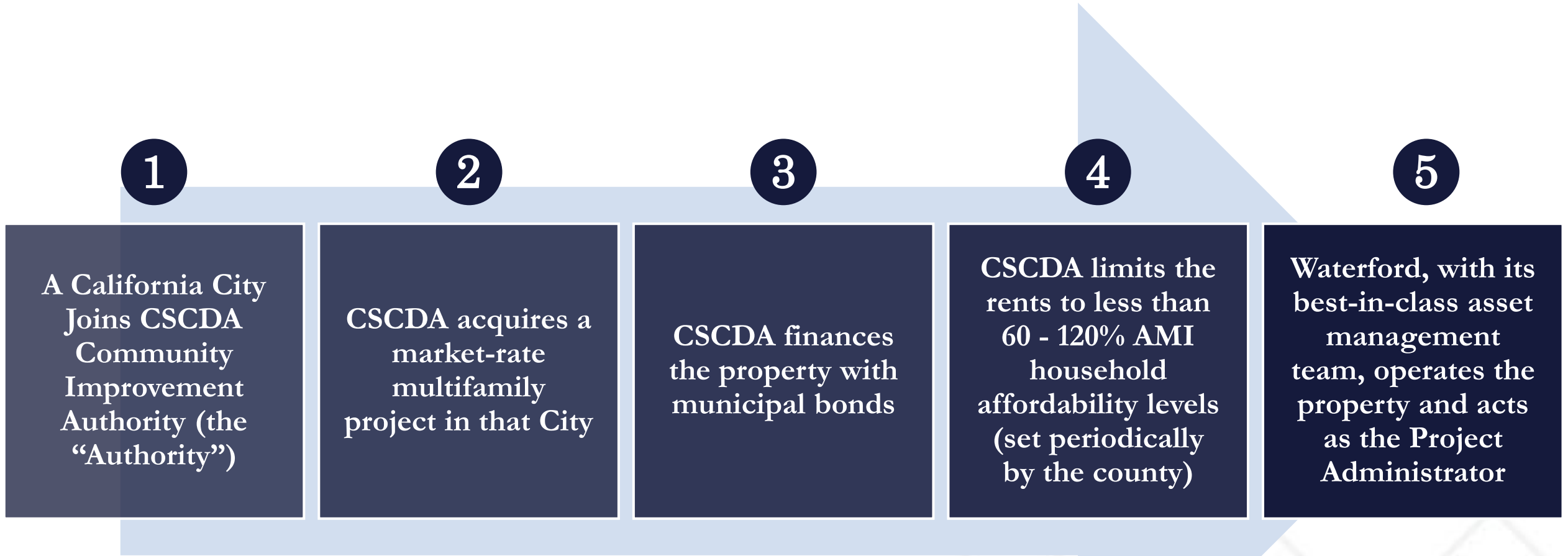
ESSENTIAL HOUSING OCCUPANCY & RENT SAVINGS DASHBOARD

As of: 1/30/2022

Project	City	Date Acquired	80% AMI Units Occupied	% of Total Units (80%)	100% AMI Units Occupied	% of Total Units (100%)	120% AMI Units Occupied	% of Total Units (120%)	Total AMI Units Occupied	% of Total Units (Total AMI)	Total Units	Current Occupancy	Budgeted Occupancy	30-Day Trend	Monthly Rent Savings Per Unit vs. Market Rents*	Yearly Rent Savings Per Unit	% Savings off Market	Total Savings per Year
Parallel	Anaheim	Feb-21	100	25.91%	64	16.58%	29	7.51%	193	50.00%	386	99.2%	95.1%	99.7%	\$806	\$9,677	28.0%	\$3,735,165
Paramount	Anaheim	Feb-21	66	16.50%	56	14.00%	44	11.00%	166	41.50%	400	99.8%	96.0%	100.0%	\$961	\$11,535	30.6%	\$4,613,975
Oceanaire	Long Beach	Mar-21	60	27.78%	28	12.96%	6	2.78%	94	43.52%	216	96.8%	95.0%	99.5%	\$678	\$8,139	20.4%	\$1,757,918
Altana	Glendale	Apr-21	57	11.24%	60	11.83%	35	6.90%	152	29.98%	507	98.8%	95.1%	97.6%	\$609	\$7,311	18.9%	\$3,706,840
Westgate II & III	Pasadena	Jun-21	29	8.53%	15	4.41%	33	9.71%	77	22.65%	340	98.2%	96.6%	100.0%	\$866	\$10,388	24.0%	\$3,532,028
Hudson	Pasadena	Jun-21	27	15.61%	9	5.20%	3	1.73%	39	22.54%	173	97.7%	95.9%	100.0%	\$789	\$9,463	23.9%	\$1,637,127
Cameo	Orange	Sep-21	8	3.05%	6	2.29%	1	0.38%	15	5.73%	262	99.6%	95.0%	99.2%	\$295	\$3,542	9.9%	\$928,023
Garrison	Orange	Sep-21	5	5.32%	4	4.26%	3	3.19%	12	12.77%	94	96.8%	95.0%	99.7%	\$305	\$3,664	11.1%	\$344,371
1818	Anaheim	Oct-21	11	4.15%	9	3.40%	7	2.64%	27	10.19%	265	98.9%	95.0%	100.0%	\$711	\$8,529	23.7%	\$2,260,088
Theo	Pasadena	Nov-21	9	8.57%	1	0.95%	1	0.95%	11	10.48%	105	95.2%	95.0%	95.2%	\$522	\$6,260	15.4%	\$657,324
777 Place (50% AMI)	Pomona	Nov-21	2	0.42%	4	0.85%	2	0.42%	8	1.69%	472	97.7%	95.0%	98.1%	\$577	\$6,923	27.0%	\$3,267,684
Westgate I	Pasadena	Dec-21	0	0.00%	0	0.00%	0	0.00%	0	0.00%	480	0.0%	0.0%	0.0%	\$852	\$10,222	26.3%	\$4,906,571
Alcove	Escondido	Dec-21	1	0.89%	0	0.00%	0	0.00%	1	0.89%	112	94.6%	96.4%	95.5%	\$304	\$3,653	11.2%	\$409,094
Rowan	Escondido	Dec-21	1	0.79%	0	0.00%	1	0.79%	2	1.59%	126	95.2%	95.0%	98.4%	\$286	\$3,437	10.3%	\$433,059
Haven76	Escondido	Dec-21	0	0.00%	0	0.00%	0	0.00%	0	0.00%	76	97.4%	96.5%	98.7%	\$339	\$4,072	12.1%	\$309,498
Total			376	8.58%	256	5.12%	165	3.20%	797	19.86%	4014	0.0%	0.0%	0.0%	\$675	\$8,096	22.35%	\$32,498,765

Pertinent Notes:

- The assets are listed in the order of date of acquisition by Waterford/CSCDA. Parallel, which was the first Essential Housing acquisition, was purchased less than a year ago and has reached approximately 50% Essential Housing conversion
- Westgate I, Alcove, Rowan, and Haven76 were purchased at the end of 2021 and are in the process of transitioning into the Essential Housing program



HOUSING POLICY

- Since 2012, the cost to build multifamily projects in California has risen nearly 40%
- In order to make new multifamily projects financially feasible, developers have continued to increase rents at record levels. Average rent growth in California was +42% in the last 7 years. Statewide rent growth is projected to average +12% from June 2021 – December 2022 alone
- In urban and suburban areas where developable land is scarce and higher density construction is required, the only way to make multifamily projects viable is to utilize Low Income Housing Tax Credits (LIHTC) for “low” and “very low” income households or build project that target households earning in excess of 120% AMI
- **The result is the creation of very few less than 60% to 120% AMI residential units**

FINANCIAL BENEFITS

- Under the Public Benefit Agreement, the City, at its sole discretion, may force a sale of the property between Year 15 and Year 30 (the end of the life) of the bonds, and the City, along with other taxing agencies (including the County and School District) would receive the net sale proceeds.
- All properties are financed through the issuance of tax-exempt bonds and have no equity partners which means that after paying off the bond payments upon a sale, all excess sales proceeds go to the City and other taxing agencies.

COMMUNITY BENEFITS

- Cities can provide much needed “middle income” housing without using financial resources to build it
- Cities will reap large financial windfalls starting in Year 15 and can be accessed at their discretion
- Cities will ensure that all properties in the program are operated to highest standards and best practices because all excess cash flow after servicing the bonds will be invested back into the assets

OWNERSHIP

- Assets are owned by CSCDA and Waterford is the Project Administrator
- Waterford will oversee all operations of the assets and maintain the business plan in conjunction with its property manager

REGULATORY AGREEMENT

- Restrict occupancy to moderate income households or lower (less than 60%-120% AMI)
- Limit annual rent increases to a maximum of four percent (4%) annually
- Prevent displacement of existing residents that do not meet income eligibility requirements

FINANCIAL REPORTING

- CSCDA shall provide annual reports to the City regarding the status of its acquisition, financing and operation of property
- City is allowed to review and audit all financials for the property

PUBLIC BENEFIT AGREEMENT

- The City, at its sole discretion, may force a sale of the assets of the property between Year 15 and Year 30
- The project is financed through the issuance of limited obligation bonds; bonds issued will be indebtedness solely for the Authority, and payable from revenues of the project.
- No financial expenditures, liabilities, or obligations are created by joining the Authority or executing the public benefit agreement.

A POTENTIAL SOLUTION TO ALAMEDA'S LONG TERM FINANCIAL ISSUES



CALPERS

- In order to fund future liabilities, CalPERS will need to achieve outsized returns in excess of 7% on its \$389 billion in assets to fund future obligations
- In its 2020 fiscal year which ended June 30, CALPERS earned a 4.7% return
- CalPERS reports that it is 70% funded for future needs; this means it is \$170 billion short of future obligations

UN-FUNDED PENSION OBLIGATIONS

- State and local agencies are required to pay their required contributions to fund their employee pensions
- Deferred payments result in higher costs in the future
- “The challenge for the underfunded liability has been a structural challenge. Its the same as Social Security and Medicare. More money goes out than goes in.” *Sanjay Varshney, finance professor, California State University Sacramento*

MIDDLE INCOME HOUSING FINANCIAL BENEFITS

- All properties are financed through the issuance of tax-exempt bonds and have no equity partners, meaning all excess sale proceeds are paid to the City and other taxing agencies
- These proceeds from the sale of the property could be a large windfall to the City to help cover future pension contributions

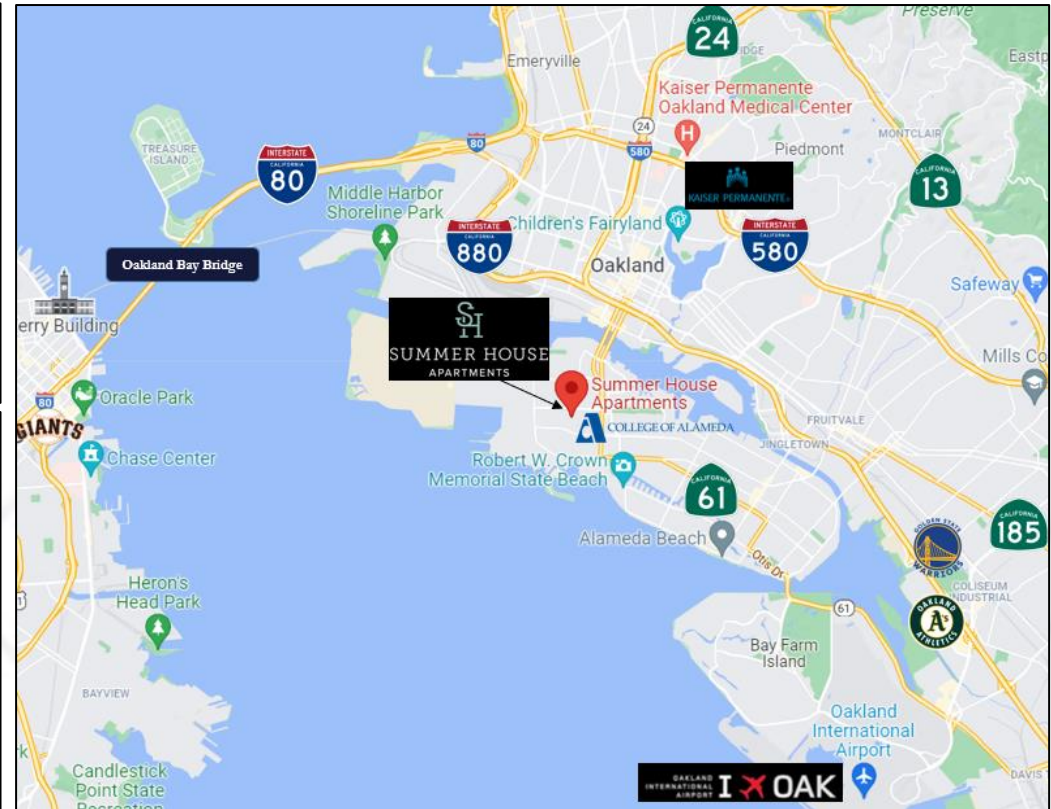
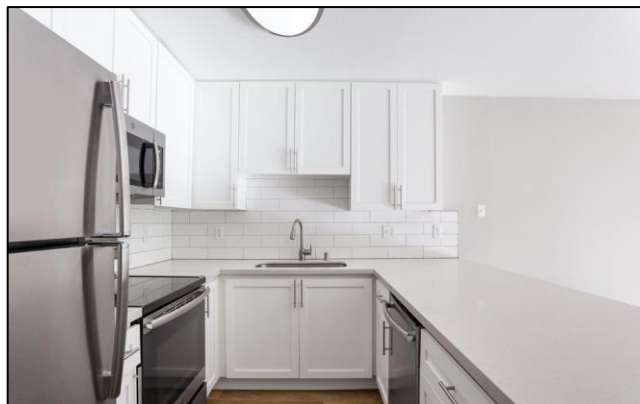
PROJECT PROPOSAL – SUMMER HOUSE

THE PROPERTY

Located at 433 Buena Vista Avenue, Summer House is a 615-unit multifamily community in Alameda, CA.

Project Overview:

- **Completion:** 1966
- **Total Units:** 615 units
- **Property Type:** “Class-B+” Multifamily Community
- **Unit Mix:** 1B – 6 units; 2B – 503 units; 3B – 100 units; 4B – 6 units
- **Amenities:** Full amenity set - gated community with pool, fitness center, clubhouse, business center, and abundant outdoor space
- **Location Proximity:** Across the street from the College of Alameda and less than one mile from the stores of Alameda Landing. One mile away from the 880 Freeway, and 6 miles from Oakland International Airport



REALIGNING THE INTERESTS OF RESIDENTS & OWNERSHIP



WATERFORD



CSCDA
CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY

Sidewalks Trip Hazards

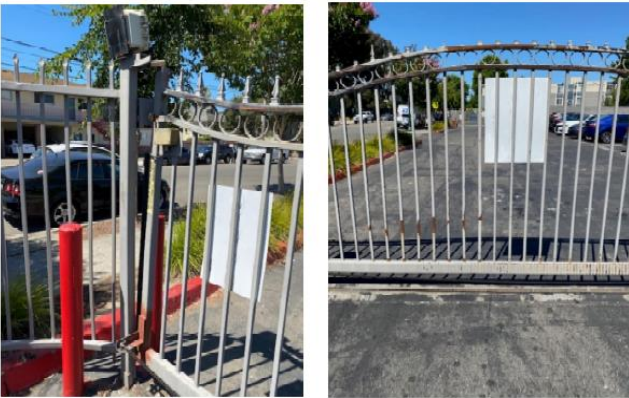
Repair trip hazards throughout the property. Life/Safety issue. Many areas have already been ground beyond the useful life.



-the photos are very misleading. the grounds have potential, but the concrete is cracked & broken everywhere, so watch where you step, lest you trip. there are broken beer & liquor bottles, litter, & gang graffiti everywhere.

Gates/Fencing Replacements

Entry Gate is in very poor condition. Falling off at the hinge, visible paint flaking and rust. Recommend replacement in Year 1 and hold budget for repairs as needed YOY. These gates are damaged by residents often.



3) Regarding parking and safety: there is only one parking pass per unit regardless of the amount of bedrooms/roommates/cars. Their gates have not been working for almost all year and they refuse to give you new gate keys that work. Management said it was an issue they were aware of and were working on it. It was been over 8 months of no fix to this issue. Their resolution to the gate keys not working is leaving one of the gates by Buena Vista Ave permanently open. Which defeats the safety of a closed gate community.



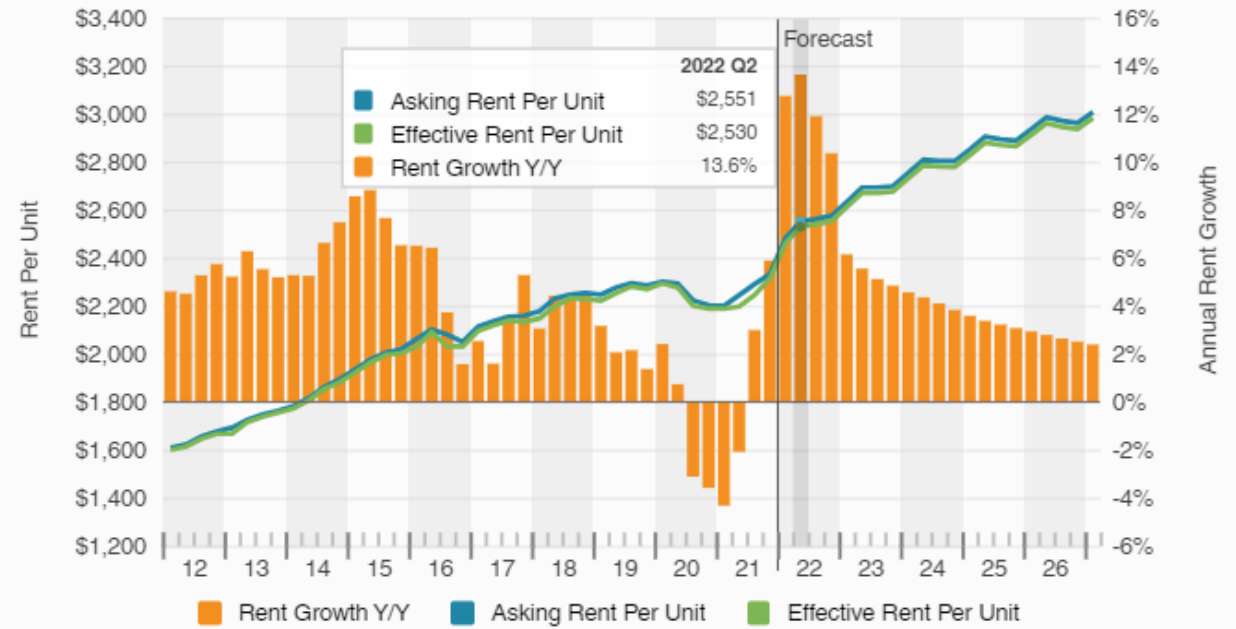
Uses of Funds	Total	Per Unit	%
Project Acq. Account	\$309,060,000	\$502,537	83.32%
Total Capital Expense Fund	\$24,915,750	\$40,513	6.72%
Capitalized Interest Account	\$3,884,305	\$6,316	1.05%
Operating Reserve	\$1,065,795	\$1,733	0.29%
Coverage Reserve	\$2,967,444	\$4,825	0.80%
Senior Debt Service Reserve	\$14,837,218	\$24,126	4.00%
Capitalized Admin Fees	\$700,000	\$1,138	0.19%
Extraordinary Expense	\$500,000	\$813	0.13%
Operating Account (under Property Mgmt)	\$667,675	\$1,086	0.18%
Initial Payment Project Admin.	\$2,000,000	\$3,252	0.54%
Costs of Issuance	\$10,332,268	\$16,800	2.79%
Total	\$370,930,454	\$603,139	100.00%

SUMMER HOUSE

- As a 615-unit, 1960s-vintage market rate asset, Summer House will only incentivize ownership to invest back into the community in return for significant increases in rental income, which can only be achieved via new leases, rather than lease renewals.
- As a result, rent-increase restrictions financially disincentivize current market-rate ownership from making Summer House attractive to stable, long-term residents.
- This misalignment of interests manifests as a slashed capital expense budget, decreased focus on long-term repairs for existing residents, and high capital expense requirements passed onto the next owner.
- If sold to another market rate manager, Summer House's new ownership will be incentivized to spend renovation capital only on newly leasable units that return the highest rents achievable.
- Through the Essential Housing program, Waterford/CSCDA team is incentivized to reinvest into the asset, maintain the highest level of prolonged resident retention possible, while preserving a significant discount to market rate asking rents across all units at the asset over a 30-year period.
- Waterford does not benefit from high annual turnover and has allocated nearly \$38M in capital expenses funds back into the asset (\$25M to be spent in yrs. 1-5, and \$13M in annually distributed capital reserves).

ALAMEDA RENT GROWTH IMPACT ON POPULATION TRENDS

ALAMEDA MARKET RENT PER UNIT AND RENT GROWTH



12 Mo Absorp % of Inventory	4.5% ↑
Median Household Income	121K
Population Growth 5 Yrs 20-29	-13.2%
Population Growth 5 Yrs 30-39	-10.2%
Population Growth 5 Yrs 40-54	6.2%
Population Growth 5 Yrs 55+	8.1%
Population Growth 5 Yrs	0.9%

SKYROCKETING RENTS PUSHING YOUNG WORKERS OUT

- **20-39-year-old workers are leaving Alameda.** This segment is...
 - a) Cost-sensitive,
 - b) Demanding of quality, and
 - c) Essential for the prosperity of Alameda’s local economy

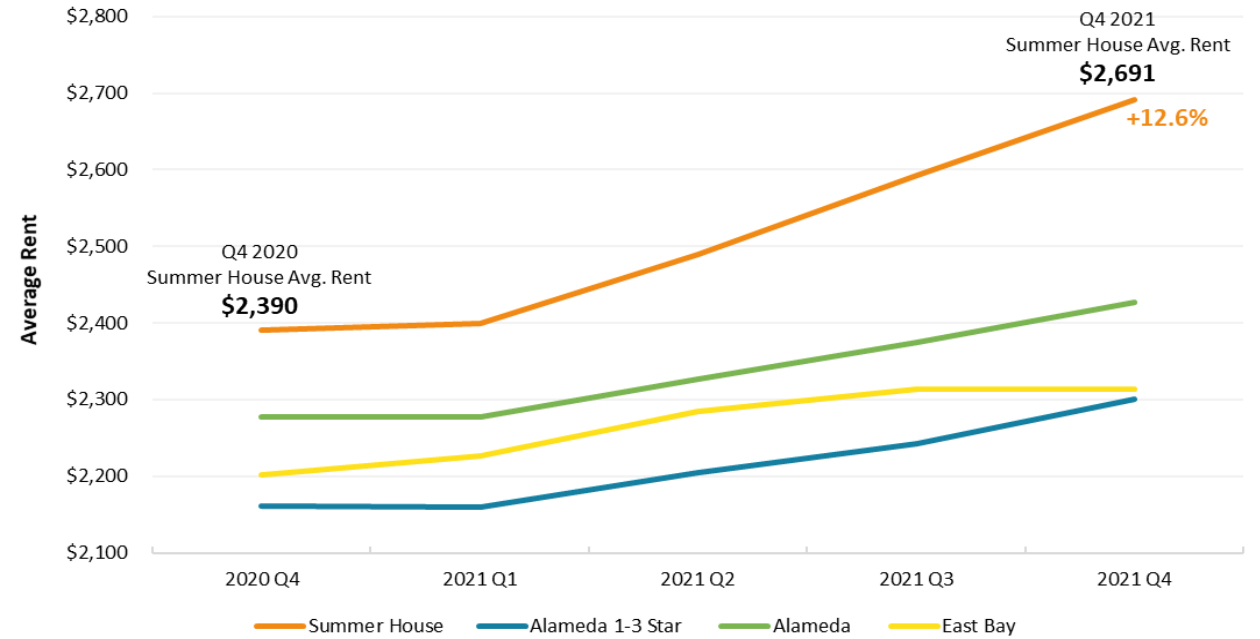
- On cost-sensitivity, the single most cited reason for relocation is high housing costs. According to Costar data, Alameda’s year-over-year asking rent growth is expected to be **13.6% by the end of 2022 Q2**. Per the Regulatory Agreement for Essential Housing projects, rent increases are limited to a maximum of 4% per year. **Waterford/CSCDA Essential Housing projects further limit annual rent growth to 3%**

- High rent has been the direct cause of the essential 20–39-year-old segment’s exodus from Alameda. To reverse this trend, **more quality housing must become both affordable and available for renters in this segment**

HIGH RENT GROWTH IN NEW LEASES

- Summer House is currently subject to rent control by the Alameda Housing Authority (AHA).
- Due to the rent control ordinance, annual rent growth on lease renewals averaged approximately 2.7% in 2021 at Summer House.
- However, out of the 615 units at the asset, 251 households (41%) did not renew in 2021 and were turned-over into new leases.
- The rent increases achieved from the new leasing at these 251 units averaged approx. 24%, with some rent increases reaching as high as 39% when compared to the previously achieved rents on those units.
- Combining the rent increases on 251 new leases with the restricted increases on renewals, the average annual rent growth at Summer House amounted to +12.6% in 2021 alone.

YOY Average Rent Growth - Summer House & Surrounding Market



CONCLUSION

Even with the City's rent cap ordinance in place, average new lease rents have substantially increased at Summer House over the past 3 years. This strong rent growth at Summer House will continue to contribute to housing insecurity and dislocation by:

1. Disincentivizing a younger workforce from moving to Summer House because of high entry-level rents on new leases, and
2. Encouraging higher annual turnover rates and less resident retention. If the area is experiencing high rent growth, ownership wants tenants to move out as quickly as possible so rents can be raised to market

At a property level, this manifests as a decreased standard of maintenance for everyone. At the city level, this harms Alameda's population growth. With the implementation of the Essential Housing program, Summer House will not only continue to provide stabilized rent, but will also increase the maintenance standard of the property and draw a young, stable workforce with increased affordability.

SUMMER HOUSE ESSENTIAL HOUSING UNIT MIX

THE MIDDLE INCOME PROGRAM

- The acquisition of Summer House will be financed through the issuance of tax-exempt bonds
- Upon the acquisition of the property, CSCDA will restrict the rents to the following income categories:
 - Households earning less than 60% of the Area Median Income (AMI)
 - Households earning between 61% and 90% of the AMI
 - Households earning between 91% and 120% of the AMI
- Maximum allowable rents for each income category will not exceed 35% of the respective income limit for Alameda County, adjusted for household size, as published annually by HUD and utilized by the California Tax Credit Allocation Committee

	Max Allowable Rent		
	60% AMI	90% AMI	120% AMI
1 BR	\$1,918	\$2,877	\$3,836
2 BR	\$2,158	\$3,237	\$4,316
3 BR	\$2,398	\$3,596	\$4,795
4 BR	\$2,590	\$3,885	\$5,180

Unit Type	Type	Total Units	SF	Market Rent	CSCDA Pro Forma Rent									CSCDA % Discount to Market		
					Units	60% AMI Rents	% Discount to Market	Units	90% AMI Rents	% Discount to Market	Units	120% AMI Rents	% Discount to Market		Total Units	Wtd. Avg. Rent
1 BR	Market	6	645	\$2,430	2	\$1,871	23.0%	2	\$1,952	19.7%	2	\$1,993	18.0%	6	\$1,938	20.2%
2 BR	Market	504	841	\$2,800	168	\$2,123	24.2%	168	\$2,216	20.9%	168	\$2,262	19.2%	504	\$2,200	21.4%
3 BR	Market	99	1,018	\$3,442	33	\$2,398	30.3%	33	\$2,893	15.9%	33	\$2,954	14.2%	99	\$2,748	8.8%
4 BR	Market	6	1,255	\$3,721	2	\$2,590	30.4%	2	\$3,236	13.0%	2	\$3,303	11.2%	6	\$3,043	9.7%
Total/Wtd. Avg.		615	872	\$2,909	205	\$2,170	25.4%	205	\$2,332	19.8%	205	\$2,381	18.2%	615	\$2,294	21.1%
Annual Rent Savings Per Resident					\$3,117			\$1,166			\$583			\$1,622		
Year 0 Total Resident Rent Savings					\$639,000			\$239,046			\$119,523			\$997,569		

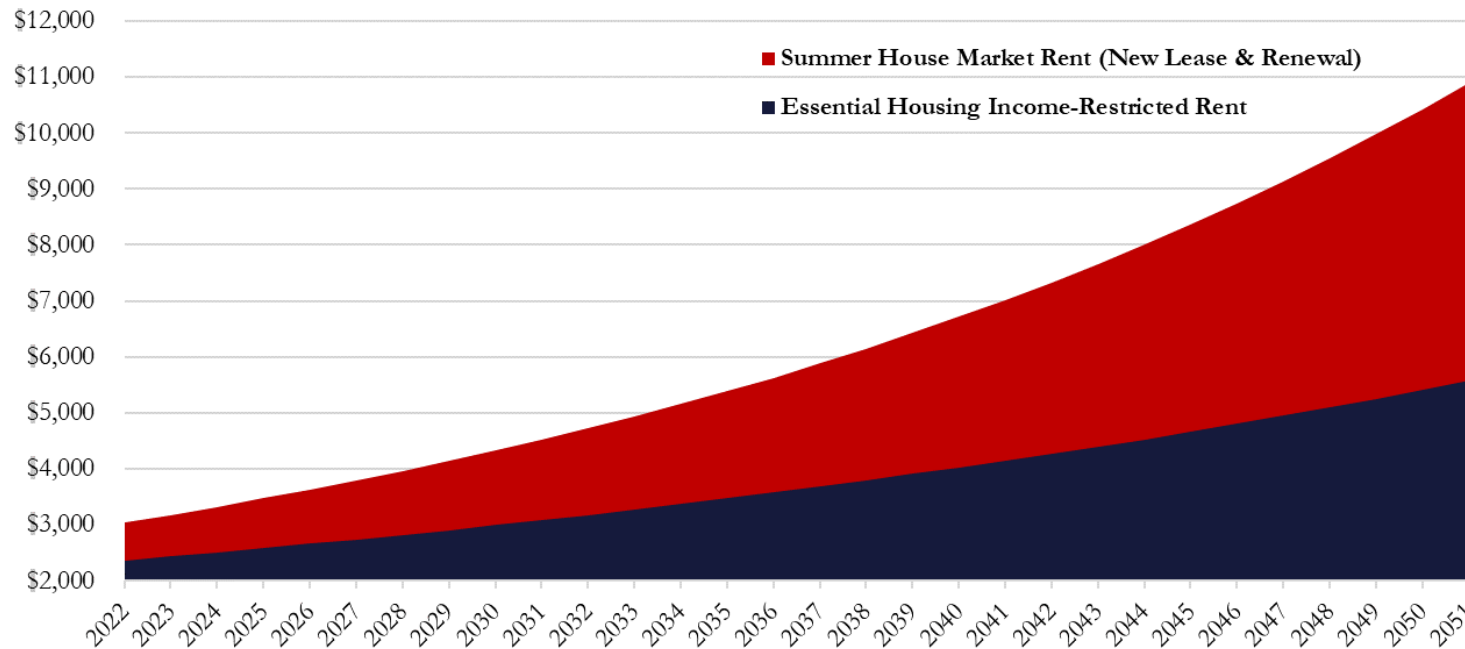
Residents will save an average of \$1,622 in annual rent costs through the program

Total current annual resident rent savings amounts to \$997,569

Rent savings will amount to a **21.1%** decrease from current market rents

RESIDENT RENT SAVINGS AT SUMMER HOUSE WILL INCREASE SUBSTANTIALLY OVER TIME

Income-Restricted Rent vs Market Rent - 30 Years



1. As illustrated in the chart to the left, **the difference between market rents and income-restricted rents will increase more and more each year** due to the compounded growth of market rents versus the annual rent growth caps set in place for Essential Housing properties.
2. **Over the 30-yr hold period, residents at Summer House will be able to save \$538,872,836 in aggregate rent expenses (\$876,216 in rent savings per household)**
3. Middle-income resident rent savings amount to approx. 55.4x greater than the City’s property tax forbearance during the same period
4. Moreover, **the City will be the sole owner of the asset once the bonds are paid off, amounting to \$565 Million in net surplus proceeds** (post tax forbearance) in year 30.

RENT GUIDELINES

- Upon the acquisition of the property, existing tenants will not be displaced
- Existing tenants who qualify will be granted income restricted rents at the time that their lease expires
- Rent increases will be subject to a 4% annual cap per the regulatory agreement; properties bought through the middle-income housing program by Waterford/CSCDA will be limited to 3% annual rent increases.
- Summer House will be kept in its current luxury condition. The pro forma has \$24,915,750 of “excess” capital funded through the bond issuance for on-site maintenance in addition to \$300 per unit in annual “Op-ex” reserves, which will grow at 2.5% annually until increasing to \$700 per unit starting in year 10.

SCENARIO 1 – SUMMER HOUSE ESSENTIAL HOUSING PROGRAM

- Summer House is currently assessed at \$239.7M per the 2020/21 tax bill. Based on a 1.00% general levy rate, the annual taxes generated from the property will be approx. \$2.4M. Assuming the City of Alameda receives a 10% share of the general levy amount, the City will receive \$239,702 annually from Summer House, grown by roughly 2% per year. **Over the 30-year period, the City of Alameda will forgo approximately \$9.7M in total tax revenue.**
- Starting in Year 15, per the Public Benefit Agreement (PBA), Alameda can dictate if Summer House is sold, re-financed or continues to operate “as-is”.
- To the right is a financial analysis showing that assuming a 4% cap rate reversion analysis the City of Alameda will be due \$565.1M in Year 30 if the assets are sold. If Alameda chooses not to sell the assets it will be the beneficiary of all “cash flow” once the bonds are paid off.
- **Over the 30-yr hold period, residents at Summer House will be able to save \$539M in aggregate rent expenses (\$876,216 in rent savings per household). In this scenario, Essential Housing resident rent savings amount to approx. 55.4x greater than the City’s property tax forbearance during the same period under current ownership.**

Future Projected Revenue Analysis - City of Alameda

	Cap Rate 4.00%
	<u>Year 30</u>
Exit NOI	\$32,370,146
<u>Total New Adjusted Property Tax Payment</u>	<u>-\$4,934,830</u>
Adjusted NOI	\$27,435,317
Projected Sale Proceeds	\$685,882,917
Senior Debt Service Reserve - Returned	\$14,837,222
Series A Bonds remaining at 30 Years	<u>-\$118,887,742</u>
Series B Bonds remaining at 30 Years	<u>-\$7,057,374</u>
Surplus Proceeds	\$574,775,023
Other Taxing Entities	\$87,518,183
City of Alameda Property Tax	\$9,724,243
Total Voted Indebtedness	\$15,490,718
Net Sales Surplus Proceeds	\$462,041,879
City Net Surplus Proceeds	\$565,050,781
City of Alameda Equity Multiple	59.11x

TAKEAWAY: Through the Essential Housing program, the City of Alameda will forgo approximately \$9.7M in tax revenue in exchange for: (1) \$565.1M in net surplus proceeds to the City, (2) \$539M in aggregate rent savings to the middle-income working families of Alameda, and (3) \$38M in capital dedicated to the comprehensive renovation of one of the largest communities in the City of Alameda.

SCENARIO 2 – REASSESSED AT PURCHASE PRICE

- Waterford/CSCDA has proposed to purchase Summer House from current ownership for \$306M through the Essential Housing Program.
- If purchased by a market rate buyer at this price, the general levy portion of the property taxes for Summer House would amount to \$3.06M in year 1. Assuming the City of Alameda receives a 10% share of the general levy amount, the City would receive \$306,000 annually in property taxes from Summer House, grown by roughly 2% per year.
- **In this hypothetical scenario, the City of Alameda would make approximately \$12,413,832 in total tax revenue over a 30-year hold period.**
- **By not entering into the Essential Housing Program, Summer House would charge residents an additional \$539M (\$876,216/household) in additional rent expenses over the 30-year term**
- **In this scenario, resident rent savings at Summer House through the Essential Housing program would have amounted to approx. 43.4x greater than the City's property tax collection during the same period if reassessed by Waterford/CSCDA's proposed purchase price**
- **In addition to the \$539M in additional rent expenses charged to the middle-income families of Alameda, the City will forgo its right to own Summer House once the bonds are paid off in year 30, amounting to \$565 Million in forgone net surplus proceeds.**

ESSENTIAL HOUSING OWNERSHIP

- ✓ \$539M in resident rent savings (\$876k/household) over 30-year hold period
- ✓ Guaranteed City Ownership, amounting to \$565M in net proceeds to the City once bonds are paid off
- ✓ \$25M in capital spent on interior, exterior, common area, and deferred maintenance improvements over the first 5 years of ownership
- ✓ \$14M in annually distributed capital reserves used solely for property preservation and improvements over the 30-year hold period
- ✗ \$239k in annual property taxes to the City of Alameda (\$306k if reassessed at purchase price)

- Finally, it is important to note that a current market rate buyer would purchase Summer House for substantially less than Waterford/CSCDA due to the outsized tax burden at the property. At \$300M, Summer House would cost a market rate investor \$3.6M in property tax expenses in year 1. This tax burden amounts to 28% of the total pre-tax net operating income at the asset. Thus, a realistic market rate purchase price for Summer House would be closer to the net taxable value of the asset per the most recent tax bill.

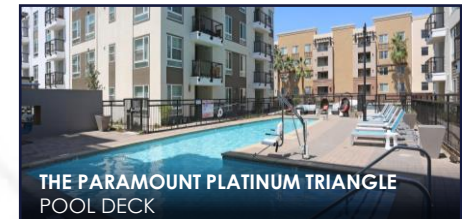
CASE STUDY – THE PARAMOUNT PLATINUM TRIANGLE IN ANAHEIM, CA

LOW RENT AND RENT GROWTH COMPARED TO MARKET

- In February 2021, Waterford/CSCDA acquired Jefferson Platinum Triangle (since renamed “The Paramount”), a 400-unit community in Anaheim, CA.
- Since the beginning of the leasing period at acquisition until November 2021, Waterford successfully signed 150 new leases through the Essential Housing program at The Paramount.
- By having The Paramount as an Essential Housing option in Anaheim, our residents are able to live comfortably within the city in which they work, saving an average of \$1,129 in rent per month (**\$13,551/resident/year**) when compared to the November 2021 rents of nearby market rate communities.
- **As exhibited by the table below, one-bedroom rents have increased by an average of 31.6% over the past year at The Paramount’s closest comparable market-rate properties.** Over the same period, Paramount’s 1-bedroom increased by only 1% due to the Waterford/CSCDA Essential Housing Program

ONE-BEDROOM RENT COMPARABLES

Property Address	Year Built	Distance From Subject Property	Average 1 BR Rent Per Unit	Average Rent/SF	Annual Change (as of November 2021)
Jefferson Rise (same developer as Subject)	2019	0.7 Miles	\$2,939	\$3.52	+26.8%
Core	2018	0.3 Miles	\$2,898	\$3.78	+41.2%
The George	2017	0.9 Miles	\$2,876	\$3.71	+15.0%
Vivere Flats	2017	0.9 Miles	\$2,753	\$3.58	+43.2%
The Paramount	2017	-	\$1,936	\$2.58	+1.0%



AHA QUESTION:

What mechanism do you suggest for the City to conduct its oversight role for: **a)** making sure income-qualified families are tenants, **b)** the property is maintained, and **c)** the property's standard capital needs are met (e.g. roof replacement, equipment replacement, etc)?

WATERFORD/CSCDA RESPONSE:

PROPOSED APPROACH TO CITY MONITORING:

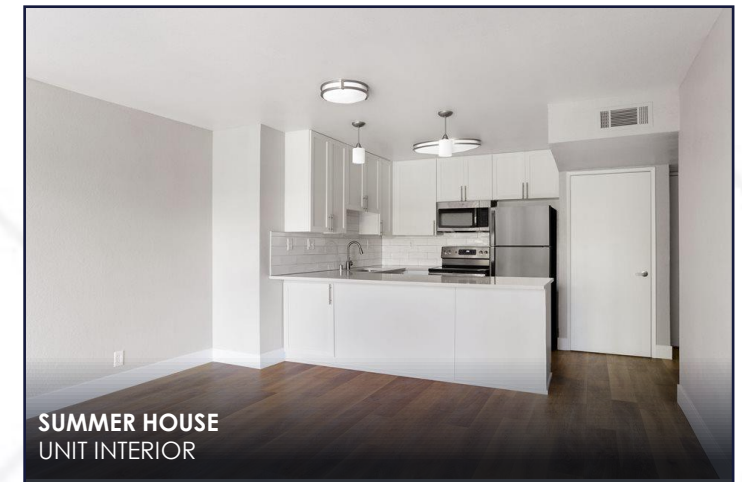
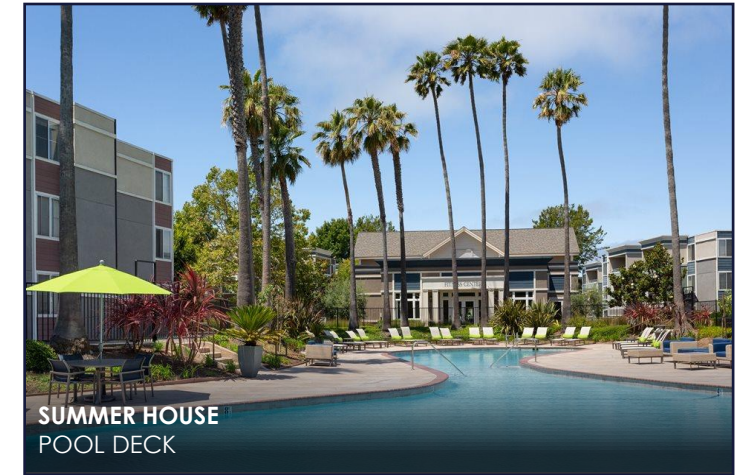
Per the Regulatory Agreement, the CSCDA shall provide **annual reports to the City** regarding the status of Summer House's financial and operational performance. Additionally, the **city is able to review and audit all financials for the property**, which includes (but is not limited to) all effective rents, reported incomes of tenants, operating expenses, maintenance, and capital improvements.

REGULATORY AGREEMENT LANGUAGE (Same language used by Waterford/CSCDA for our most recent Essential Housing transaction in Escondido):

- a) Tenant Income Verification** – “Owner shall provide or cause to be provided to Host the Certificate of Continuing Program Compliance in accordance with Section 4(e) of the Regulatory Agreement”
- b) Ensuring the Property is Maintained** – “During the term of this Agreement, Host shall have the authority to review the selection of the original and any replacement property management company and the management agreement with that company for the Project. If Host determines that the management of the Project during the term of this Agreement is deficient in any manner, Host may provide notice of the deficiency to Owner, and Host and Owner shall meet and confer in good faith to discuss the alleged management deficiency and attempt to reach agreement upon one or more appropriate remedies to address the alleged management deficiency. Upon Host's acquisition of the Project, Host shall not be obligated to continue the contracts with any property management company for the Project.”
- c) Capital Standards are Met – a)** “Commencing in January 2031, and on every ten-year anniversary thereafter, Owner shall provide Host with the Capital Needs Assessment conducted by an independent consultant selected by the Project Administrator assessing capital needs of the Project over the subsequent ten years.” **b)** "Beginning on January 31, 2023 and continuing annually thereafter during the term of this Agreement, Owner shall, or cause Project Administrator to, submit an annual property maintenance report to Host by January 31st of each calendar year that (i) provides an overview of all capital expenditures at the Property for the previous year, (ii) a projected schedule of capital expenditures for the current year, and (iii) a description and reasonable photo documentation of the Project's general condition.”

FIVE KEY BENEFICIAL REASONS THAT TIME IS OF THE ESSENCE:

1. Interest Rates: Municipal Bond Interest Rates are near all-time lows
2. Record Rent Growth: Rent growth is projected to reach record highs in coming years as inflation continues to increase and property owners make up for cashflow lost during the height of the COVID-19 pandemic
3. Economic Stimulus: Turning Summer House into “moderate” income housing provides renters with increased “discretionary” spending to put back into the local economy
4. Market Dynamics: There is currently more competition to buy multifamily assets than Pre-COVID, which is putting upward pressure on market rents. Locking in stabilized, affordable rents as soon as possible is imperative for increasing affordability
5. RHNA: In December 2021, The City of Alameda has a proposed RHNA goal of 868 new housing units for “moderate” income households. CSCDA is introducing legislation to allow Cities to obtain credit for these types of projects. Once approved, this new legislation will allow Summer House to count towards the City’s moderate housing goal.



THE CITY OF ALAMEDA

- City Council adopts one single resolution
- City acknowledges CSCDA's issuance of bonds for eligible projects
- City agrees to receive surplus revenue
- The City incurs no fees, costs, liability or administrative responsibilities in connection with the program or individual programs

PARTNERS

- CSCDA/Waterford views this socially beneficial and financially beneficial structure as a true partnership with the City of Alameda
- CSCDA/Waterford are active participants and investors in the Cities where they do business
- CSCDA/Waterford is excited about the opportunity to reinvest in this beautiful transcendent property and become long term partners with the City





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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 Basta, Director of Human Resources and Operations

Date: February 16, 2022

Re: Adopt the Resolution to Amend the Housing Authority's Revised Employee Policies and Procedures Handbook, Last Revised 2.16.2022, Effective 2.17.2022.

BACKGROUND

The Housing Authority became an autonomous agency in 2012 and adopted new personnel policies that replaced the City's Employee Handbook and the ACEA and MCEA Memorandums of Understanding. In drafting the 2012 Personnel Policies staff sought guidance from a variety of sources and perspectives. Sample personnel policies from the Housing Authority Risk Retention Pool (HARRP) provided a good starting place. Attorneys skilled in human resources and applicable California and federal laws prepared these policies. Subsequently, Liebert Cassidy Whitmore completed a thorough review of the AHA Personnel Policies to certify legal compliance at both the state and federal levels on November 4, 2014. A revised version, retitled Employee Policies and Procedures Handbook, was subsequently reviewed by Liebert Cassidy Whitmore and approved by the Board on December 21, 2016. Various changes have triggered legal or policy changes since then and have been approved by the Board.

DISCUSSION

This month, a revised version of the Employee Policies and Procedures Handbook (aka Employee Handbook) is being brought to the Board for review. The document has been thoroughly reviewed by attorneys with Lievert Cassidy Whitmore, who certify compliance with state and federal levels. Additionally, staff were provided with the draft Employee Handbook and opportunities to review and comment on the manual, including video meetings with Human Resources staff.

The Employee Handbook is being brought to the Board in track changes format so changes are more easily identifiable. Changes that have been made since the 2016 version was approved were incorporated into the manual and are not shown in track changes format as they have already received Board approval. Once approval is secured for the proposed revisions, track changes will be removed, and the page numbers and change log at the end of the document will be updated to reflect the final



version.

Many of the proposed changes are changes proposed to clarify information, practices or procedures, or to reflect changes to regulations or laws applicable to AHA. Additionally, some changes were made to formatting to enhance the readability of the document. Primary content changes include:

1. Deletion of several policies, including Vacation Pay Out (in Vacation Leave) as reviewed with the Board in October 2021, Compensatory Time Off (CTO) as this policy was rarely used and is challenging to administer, and Cell Phone Allowance as AHA currently provides agency cell phones rather than reimbursements.
2. Addition of several policies, including a policy on Probationary Status During Leaves to clarify this process, a Notary Public Stipend to allow for a salary augmentation for staff performing this service for AHA, and a policy on School Activities Leave to provide more specific information to employees about this leave.
3. Language was incorporated to allow the Executive Director to make temporary amendments to the Employee Handbook in certain circumstances (Agency Background section); these changes are proposed to allow for swift responses when changes to policies are needed prior to the next Board meeting.
4. An increase in the amount of the Education Assistance and Tuition Reimbursement program to \$1500 per year to provide greater assistance for employees seeking degrees or enrolled in certificate programs.
5. Clarification of paid leave usage procedures for employees with Workers' Compensation claims.
6. Addition of language to the Vacation Leave policy to clarify subsequent leave accrual for employees who are initially granted an increase in the annual maximum accrual, and removal of the Vacation Pay Out policy as described above.
7. Multiple changes to the Unpaid Leaves section to reflect regulatory changes, particularly with respect to California Family Rights Act (CFRA) leave. Other clarifications were made to the procedures on insurance premiums during leaves and to clarify medical certification requirements.
8. Two levels of Bilingual Pay are proposed, along with expanding the availability of this salary augmentation to exempt staff in some circumstances.
9. Changes to the Dress Guidelines to simplify this policy and provide more flexibility in work attire options.

AHA Management is requesting that these changes be approved effective February 17, 2022.

FISCAL IMPACT

There is minimal fiscal impact to the proposed changes in policy. Some salary and administrative costs may increase (due to changes in Education Assistance, Bilingual

Pay, and Notary Public Stipend policies), but these increases are not expected to be significant and will be accounted for in the upcoming annual budget.

CEQA

Not applicable to this item.

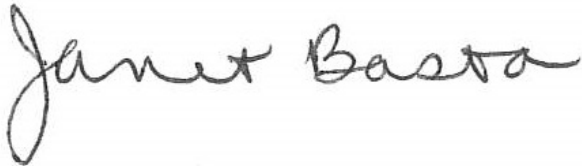
RECOMMENDATION

Adopt the Resolution to Amend the Housing Authority's Revised Employee Policies and Procedures Handbook, Last Revised 2.16.2022, Effective 2.17.2022.

ATTACHMENTS

1. Attachment 1 Employee Handbook Rev 2.16.2022 Eff 2.17.2022
2. Attachment 2 Reso-Amend Employee Handbook 2.16.2022

Respectfully submitted,

A handwritten signature in black ink that reads "Janet Basta". The signature is written in a cursive style with a large, looped initial "J".

Janet Basta, Director of Human Resources and Operations



Housing Authority
— of the —
City of Alameda

EMPLOYEE POLICIES AND PROCEDURES HANDBOOK

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WELCOME

Welcome to the Housing Authority of the City of Alameda! Through the efforts of our staff members, the Housing Authority of the City of Alameda has established itself as a leading organization in the community and in the housing industry, and we are excited to have you join our team. As a diverse and vibrant community partner, our goal is to excel in all areas of our work, adapting to new challenges as circumstances and needs change and to provide excellent customer services to landlords, tenants, participants and partners.

Our vision and mission, along with a 2-year Agency plan and the 5-year HUD plan, guide the work that we do. To ensure our continued success, all employees need to understand and conduct their work consistent with our policies and procedures. This Handbook contains important information that you need to know about The Housing Authority, including a summary of our policies, benefits, and work expectations, and we encourage you to use it as a reference throughout your employment with us.

If you have any questions, please do not hesitate to ask either your supervisor or any Director.

Sincerely,



Vanessa Cooper, Executive Director

OUR VISION

The Housing Authority of the City of Alameda shall continue to be recognized for creatively seeking ways to expand the availability of affordable housing throughout Alameda, for caring professional staff, and excellent service provided fairly to all.

OUR MISSION

The Housing Authority of the City of Alameda, in partnership with the entire community, advocates and provides quality, affordable, safe housing; encourages self-sufficiency; and strengthens community inclusiveness and diversity in housing.

OUR GUIDING PRINCIPLES

- Our services, policies and staff considerations shall reflect this agency's value for inclusiveness, diversity and culturally sensitive services
- Our agency goals will be achieved by ongoing collaboration with customers and community partners

AGENCY GOALS AND OBJECTIVES

Goals and objectives are established every five years in conjunction with the Housing Authority's Agency Plan process. In addition, management utilizes a two-year work plan to guide key activities and also maintains a Strategic Plan that sets out overarching goals. - Current plans, goals, and objectives are provided to new employees during the onboarding process.

PART ONE: INTRODUCTORY INFORMATION

HANDBOOK USE AND PURPOSE

This employee handbook is designed to help employees familiarize themselves with important information about the Housing Authority of the City of Alameda (hereafter also referred to as AHA, the Housing Authority, and/or the Agency), as well as information regarding their own privileges and responsibilities as employees.

It is not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. Also, future circumstances may require changes in the policies, practices, and benefits described in this handbook. Accordingly, AHA, upon approval by the Board of Commissioners, reserves the right to modify, rescind, supplement, or revise any provision in this handbook. While AHA will make reasonable efforts to provide employees with advance notice of any modifications or revisions to the handbook and will distribute or make available updated pages as revisions are made, advance notice of policy changes may not always be possible. Even in this event, changes to policies apply to Housing Authority employees upon their effective date, unless otherwise pre-empted by legislation. Further, the continuation of working conditions and practices not specifically authorized by resolution of the Board of Commissioners is not guaranteed by the policies in this Employee Handbook. This handbook does not create any contract of employment, express or implied, or any rights in the nature of a contract. Nor should anything in this policy be read or construed as modifying or altering the at-will relationship between AHA and those employees classified as at-will. The policies and procedures in this handbook are intended to replace all previous personnel policies, practices, and guidelines under which Housing Authority employees have worked.

Employees are expected to comply with all Agency policies. Employees who fail to do so will be subject to discipline, up to and including immediate termination.

Any questions regarding the contents of this handbook may be addressed to your supervisor or to the Director of Human Resources and Operations.

AGENCY BACKGROUND

Our Organization: The Housing Authority of the City of Alameda is a political subdivision of the State of California and its jurisdiction includes the City of Alameda. As a result of the Act of 1937, the Alameda City Council passed Resolution No. 2507 on August 6, 1940, establishing the City's need for low-income housing and a housing authority to administer such programs. The Council has appointed a Board of Commissioners to set the policies for the Housing Authority. The Board of Commissioners, usually appointed for overlapping 4-year terms, has seven members. Two of the Board members are tenant representatives and are appointed for 2-year terms by the City Council.

The AHA Executive Director is the staff person responsible to the Board of Commissioners. The Executive Director is also charged with the responsibility of carrying out Board policy and is generally responsible for the efficient administration of Housing Authority programs. The Executive Director (and designated personnel) has the authority to enforce the policies approved and adopted by the Board of Commissioners, and has specific authority for:

- **Budget Limitations:** All operations of the Housing Authority are subject to the operating money made available by the budgets as approved by the Board of Commissioners. The continued employment of any person is therefore subject to the funds available. The Executive Director has the right to reassign duties and responsibilities and to reclassify positions as necessary for sound fiscal and operational management, within the limitations of approved operating budgets.
- **Personnel Actions:** The Executive Director has the responsibility for all personnel decisions, including but not limited to: hiring, firing, granting promotions, approving merit increases, laying off, demoting, transferring to regular status, transferring to probationary status, and approving suspension or termination of any employee occupying positions approved by the Board of Commissioners, excluding the position of Executive Director, which is a contract management position responsible to the Board of Commissioners.
- The Executive Director may choose to delegate certain administrative procedures in the Employee Handbook to the Director of HR and Operations or the Deputy Executive Director.

The Executive Director (or designee) may make temporary amendments to the Employee Handbook in two exceptional circumstances:

- To respond to a change in federal, state or local law, or
- To respond to an emergency impacting the agency as a whole (e.g., a pandemic, environmental hazard, major threat or damage to the physical building, etc.).

Any such temporary changes must be reported in writing to the Board no later than the next regular monthly Board meeting.

YOUR RESPONSIBILITIES AS A PUBLIC EMPLOYEE

Employees of a public agency have specific responsibilities beyond those of private sector employees. For example, new employees are expected to read and sign an Oath of Allegiance at the commencement of employment. Additional responsibilities are outlined below.

Responsibilities under Title VI, Section 504 and California Government Code Section 12921

Employees of the Housing Authority have specific responsibilities. With respect to any housing accommodations, facilities, services, financial aid or other benefits, the Housing Authority, its officers, trustees, directors, agents, servants, employees, successors, and all persons in active concert or participation with any of them, agree to refrain from any acts which on the grounds of race, color, religion, national origin, ancestry, sex, gender, gender identity, gender

expression, sexual orientation, marital status, familial status, source of income, genetic information, medical condition, physical disability or mental disability, or any other category protected by law:

- Deny a person such benefits.
- Provide such benefits to a person, which are different from those provided to others.
- Subject a person to segregation or separate treatment in any matter related to such benefits.
- Restrict a person in any way from access to such benefits or enjoyment of any advantage or privilege enjoyed by others in connection with such benefits.
- Treat a person differently from others in determining whether the person satisfies any occupancy, admission, enrollment, eligibility, membership or other requirement or condition which the person must meet.
- Deny a person an opportunity to participate in the program or activity through the provision of services or otherwise provide the person an opportunity different from what is afforded others who participate.
- Deny a person the opportunity to participate as a member of a planning or advisory board, which is an integral part of the program.
- Represent because of race, color, religion, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, marital status, familial status, genetic information, source of income, medical condition or disability that dwellings are unavailable for rental when they are, in fact, available.

Guidelines for implementation of these responsibilities will be provided to all employees. Employees are required to acknowledge receipt and understanding of their responsibilities at the time of hire, and periodically throughout the course of employment.

Conflict of Interest / Misuse of Funds

The Housing Authority is committed to conducting business in accordance with its mission and high ethical standards. Central to the standard of ethical conduct is the Housing Authority's policy that employees shall have no direct or indirect interest, financial or otherwise, nor shall they engage in any business transaction or professional activity, or incur any obligation of any nature that is in conflict with the carrying out of their duties in the public interest. A conflict of interest is a situation in which an employee's personal or economic interest does or may interfere with, influence, appear to interfere or influence, or is, in the judgment of AHA, incompatible with the employee's duties and responsibilities at the Housing Authority of the City of Alameda or with AHA's general activities. A conflict may exist even if the conflict or incompatibility has no adverse impact on job performance.

All employees must follow the Housing Authority's standards of conduct as outlined in the Housing Authority's Administrative Plan and detailed later in this Handbook. All employees must report any actual, potential, or prospective conflicts of interest to their supervisor(s).

All employees are prohibited from soliciting or accepting gifts or gratuities of any value from outside parties, including, but not limited to vendors, contractors and tenants/program participants. Any gifts that are offered should be declined politely and respectfully. In some circumstances, it may not be possible to return a gift, such as a consumable item. In such cases,

employees may accept the gift, but the gift giver should be advised that future gifts should not be offered. ~~Consumable~~ Such gifts should be provided to HR and logged. These may then either be donated by the agency to a non-profit or be made available to all employees.

In accordance with California's Political Reform Act, certain employees named in the Housing Authority's Conflict of Interest Code are required to file a Form 700 at the time of hire and on an annual basis. In some circumstances, contractors may also be required to file a Form 700.

Confidentiality

Careful custody and handling of AHA files, documents or materials (in hard copy or electronic format) containing confidential information is of critical importance to AHA and the community that we serve. Each employee is responsible for safeguarding against the theft, loss, unauthorized use or disclosure of confidential information and for following AHA's policies and procedures addressing confidentiality. Employees who have access to such information must take whatever steps are necessary to assure that AHA confidential information is handled, stored, transmitted or destroyed in a manner which will protect against loss or misuse.

All applications and records concerning any individual applying for or receiving public services that are made or kept by this Agency are confidential and are not open to examination for any purpose that is not directly connected with program administration. Except for purposes directly connected with and necessary for program administration, employees shall not publish, disclose or use any confidential information pertaining to an applicant or employee, or an applicant or recipient of our Federal Housing Programs. Confidential matters include, but are not limited to:

- Employee or client names, physical or electronic addresses, telephone numbers, social security numbers, and medical/health information.
- Information contained in employee personnel or benefits files, including but not limited to items such as records of disciplinary actions, performance evaluations, benefits application forms, beneficiary information, etc.
- Anything marked "Confidential" or "Personal", such as incoming mail, internal documents marked with these terms, etc.

Housing Authority employees are also prohibited from publishing or disclosing any list of persons who have applied for or are receiving state or federally funded public social services, whether that list is an official list or a list compiled from official sources. The Housing Authority's Confidentiality Policy provides additional and more specific guidance.

Certain positions in the agency, including all Directors, all Finance staff, and the Executive Administrative staff, have expanded access to confidential personnel and employee relations information and are designated as confidential staff.

Employees are expected to maintain AHA confidential information as confidential even after separation from the Housing Authority. Employees will return, at AHA's request at any time and/or upon termination of employment, to AHA all documents, papers, computer files or

storage devices, web application passwords, or any other material in their possession that may contain or be derived from AHA confidential information.

Requests for documents or information from outside persons or entities including those that may be governed by the Public Records Act must be referred immediately to the Executive Director.

Political Activities

Public employees are expected to separate their personal political activities from activities that are sponsored by the public agency they serve. Therefore, AHA employees shall not:

- Engage in political activities during work hours.
- Use their office/employment position to influence elections or nominations, or for other political purposes.
- Solicit or receive political contributions from other employees.
- Engage in political campaigning, or solicit or receive political contributions on AHA premises or using AHA's electronic systems.
- Require or advise other employees to make political contributions.
- Use political influence in connection with their employment status.

Responsibility in a Disaster

Public employees may be called upon to become Disaster Service Workers in the event of a disaster. Supervisors will provide guidance to individual employees on how each is expected to respond.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Housing Authority of the City of Alameda to afford equal opportunity in all aspects of employment to all persons without discrimination on the basis of race, religion (including religious dress or grooming), sex (including gender, gender identity, gender expression, transgender, as well as pregnancy, childbirth, breastfeeding, or related medical conditions), national origin, ethnicity, ancestry, citizenship, age, physical or mental disabilities, color, marital status, registered domestic partner status, sexual orientation (including homosexuality, bisexuality, or heterosexuality), genetic information, medical condition (including cancer and genetic characteristics), military or veteran status, exercise of rights under the Pregnancy Disability Leave Law or the California Family Rights Act, or any other basis protected by applicable federal, state, or local law. This policy shall apply to all employees and applicants for employment, and unpaid interns, and extends to all phases of employment, including recruitment, hiring, training, promotion, demotion, transfer, discipline, discharge or layoff, rehiring, compensation, and benefits. It is the responsibility of everyone in management to ensure that equal consideration is given to all applicants and employees in personnel actions. Please see the Discrimination and Harassment policy in the Standards of Conduct section for additional information and guidance.

REASONABLE ACCOMMODATION

Absent undue hardship or direct threats to the health and safety of employee(s) or others, the Housing Authority provides employment-related reasonable accommodations to:

1. Qualified individuals with any known physical or mental disability, both applicants and employees, to enable them to perform essential job functions;
2. Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider, which may include a temporary transfer to a less strenuous or hazardous position for the duration of her pregnancy if the transfer can be reasonably accommodated;
3. Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
4. Employees who request reasonable accommodation to address a conflict between religious belief or observance, including religious dress and grooming practices, and any employment requirement.

REASONABLE ACCOMMODATION OF PROTECTED DISABILITIES

The Housing Authority complies with the employment-related reasonable accommodation requirements of the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (and any subsequent revisions or amendments thereto), including the interactive process to identify possible reasonable accommodations of protected disabilities. The Housing Authority is committed to taking all actions that are necessary to ensure equal employment opportunity for persons with disabilities in accordance with applicable federal, state, and local laws, using the following guidelines:

1. **Request for Accommodation.** An employee or applicant who desires a reasonable accommodation in order to perform his/her essential job functions should make a request, preferably in writing, to the Director of Human Resources and Operations. A form is available from Human Resources. If a request is made verbally, AHA will either request that the employee put the request in writing or document the verbal request that the employee has made. The request must identify both the job-related function(s) at issue and the desired accommodation(s). Alternatively, employees may make their request to their direct supervisor, who will be responsible for communicating the request for accommodation to Human Resources.
2. **Requests for Medical Information.** Following receipt of the request, the Housing Authority may require reasonable documentation from a health care provider of the existence of a disability and that an accommodation is necessary. The Housing Authority may also require an employee to undergo a fitness for duty examination at the Agency's expense to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The Housing Authority may also require that an Agency-approved physician conduct the examination.
3. **Interactive Process.** After receipt of any requested reasonable documentation of disability and need for accommodation and/or fitness for duty report, the Housing Authority will arrange for one or more discussions, in person or via telephone or video conference call, with the employee or applicant. The purpose of the interactive

discussion process is to work in good faith to explore fully all feasible potential reasonable accommodations.

4. **Case-by-Case Determination.** The Housing Authority determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide. AHA will not provide accommodation(s) that would pose an undue hardship upon Housing Authority finances or operations, or that would endanger the health or safety of the employee or others.

COMPLAINT PROCEDURE FOR COMPLAINTS OF DENIAL OF REASONABLE ACCOMMODATION

Complaints of denial of reasonable accommodation shall be directed to the Executive Director. Applicants and employees are encouraged to bring such complaints to AHA's attention promptly, so that it can address them promptly.

The Executive Director shall investigate the complaint and make a determination regarding whether a reasonable accommodation can be provided. As part of this complaint resolution procedure, the Executive Director may require the applicant/employee and an AHA representative to meet to discuss potential reasonable accommodations and to try to agree on a specific reasonable accommodation. The Executive Director shall have the authority to determine which reasonable accommodation, if any, shall be provided. The Executive Director's decision is final and binding as to AHA's reasonable accommodation obligations.

PART TWO: EMPLOYMENT AND HIRING POLICIES

WORK ELIGIBILITY

Verification of Authorization to Work in the United States

To comply with federal law, the Housing Authority of the City of Alameda employs only United States citizens and non-citizens who are lawfully authorized to work in the United States. All employment is conditioned upon receipt, by the Director of Human Resources and Operations, of acceptable documentation establishing identity and authorization to work in the United States and completion of an I-9 form within the timeline established by the U.S. Citizenship and Immigration Services (USCIS).

Background Checks

The Housing Authority of the City of Alameda believes that hiring qualified individuals contributes to our overall strategic success, and background checks serve as an important part of the selection process. The information collected helps AHA promote a safe work environment for our current and future employees, as well as program participants and residents. Therefore, all offers of employment are made conditioned upon receipt of a satisfactory background check to verify the accuracy of the information provided by the applicant during the selection process.

The Housing Authority checks criminal history records as part of the applicant selection process for all positions. Reports received are interpreted in accordance with the Equal Employment

Opportunity Commission's guidelines for consideration of conviction records in employment decisions. Unless required by law, the Housing Authority will not deny employment to any applicant solely because he or she has been convicted of a crime. The Housing Authority may, however, consider the nature, date and circumstances of the offense, evidence of rehabilitation, as well as whether the offense is relevant to the duties of the position sought by the applicant.

With a candidate's prior written authorization, AHA may also collect credit information on applicants consistent with the guidelines set forth by the federal Fair Credit Reporting Act (FCRA). Credit information is generally required for finance-related and all senior management level positions.

All background checks, with the exception of employment references, are conducted by a third-party agency. The Housing Authority complies with all applicable federal, state and local laws, including fair employment practices and equal employment opportunity, when conducting background checks. All information obtained from the background check process will only be used as part of the employment hiring process and will be kept strictly confidential.

Pre-Employment Physical

A post-offer, pre-employment physical examination is required if noted on the position description. ~~For such positions, any~~Any offer of employment, and/or continued employment will be conditional, subject to ~~dependent upon~~ satisfactory completion of, and passing, such physical examination.

California Driver License and Insurance

Many All positions within the Agency require a valid California driver's license and the ability to meet the driving record requirements for coverage under the Housing Authority's "standard" auto liability policy. Such drivers, and any other drivers who will be authorized to drive an Agency vehicle, are required to sign an Authorization ~~for-of~~ Release of Driver Record Information at the commencement of employment. Assignment of driving responsibilities is conditional upon receipt of a satisfactory report from the State of California, Department of Motor Vehicles. If an applicant or employee cannot meet these requirements due to a disability or medical condition, he/she should notify the Director of Human Resources and Operations to discuss possible accommodations.

Should an employee who is required to drive in the performance of his/her duties be excluded from the "standard" automobile policy, agency liability and the impact on agency operations will be examined. Continued employment will be dependent upon the circumstances and the employee's ability to continue to perform the duties of the position without liability or unreasonable inconvenience to the agency.

Please refer to AHA's Vehicle Use and Accident Reporting Procedures for additional information.

EMPLOYEE CLASSIFICATIONS

Staff members are placed into classifications based on their job description and applicable wage/hour laws. All employees are classified as exempt or non-exempt; exemption classification may be changed only with written notification from Housing Authority Management.

- Exempt Employee: An executive, administrative, or professional employee who is exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA”). Exempt employees are not eligible for, and will not be paid, overtime.
- Non-exempt Employee: An employee (generally paid by the hour) who is eligible for overtime pay under the FLSA.

All employees, ~~except the Executive Director~~, are additionally classified as regular full-time, regular part-time, probationary, contract or temporary. These classifications determine eligibility for benefits, subject to the terms, conditions and limitations of each benefit program, unless otherwise stated in a contract employee’s contract. With the exception of positions held by temporary employees, these positions are on the Schedule of Authorized Positions contained in the Housing Authority’s budget.

- Regular Full-Time Employee: An employee who is regularly scheduled to work 36 hours or more per workweek, and who is not in a temporary or probationary status. Regular full-time employees are eligible for all benefit programs offered by AHA.
- Regular Part-Time Employee: An employee who is regularly scheduled to work fewer than 36 hours per week, and who is not in a temporary or probationary status. Part-time employees receive pro-rated benefits, where indicated, based on actual hours worked, plus any other legally mandated benefits such as workers’ compensation insurance.
- Probationary Employee: An employee in a probationary period (see section below for definition). A probationary employee is eligible for any benefits that he/she would have in a regular full-time or part-time position, subject to probationary period requirements.
- Contract Employee: An employee working under a contract which outlines wages, benefits and working conditions of the position, and which takes precedence over any conflicting terms in the Employee Handbook. Contract employees may work on a full-time or part-time basis, and are “at will” employees, meaning that the employee or AHA may terminate employment at any time, with or without notice and with or without cause, unless otherwise stated in their contract.
- Temporary Employee: An employee ~~is an individual~~ whose employment is normally for a defined period of time or a particular project. Temporary employees are not eligible for any Housing Authority benefits or leave provisions unless required by law. Temporary employees are “at will” employees and the employee or AHA may terminate employment at any time, with or without notice and with or without cause.

CHANGES IN EMPLOYEE CLASSIFICATIONS

Changes in employee classification may occur when a significant job change occurs (for example, a promotion or a change in work hours, etc.) that is intended to last for more than four (4) months.

PROBATIONARY PERIOD

Employees are considered probationary beginning with their date of hire. Probationary employees have all the rights and privileges of regular employees **except** they may be separated from the Housing Authority without cause, without prior notice, and without the right of appeal or hearing. During the probationary period, which is considered to be the final phase of the employment selection process, performance will be carefully evaluated and a determination made regarding whether the employee's job performance is sufficient to pass the probationary period. The fact that an employee has successfully completed the probationary period does not, however, guarantee continued employment for any period of time.

- **Duration of Probationary Period:** All appointments to a regular position will be probationary for a period of no less than 12 months. Time worked in a different class or position is not considered as part of the probationary period. AHA reserves the right, and has the sole and absolute discretion, to extend the duration of the probationary period when such an extension is determined to be appropriate and necessary.
- **Separation of Probationary Employee:** A probationary employee may be separated from employment with the Housing Authority without cause, without prior notice, and without the right of appeal or hearing. Additionally:
 1. A probationary employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which he/she was promoted, unless he/she is discharged, or unless the former position is no longer available (i.e., the position has been filled or eliminated).
 2. A probationary employee who receives a promotion during the initial probationary period with AHA and is subsequently rejected from the promoted position will not be reinstated to the prior position but will be separated from Agency employment.

CHANGE OF POSITION

- **Transfer:** Employees may be transferred as deemed appropriate by the Housing Authority. Transfers include movement within or between departments or to different work assignments. If an employee does not have all the skills required for the position to which he/she is transferred, training will be provided. Employees have the opportunity to accept or reject a transfer. If an employee rejects a transfer determined to be in the best interest of the Housing Authority, or if the position originally held by the employee is eliminated, discharge or layoff may be necessary. Any eligible employee dissatisfied with his/her transfer may pursue the steps of the Grievance Procedure, outlined in the Standards of Conduct section of this Handbook.

- **Demotion:** In the event an employee is not performing his/her job satisfactorily or must be removed from a position, the employee may be demoted, subject to the procedures outlined in the Disciplinary Procedures section of this Handbook.

JOB DESCRIPTIONS

All employees shall be provided with copies of their job descriptions. Job descriptions are intended to present a descriptive list of the range of duties performed by employees; they are not intended to reflect all duties performed within the job, and employees may be required to perform duties not set forth in the job description. Job descriptions may be rewritten in the event of major new job responsibilities or other significant, ongoing changes in duties.

JOB POSTINGS

The Housing Authority attempts to find the most qualified candidates to fill position vacancies. This is accomplished through a combination of internal and external recruiting. Consideration will be given to the advancement of current employees, and employees are encouraged to apply for promotions or transfers for which they feel they are qualified.

Job openings will be of two types: Promotional (in-house) or Open (the general public may apply as well as staff). Job vacancy announcements will contain information about the required qualifications and experience, as well as instructions on how to apply. Promotional job opening announcements will be sent to all staff, posted in locations visible to current staff only, or posted on the AHA website and designated as promotional opportunities only. Open job vacancies will be advertised in appropriate internal and external recruiting sites, generally simultaneously.

The decision to post positions as promotional or open, and to fill positions from within or to hire from outside is made solely by AHA.

In-House Promotions

The Housing Authority encourages employees to apply for promotions to positions for which they are qualified. Promotions and transfers shall be based on the ability, qualifications, and potential of the candidates for the position. Employees must have attained regular status with the agency in order to be eligible for promotion (in other words, employees are not eligible to be promoted during a probationary period, whether initial or promotional), unless the Executive Director authorizes an exception. Employees who are interested in posted positions should submit an employment application prior to the closing date on the job announcement. If an employee is interested in applying for a promotion, the employee may also wish to discuss the matter first with his/her immediate supervisor, department head, or the Director of Human Resources and Operations.

Offers of Employment

The Executive Director will approve all employment offers. Only the Director of Human Resources and Operations and the Executive Director have the authority to extend job offers. All offers of employment will be in writing.

HIRING OF RELATIVES

The Housing Authority of the City of Alameda is aware that relatives of employees or Commissioners may occasionally seek employment with AHA. The Housing Authority does not discriminate in its employment and personnel actions on the basis of marital or familial status.

Notwithstanding this policy, however, in the interest of avoiding conflicts of interest, or appearances of conflicts, the Agency retains the right to refuse to appoint a person to the same department or division where a “close relationship” to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The Department Director is responsible for determining if such a potential for adverse action exists or not, and this determination is then reviewed and approved by the Executive Director or his/her designee. AHA will also utilize the following guidelines with respect to nepotism:

1. Current employees may not interview or make employment-related decisions with respect to relatives who seek employment with AHA.
2. Current employees may not supervise relatives under any circumstances.

For purposes of this policy, the definition of “close relationship” is:

- Spouse/registered domestic partner;
- Employee’s, spouse’s or domestic partner’s child (natural child, legally adopted child, or a child for whom the employee, spouse, or domestic partner has been awarded court-appointed legal guardianship) or grandchild;
- Parent, step-parent, or grandparent of employee or spouse/domestic partner;
- Brother, sister, half-brother or sister, or brother-in-law or sister-in-law; and
- Aunt, uncle, niece or nephew

When two existing employees become closely related, and a determination has been made that the potential for creating adverse impact as described above exists, the Director, in conjunction with the Executive Director (or designee) will make reasonable efforts to minimize potential problems through reassignment of duties or transfer. If the Housing Authority is unable to make an acceptable accommodation, then the two individuals will be notified that one of the employees must separate from AHA employment. The Housing Authority reserves the right to decide which employee must separate. Any such separation is not considered to be disciplinary; however, it may be appealed pursuant to the procedures outlined in the Disciplinary Procedures of this Handbook.

It is expected that all employees, regardless of any relationship status, will conduct themselves professionally in their interactions with each other and with other employees working at AHA.

EMPLOYMENT OF MEMBERS OF THE BOARD OF COMMISSIONERS

To preserve the objectivity and integrity of the Housing Authority’s Commission, any Commission member who wishes to apply for employment with AHA must first resign from the

Commission. [The State of California Fair Political Practices Commission may have additional rules on hiring of Board Members as employees.](#)

OUTSIDE EMPLOYMENT

The Housing Authority does not generally preclude employees from holding another job during off-duty hours (i.e., those hours during which an employee is not scheduled or otherwise required to work or be on call), and will not unreasonably deny such requests, as long as [they employees](#) can effectively meet the performance standards for their positions with the Agency, the outside employment does not conflict with the employee's AHA work schedule, they request approval before starting the outside employment, and there is no actual or perceived conflict of interest with any other party involved. Employees are advised to think seriously about the effects that such extra work may have on the limits of his/her endurance, overall personal health, and effectiveness with the Agency. AHA will hold all employees to the same standards of performance and scheduling demands, including, for certain positions, being able to respond in emergencies, and cannot make exceptions for employees who also hold outside jobs. Further, all employees, whether they hold an outside position or not, are expected to devote their full time and attention to AHA duties during work hours, and are not to use Agency resources or time for matters unrelated to their position.

Employees who wish to hold outside employment are required to submit an Application to Engage in Outside Employment form to their supervisor, for review by the Executive Director. The Executive Director will determine if the outside employment, activity, or enterprise is compatible with the employee's employment at the Housing Authority. If the Executive Director determines such activity is compatible, or would be if any conditions or restrictions applied, he or she will authorize the activity and specify the conditions/-restrictions in writing, give the employee the outside employment authorization, and place a copy of the written authorization in the employee's personnel file [and/or in electronic retention records](#). Secondary employment may not begin until it is approved by AHA. Any employee dissatisfied with the Executive Director's decision may pursue the steps of the Grievance Procedure, outlined in the Standards of Conduct section of this Handbook.

An employee must promptly report in writing to the Executive Director any of the following changes that may occur during the year of an authorized outside employment: the outside employment ends; or the authorized employment changes as to the number of work hours, location, or types of duties.

Any outside employment authorization may be revoked or suspended under the circumstances listed below. An employee may appeal the revocation or suspension as provided in this Policy.

1. The employee's work performance for the Housing Authority declines; or
2. An employee's conduct or outside employment conflicts with the conditions of the outside work authorization or is incompatible with the employee's work for the Housing Authority.

Under no circumstances may an employee use any Housing Authority equipment, vehicles, tools, supplies, machines, or any other item that is Agency property while engaged in any outside employment, activity or enterprise.

PART THREE: EMPLOYEE DEVELOPMENT

PERFORMANCE MANAGEMENT

Effective performance management is critical to the success of the Housing Authority as employees need to know what is expected of them in order to carry out our strategic plan and achieve our mission. Supervisors are expected to provide ongoing, timely feedback and coaching to their staff so that employees know what is expected of them and how they are performing so any issues can be addressed in a timely manner. Employees are expected to engage in dialogue with their supervisor to ensure a clear understanding of performance expectations and to identify any areas needing improvement. Employees are also provided with an input form that they may complete to provide written input into the performance review process; it is expected that all exempt staff will complete this form prior to the scheduled review meeting. Completion of the form is optional for non-exempt employees. Performance reviews also provide an opportunity to discuss professional development goals and advancement or promotional opportunities that may be available. Performance review guidelines are provided by Human Resources for supervisors and employees to follow during the evaluation process.

Supervisors are to provide performance feedback to probationary employees at least every three months until regular status is attained, with a formal, written evaluation completed six months from the date of hire and at the end of the probationary period. Thereafter, reviews are done on an annual basis, to coincide with the approximate anniversary of the employee's start date with AHA as long as the employee is actively at work. If an employee receives a promotion or has a change in position/classification, a new probationary period will begin, and the pattern of evaluations will follow the guidelines above for probationary employees. At the completion of the probationary period, the employee's annual review date will be adjusted.

Performance reviews, signed by the employee and supervisor and reviewed by the Director of Human Resources and Operations, will be placed in the employee's personnel file. The written input form from the employee may also be included in the file at the employee's request. Employees are provided with a copy of their review and have the opportunity to provide input to and comment on it in writing within 10 business days of the evaluation. An employee does not have the right to appeal or submit a grievance regarding any matter relating to the content of a performance review.

In the event that an employee's overall performance is rated as less than satisfactory or specific areas are identified that are in need of improvement, the supervisor should develop a written performance improvement plan for the employee. Performance improvement plans should include specific goals for improvement along with the strategies and timeline to improve performance. Supervisors should notify and work with the Director of Human Resources and

Operations when any performance issues are identified that require a written improvement plan.

The failure of a supervisor to perform an employee's review as outlined above in no way alters an employee's status. Recommendations for step increases, attainment of regular status, or change of status must be made by the Supervisor and approved by the Executive Director. Supervisors may perform additional mid-term reviews and extend review periods or probationary periods as deemed necessary.

PROFESSIONAL DEVELOPMENT

The Housing Authority encourages the professional growth and development of employees through a variety of means, including in-house trainings, access to webinars, membership affiliations with professional organizations, and attendance at educational conferences, meetings or seminars. To allow the Housing Authority to plan for and provide support for these efforts, all employees should discuss development goals with their supervisor at least annually as part of the performance review process.

The Housing Authority will consider employee requests to pay for membership dues and license renewals in job-related professional organizations when those fees become due after the start of employment with AHA. Employees may make this request through their supervisor, and written approval by AHA is required prior to payment or reimbursement. Employees who wish to attend a job-related conference, meeting or seminar must also make this request through their supervisor, and obtain advance written approval, prior to payment or reimbursement for the cost of the training. Further, certain positions may require subject-specific certifications that employees must obtain by attending trainings and passing exam(s) offered in conjunction with the training. Generally, AHA will pay the cost of registration and travel for any required certification, but reserves the right to limit the number of opportunities to obtain certification should the employee not be successful in passing the exam on the initial attempt.

Detailed information about procedures for submitting professional development requests can be obtained from Human Resources.

PART FOUR: EMPLOYEE BENEFITS

Once an employee satisfies all applicable certain eligibility requirements, the eligible employee may participate in the Agency's benefit program that includes:

- Health, Dental and Vision Insurance
- Life, Long-Term Disability, and Accidental Death & Dismemberment Insurance
- Retirement Benefits
- Flexible Spending Account Plans
- State Disability Insurance and Paid Family Leave
- Deferred Compensation
- Employee Assistance Program
- Educational Assistance and Tuition Reimbursement

- Credit Union
- Workers' Compensation
- Unemployment Insurance

Eligibility requirements and further information concerning these benefits programs is explained below, at new employee orientation, and updated as necessary through individual meetings and communications with staff.

The Housing Authority reserves the right to change insurance plans and benefits under those plans, to change the employer share of premium payments for the plans, if any, or change the amount it pays employees who opt out of the plan(s), with or without notice, consistent with any legal obligations it may have. In general, the employer share of premiums is approved by the Board of Commissioners and communicated to employees prior to each Open Enrollment period.

The benefits described below are available to regular, full-time employees. Benefits for part-time, temporary, and contract employees may be different. Additional information is available from Human Resources.

DEFINITION FOR ELIGIBILITY

For the purposes of benefits coverage, "eligible dependents" is defined as spouse or domestic partner and eligible dependent children. The definition of an eligible dependent may be established by the insurance provider, or in the case of CalPERS, by state law, in which case AHA will follow the most stringent definition that applies. [Documentation of eligible dependent status must be provided by the employee for dependents to be enrolled in any benefit plan\(s\) prior to enrollment.](#)

CAFETERIA PLAN

The Housing Authority's benefits program is managed through an IRS Section 125 Cafeteria Plan for active employees. The cafeteria plan will be available to all active employees to pay for some or all of the costs of [qualified their](#) benefits [as defined by law.](#) If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis. The monthly Cafeteria Plan dollar amount (flex benefit contribution) is determined on an annual basis and approved by the Board of Commissioners prior to open enrollment; the Commission shall approve the value of flex benefit contributions that shall be made towards 1) health insurance and, 2) dental and vision insurance. Part-time employees who are eligible for any of the benefits listed below may receive a Cafeteria amount on a pro-rata basis. With these funds, each participating employee is able to choose the following coverage:

- Health Insurance (through the State of California's Public Employees Retirement System (CalPERS))
- Dental and Vision Care Insurance

HEALTH INSURANCE

Health insurance is offered as part of the benefits package to regular, full-time employees and regular, part-time employees who regularly work 20 hours or more per week. Currently, a choice of health insurance plans is offered through the State of California's Public Employees Retirement System (CalPERS). Detailed information about plan offerings can be found on the PERS website at www.calpers.ca.gov.

The Housing Authority contributes the statutory minimum PEMHCA contribution towards employees' health care costs for employees enrolled in the Authority's CalPERS medical insurance program. Retirees enrolled in the Authority's CalPERS medical insurance program will also receive the statutory minimum PEMHCA contribution amount as provided under Housing Authority Resolution Numbers 852 and 853 and in accordance with Government Code section 22892(c).

In addition to the PEMHCA minimum contribution, current employees will receive a health flex contribution to the cafeteria plan that can only be used for health insurance and is not available to be taken in cash. See the above section on Cafeteria Plan for more information. If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis.

Under certain circumstances, and in compliance with CalPERS and/or Affordable Care Act requirements, some temporary employees and their eligible dependents may be offered health insurance. Human Resources will provide information to affected employees. AHA shall determine the employer share of premiums, if any, it shall make for temporary employees. Any balance of premium costs is borne by the employee and shall be deducted from the employee's paycheck.

Employees may opt out of health insurance. Employees eligible for any cash-in-lieu benefit, must provide the following in order to receive the cash-in-lieu: (1) proof that the employee and all individuals for whom the employee intends to claim a personal exemption deduction ("tax family"), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies ("opt out period"); and (2) the employee must sign an attestation that the employee and his/her tax family have or will have such minimum essential coverage for the opt out period. An employee must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt-out payment cannot be made and AHA will not in fact make payment if the employer knows that the employee or tax family member does not have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

DENTAL INSURANCE

Dental insurance is offered as part of the benefits package to regular, full-time employees and regular, part-time employees who regularly work 30 hours or more per week. Annually, the

Housing Authority establishes the annual employer contribution to the Agency Cafeteria Plan that can be made for dental and vision insurance. If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis.

VISION INSURANCE

Vision insurance is offered as part of the benefits package to regular, full-time employees and regular, part-time employees who regularly work ~~3020~~ hours or more per week. Annually, the Housing Authority establishes the annual employer contribution to the Agency Cafeteria Plan that can be made for dental and vision insurance. If the cost of the employee's benefits is more than the approved contribution amount, the difference will be deducted from the employee's paycheck on a pretax basis.

INSURANCE CONTINUATION (COBRA)

Upon termination or other qualifying event, employees covered under a health insurance plan have certain legal rights to remain on the insurance plan at their own expense for up to eighteen (18) months (more in some cases) through benefits under COBRA. More information regarding COBRA coverage, costs, and administrative procedures is available from the Human Resources department at the time employment ends or when an employee has a question or provides notification about other qualifying events.

Employees who experience a qualifying event must provide written notice within 60 days after the qualifying event occurs to Human Resources. This written notice must include the name of the employee, the type and date of qualifying event, the name of the insurance plan, and the names of the individual(s) eligible for COBRA. In particular, for your dependents to be eligible for COBRA continuation coverage, you must inform us if:

- You and your spouse experience divorce or legal separation
- A dependent child loses eligibility for coverage as a dependent child

LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE

Regular employees who work 30 or more hours per week are eligible for a basic life and accidental death and dismemberment insurance benefit paid for by AHA. Coverage is currently 1.5 times annual salary up to a maximum of \$100,000. Additionally, employees may elect voluntary life insurance coverage at their own expense for themselves, their spouse/partner and/or dependent children at their own expense. The cost of premiums for the employee only may be paid on a pre-tax basis; dependent coverage must be paid for on an after tax basis. AHA does not make any contribution towards voluntary life insurance premiums.

Voluntary life insurance may only be elected at the time of hire or during open enrollment and, depending on the amount requested and election date, may be subject to medical underwriting and approval by the insurance company.

LONG TERM DISABILITY INSURANCE

Regular employees who work 30 or more hours per week are eligible for long term disability insurance benefits paid for by AHA. The current benefit amount is 66.67 percent of salary (maximum payment \$7,000 per month), subject to a waiting period and age restrictions.

PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)

All regular, full-time employees are eligible to become members of CalPERS, a defined benefit retirement pension plan for public employees in California. Other categories of employees may be eligible for membership in CalPERS. Please contact Human Resources if you have questions about your eligibility.

Employees enrolled in CalPERS are required to make a pre-tax retirement contribution to CalPERS through payroll deduction; contribution rates are set by CalPERS and are dependent on the employee's membership status (i.e., classic or new member). Additional information about PERS is available from Human Resources or can be found at the CalPERS website: www.calpers.ca.gov.

FLEXIBLE SPENDING ACCOUNT

All regular employees who work 30 or more hours/week may enroll in the Housing Authority's flexible spending account ("FSA") program, which allows employees to set aside pre-tax dollars to be used for eligible medical, dependent care, or transit expenses that qualify under rules established by the IRS. For information about current annual election limits and a comprehensive list of reimbursable expenses, please review the FSA materials provided by Human Resources.

STATE DISABILITY INSURANCE (SDI)

The law requires that a small percentage of each employee's wages be deducted each pay period for State Disability Insurance ("SDI"). SDI, which is administered by the State of California's Employee Development Department (EDD), provides for partial replacement of wages lost because of a non-work related accident or illness.

For employees who apply and qualify, SDI benefits, which are paid by the State, begin after the seventh day of illness or accident. Eligible employees will be paid a percentage of their regular earnings for a maximum period provided by law.

It is the employee's responsibility to notify the Director of Human Resources and Operations when a claim for disability compensation has been filed, and to provide proof of compensation from EDD. Information and claim forms can be obtained from the local EDD office or the EDD website: <http://www.edd.ca.gov/disability>.

PAID FAMILY LEAVE (PFL) INSURANCE PROGRAM

Housing Authority employees are also covered under the state-administered Paid Family Leave (PFL) insurance program. PFL is an employee-paid benefit that provides partial wage replacement when an employee is taking approved time off work to care for a seriously ill parent, child, or spouse/registered domestic partner, sibling, grandparent, grandchild, or parent in-law, or to bond with a new minor child.

While the state may grant PFL benefits when an employee is taking leave to care for a sibling, grandparent, grandchild, or parent in-law, please note that employees are not eligible to take Family/Medical Leave under FMLA/~~CFRA~~ for these situations, but may be eligible for CFRA leave. Employees who wish to request a leave of absence to care for a ~~sibling, grandparent, grandchild, or parent in-law~~ should request a Personal Leave Without Pay as described in the ~~Leaves of Absence~~ section of this Handbook. family member should contact Human Resources regarding available leave options.

Up to ~~eight~~ six weeks of PFL benefits may be paid in a 12 month period. EDD determines eligibility for benefits. ~~Employees must generally serve a seven day, and per EDD, there is no~~ waiting period before PFL benefits begin. Information regarding eligibility and claim forms are available from the local EDD office, from the EDD website at: http://www.edd.ca.gov/Disability/Paid_Family_Leave.htm, <https://edd.ca.gov/disability/paid-family-leave/>, or by calling 1-877-238-4373.

DEFERRED COMPENSATION (457 AND ROTH IRA)

Any full-time employee is eligible to defer a portion of his/her compensation on a pre-tax or after-tax (Roth) basis by participation in a Section 457 deferred compensation plan and/or a Roth IRA. Section 457 contributions ~~are~~ may be made on a pre-tax or after-tax basis, while Roth IRA contributions are made on an after-tax basis. Contributions for both types of plans may be made through regular payroll deductions. Contributions are voluntary; there are no employer contributions. See Human Resources for additional details.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Housing Authority's Employee Assistance Plan (EAP) is designed to provide confidential assistance to full-time employees by providing professional consultation, assessment, and referral. The EAP is available to employees and their families at no charge. Contact Human Resources for more information.

EDUCATION ASSISTANCE AND TUITION REIMBURSEMENT

The Housing Authority may reimburse employees who voluntarily take educational courses that may benefit their job performance or provide preparation for promotional opportunities. The Executive Director and Department Director will make the final determination on requests for reimbursement. The current maximum amount available per employee per calendar year is ~~\$750~~ 1500. The Executive Director will set the amount annually, dependent on the availability of sufficient funds.

To be eligible for education assistance, the education and training must be:

1. Related to the employee's occupational area or of demonstrated value to AHA;
2. Through an accredited educational institution/program and is a required course for a degree or certificate program; and
3. Completed during the employee's own time.

An employee who applies for education assistance must have completed the initial probationary period, demonstrate satisfactory performance, and may not have had any documented disciplinary action, at a written warning or higher level, taken against him/her during the one year period prior to application. To apply, the employee must submit a written request to his/her supervisor outlining the type of degree or certificate program, anticipated date of completion, course of study and planned classes, and projected program cost, including tuition, academic fees, and books.

Reimbursement, if approved, shall be made when the employee completes the course or training, and receives a passing grade of C or better or passing certification requirements. Costs for programs of study that extend beyond one year may be submitted on an annual basis. Expenses must be validated by receipts, and a copy of the final transcript or certification must be presented. Reimbursement will be restricted to registration fees for tuition costs and books listed in the course description that are required to complete the class or course. No reimbursement shall be made for late fees, parking fees, or any electronic equipment.

If an employee voluntarily terminates employment with the Housing Authority and received tuition reimbursement assistance, he/she will be required to reimburse the Housing Authority in full for any tuition assistance received during the last six months prior to his/her departure.

CREDIT UNION

Housing Authority employees are may be eligible to join ~~the Alameda Municipal Credit Union, a credit union~~; please see Human Resources for more information.

WORKERS' COMPENSATION

The Housing Authority carries Workers' Compensation insurance coverage as required by law to protect employees who are incapacitated by injury or illness arising out of their employment. This insurance provides qualified employees with medical, surgical, and hospital treatment in addition to payment for loss of earnings that results from work related injuries or illnesses. The cost of this coverage is paid completely by the Housing Authority.

Injuries, regardless of how minor, must be reported immediately to a supervisor. The employee will be required to complete an ~~"Employees Report of Injury"~~ and a Housing Authority injury incident report form as soon as possible, and is provided with the "Employees Report of Injury" (DWC1) within one day of the injury. When medical treatment is required, the employee will go or be taken to Concentra Medical Center, Kaiser On-The-Job Center or

another care center approved by the workers compensation insurer, or after hours to the closest hospital (as posted in each work area), unless the employee has a written Predesignation of Personal Physician form which has been signed by the Physician on file prior to injury.

The Agency shall continue wages for time needed for the employee to attend the first visit for a work injury, plus reasonable travel time (e.g., travel to/from the nearest Concentra or Kaiser Center). For subsequent visits or treatments for a work injury, employees must use their paid leave balances for any time away from work.

UNEMPLOYMENT INSURANCE

When an individual's employment terminates, he/she may be eligible to receive unemployment compensation. This State-provided insurance provides a weekly income for qualifying individuals who were subject to involuntary termination or lay off. The amount of compensation varies with the individual because it is based on earnings. A claim must be filed with the State by the terminating employee in order to collect this benefit.

MEDICARE

All employees contribute to Medicare, with a deduction made from each employee's gross earnings in accordance with the law. The Housing Authority contributes an amount equal to that paid by each employee.

SOCIAL SECURITY AND PARS

The Housing Authority of the City of Alameda **does not** participate in Social Security; retirement contributions are made solely through CalPERS. Employees who are not eligible for membership in the CalPERS retirement program are enrolled in PARS (Public Agency Retirement Services) instead. Contact Human Resources if you would like additional information about PARS.

PART FIVE: PAID TIME OFF

VACATION LEAVE

The Housing Authority provides paid vacation time to regular full-time employees and part-time employees so that they may take time off to relax, recuperate and recharge.

Accrual

Vacation leave is earned by eligible full-time regular employees in accordance with years of service. Vacation credit is accrued to each eligible employee beginning with the first day of regular employment up to a maximum yearly accrual according to the following schedule:

MAXIMUM VACATION ACCRUAL					
Years of Service	Paid Days of Vacation	Years of Service	Paid Days of Vacation	Years of Service	Paid Days of Vacation
1 through 4	10	12	18.5	19	22
5	15	13	19	20	22.5
6	15.5	14	19.5	21	23
7	16	15	20	22	23.5
8	16.5	16	20.5	23	24
9	17	17	21	24	24.5
10	17.5	18	21.5	25 or more	25
11	18				

The Executive Director may grant an increase in the annual maximum accrual up to a total of 20 working days of vacation with pay upon employment to recognize previous applicable experience. The employee shall continue to earn an additional 0.5 working days of vacation per year for every year completed up to the maximum accrual of 25 days. Employees hired after the date of publication of this Handbook who are granted a higher amount of leave than in the table above do not receive the additional 0.5 working days of vacation per year until such time as their regular rate of accrual catches up to the amount granted.

Regular part-time employees will accrue a pro-rata leave balance based upon actual hours worked. No other classification of employees earns paid vacation time.

Employees on Leave without Pay status do not earn vacation leave. Employees who are on paid leave will continue to earn vacation leave, though the amount earned will be prorated based on the number of hours the employee is being paid by AHA from the employee's accrued leave.

In 2020, the Housing Authority increased the accrued vacation bank cap from 250 hours to 350 hours. Moving forward, the Housing Authority will gradually reduce the accrued vacation cap down so that no employee may have an accrued vacation bank of more than 250 hours at a time.

The gradual reduction of the accrued vacation cap will proceed as follows. From January 1, 2022 through December 31, 2022, the vacation accrual cap shall be maintained at the temporary raise to the accrual cap of 350 hours, so that employees can continue to accrue a maximum of 350 hours during this time period. Once the employee hits the cap, no additional vacation will accrue until the employee takes sufficient vacation to bring his/her vacation bank below the cap. From January 1, 2023 through December 31, 2023, the accrual cap will be reduced by 50 hours, to 300 hours. Once the employee hits the cap, or continues to maintain a prior existing balance that exceeds the cap, no additional vacation will accrue until the employee takes sufficient vacation to bring his/her accrued vacation balance below the cap.

Effective January 1, 2024, the vacation accrual cap will be reduced again by 50 hours to 250 hours. This reduction will be subject to the same rules outlined above. Once the employee hits the cap, or continues to maintain a prior existing balance that exceeds the cap, no additional

vacation will accrue until the employee takes sufficient vacation to bring his/her accrued vacation balance below the cap.

Any accrued unused vacation time will be rolled over into the following year. If an employee has accrued more than 300 hours on December 31, 2022, the accrued unused vacation time will be rolled over into the following year but no additional vacation will be accrued until the balance of vacation leave is below the cap of 300 hours that will be in place effective January 1, 2023. If an employee has accrued more than 250 hours on December 31, 2023, the accrued unused vacation time will be rolled over into the following year but no additional vacation will be accrued until the balance of vacation leave is below the cap of 250 hours that will be in place effective January 1, 2024.

Scheduling

For newly hired probationary employees, no accrued vacation time can be taken until three months after the first day of employment.

All vacation time must be requested and approved in advance through the electronic timekeeping system and according to the guidelines below:

<u>Amount of Vacation Leave Requested</u>	<u>Advance Notice Required</u>
2 days or less	2 business days
3 or 4 days	5 business days
5 days or more	10 business days

The only exceptions to the above will be when time off is required for unforeseen or emergency circumstances. Due to the impact of unplanned time off on Agency operations, supervisors may require documentation of the need for unforeseen or emergency leaves, particularly when this occurs frequently or an employee has a pattern of poor attendance.

All approvals for vacation leave requests are subject to the availability of adequate leave at the time of leave usage. Employees are not generally entitled to time off without pay unless authorized by law, Housing Authority policy, or by authorization of the Executive Director. Accordingly, employees who do not have adequate vacation leave available for their approved time off may be required to modify the request to conform with the employee's available balance of vacation leave or cancel their requests. Employees are encouraged to plan ahead and monitor their leave balances to ensure they have enough paid leave to cover any planned time off.

Vacation leave will be scheduled at times mutually convenient to the Housing Authority and employee. Employees are encouraged to submit their requests as early as possible; requests for vacation leave will be considered up to 12 months in advance and are generally handled on a first come, first served basis. However, to facilitate scheduling during periods when it is anticipated that multiple employees may request time off (e.g., 4th of July, Thanksgiving, or December holiday periods), AHA may, at its sole discretion, notify employees of a designated timeframe that requests for these times must be submitted for consideration. In the case of conflicting requests, the supervisor will talk with the employees to try to work out a mutually-agreeable arrangement. If that cannot be done, priority for leave will be based

on seniority. Department Directors may establish separate guidelines for the number of employees and types of positions that can be on vacation concurrently to ensure adequate coverage of their department's work functions.

Requests to cancel vacation leave of five days or more must be submitted no less than three business days in advance of the date that the leave was to commence, and must be approved by the employee's supervisor. The supervisor and/or the Agency reserve the right to require an employee to use requested vacation leave, particularly in cases where other staffing arrangements have been made to cover the employee's time off.

Sick Leave During a Scheduled Vacation Period

An employee who is ill or injured while on vacation may be able to use accumulated paid sick leave, if any, instead of paid vacation upon presentation of satisfactory medical documentation to his/her supervisor.

Payment

The Housing Authority does not make any advance payments of vacation time (i.e., employees will not be paid for vacation time before it is accrued). AHA strongly recommends that employees arrange for direct deposit of his/her pay checks so that vacation pay that is requested in advance through the timekeeping system can be automatically paid and deposited. No responsibility can be taken by AHA for live checks provided to an employee.

Vacation Pay-Out

~~The Housing Authority encourages employees to use their accrued vacation time. Employees may, however, request to receive a vacation pay-out for some of their accrued and unused vacation in lieu of taking paid time off work. Vacation pay-out is limited to 60 hours in any calendar year under this policy, and employees who request a vacation pay-out are required to have 80 hours of vacation leave remaining after the pay-out. The Executive Director shall determine the time(s) that vacation pay-out is offered. Additional criteria include:~~

- ~~▪—Vacation pay-out is available to full-time regular employees who have completed their probationary period; no other employees are eligible to participate in this program.~~
- ~~▪—Employees who wish to sell vacation leave must have used a minimum of 60 hours of vacation leave in the prior 15 months.~~
- ~~▪—Vacation pay-out requests must be in one-hour increments.~~
- ~~▪—An employee may request a vacation pay-out no more than one time per calendar year, even in the event that the Executive Director offers an opportunity for vacation pay-out more than one time in the year.~~
- ~~▪—Vacation pay-out is a final transaction, i.e., vacation leave may not be reinstated once it has been paid out to the employee. ———~~

Vacation Pay at Termination

Upon termination of employment, employees will be paid for any accrued and unused vacation at his or her rate of pay at the time of separation, and will be paid on the next regular pay date.

HOLIDAYS

The Housing Authority provides ~~10-11~~ paid holidays for full-time employees. The Housing Authority observes the following holidays:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Juneteenth	Independence Day
Labor Day	Veteran's Day
Thanksgiving Day and following Friday	Christmas Day

Each year, the Housing Authority will publish a calendar of holidays and office closures for the following year, including alternate holidays for those employees whose flex day falls on a holiday. If a particular holiday falls on a Saturday, the preceding Friday shall generally be observed. If the holiday falls on a Sunday, the following Monday shall generally be observed. All regular full-time employees are provided a paid day off for each holiday up to the number of hours they are regularly scheduled to work on that day. Part-time employees who are regularly scheduled to work on a holiday will be paid for that holiday up to the number of hours they are regularly scheduled to work. No other classification of employees is eligible for holiday pay, unless otherwise specified.

If a non-exempt employee is scheduled or required to work on a Housing Authority observed holiday, the employee will be paid for the holiday. In addition, non-exempt employees will receive time and one-half in pay for all hours worked on such holiday. Employees on vacation at the time a holiday occurs will not have that day counted as vacation pay, but will instead receive holiday pay as described above.

FLOATING HOLIDAYS

Floating holidays allow employees to have additional paid leave to cover absences for personal reasons such as religious observances or to supplement vacation, sick and holiday leave. All regular full-time employees and probationary employees for whom January 1 falls after their hire date receive three and one-half days (28 hours for employees on a 40 hour-based workweek, 26.25 hours for employees on a 37.5 hour-based workweek) on January 1 of each year that they may request to use between January 1 and December 31. Regular part-time employees will be granted floating holiday hours pro-rated based on the percentage of time they are regularly scheduled to work, and on the schedule described above. No other classification of employees receives floating holidays.

If an employee is on a leave of absence, whether paid or unpaid, on January 1, floating holiday hours are not granted until the employee returns to active status.

Employees may carry over unused floating holiday hours to subsequent years. However, employees cease earning floating holiday hours beyond a maximum of three and one-half days, or their pro-rated hours, as defined above based on employment status and workweek hours. In the succeeding year, employees will receive on January 1 only the number of floating holiday hours that will bring their total to the appropriate maximum as defined above.

Guidelines for requesting floating holiday use are the same as those described for vacation leave above.

Upon termination of employment, employees will be paid for any unused floating holiday hours at his or her rate of pay at the time of separation, and will be paid on the next regular payroll date.

Floating Holidays and New Probationary Employees

Employees who are otherwise eligible for floating holidays and are initially hired during a calendar year receive a floating holiday allocation at the time of hire that is prorated for the remainder of the calendar year based on the hire date. Eligible employees may request to use floating holiday leave on or following the day that it is received, including during any period of their probationary period that falls in the calendar year in which they were hired.

SICK TIME

Paid sick leave is a benefit provided to protect employees in the event of their own, or a family member's, illness, injury, or other medical emergency. AHA will not tolerate abuse or misuse of an employee's sick leave.

Accrual

Paid sick leave shall be accrued by full-time and probationary full-time employees at the rate of 7.5 hours (8 hours for maintenance workers) per month worked. Part-time employees will accrue sick leave on a pro-rata basis, based on the employee's scheduled work hours. Sick leave is not accrued to employees on Leave without Pay status. Accrual of paid sick leave will continue to employees who are on a paid leave status, though accrual is prorated based on the number of hours the employee is being paid by AHA from the employee's accrued leave.

Temporary employees, whether full-time or part-time, shall be provided with three days (24 hours) of sick time at the time of hire, and on January 1 of each year. Temporary employees may not use sick time until their ninetieth (90th) day of employment.

Regular employees' accrued, unused sick time may be carried over from one year to the next, and, unlike vacation time, there is no limitation on the amount of sick time a regular employee may accrue. Sick time balances for temporary employees will not be carried over from year to year.

Sick Time Use

Employees may use their accrued paid sick leave for any one of the following reasons:

- For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
- For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member:
 - Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis)
 - Spouse or Registered Domestic Partner
 - Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child)
 - Grandparent
 - Grandchild
 - Sibling
- To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
 - A temporary restraining order or restraining order.
 - Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.
 - To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking.
 - To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
 - To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking.
 - To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

~~Paid sick leave will be allowed only in case of necessity for: 1) the diagnosis, care or treatment of an existing health condition of, or preventative care for, an employee; or 2) an employee who is a victim of domestic violence, sexual assault or stalking to obtain a temporary restraining order or other court assistance to help ensure the safety or welfare of the employee and/or his or her child; or to obtain medical attention and psychological counseling; services from a shelter, program or crisis center; or to participate in safety planning or other actions to increase safety. The employee's accrued paid sick leave may also be used for the diagnosis, care or treatment of an existing health condition of or preventative care for an employee's spouse, parent, child of any age or dependency status, registered domestic partner, parent in law, grandparent, grandchild or sibling.~~

Eligible new regular employees may use accrued sick time during their probationary period, beginning on their hire date, and may use paid sick time as soon as it accrues.

When a Housing Authority-paid holiday occurs while an employee is absent from work on authorized paid sick leave, no deduction will be taken from the employee's accumulated sick leave balance.

If sick leave is exhausted, regular employees who are not on leave of absence are required to use vacation and/or floating holiday leave to the extent necessary to bring their pay to an amount equivalent to their scheduled work hours. ([See Part 6: Unpaid Time Off and Leaves of Absence for additional information related to leave usage during a leave of absence](#)).

Notification

An employee unable to report to work because of an illness or injury must [provide notification](#) ~~notify his/her supervisor~~ no later than one-half hour after the start of the employee's scheduled workday [by calling the Absence Reporting Line at 1-510-649-5529](#). ~~If an employee knows that his/her supervisor is also out, the employee should contact another supervisor or the Director of Human Resources and Operations. The supervisor must be contacted~~ [Notification must be provided](#) on each additional day of absence, except in cases where the employee is on an approved leave of absence [or has provided documentation of the need to be off work for a specific period of time](#).

When an employee knows in advance of the need for sick time use, i.e., for scheduled medical/dental appointments or procedures, sick leave must be requested in advance through the electronic timekeeping system.

Health Care Provider's Certification

Employees who are absent for more than three days due to their own illness or injury are required to provide a doctor's statement certifying that the employee may safely return to work. However, the Housing Authority may require a health care provider's note to substantiate the medical need for an absence from work of any duration, including for medical/dental appointments, particularly when an accumulation of absences seems to establish (in the supervisor's judgment) a problematic use of sick time. In no event, however, shall an employee be required to provide substantiation for the use of sick leave for the first three days of sick leave used during any calendar year that involves the illness of the employee or his/her family member.

All employees, including temporary employees, who use paid sick leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

Coordination of Benefits

If there is an extended absence, the employee ~~also must~~ is encouraged to apply for any other available compensation and benefits for which she/he may be eligible. The paid sick leave benefit is coordinated with any payments that the employee is eligible to receive, e.g., State Disability Insurance (SDI), Paid Family Leave (PFL), workers' compensation, or other such paid benefit, such that the employee does not receive more than 100 percent of his or her regular pay while on leave.

Payment

The Housing Authority does not make any advance payments of sick time (i.e., employees may not use sick time before it is accrued).

Sick Leave at Termination

No payment is made for accrued, unused sick time upon separation or at any other time. However, regular employees who are rehired within 12 months from their date of separation shall have their sick leave balance at the time of separation reinstated. Temporary employees who are rehired within 12 months from their date of separation also shall have their sick leave balances reinstated and each will be provided with three days of sick time, as described above, up to a combined maximum of six days of sick time. A temporary employee who worked at least 90 days in the initial employment with the Agency may immediately use reinstated sick leave. A temporary employee who had not worked 90 days in his/her initial employment period with the Agency must work the remaining amount of the 90 day-qualifying period before becoming eligible to use accrued sick leave.

Employees who retire directly from AHA are eligible, under the Agency's contract with CalPERS, to receive credit in the form of additional service time for a portion of any accrued sick leave balance they have at the date of separation. Please visit the CalPERS website or see Human Resources for more information.

JURY DUTY/WITNESS LEAVE

Any employee who is summoned to serve jury duty, or subpoenaed or ordered by a judge to appear as a witness in court (other than as a litigant) will be granted paid time off for the duration of the jury duty/witness service for a maximum of two weeks on any occasion that the employee is required to physically be present in court. If additional jury duty leave is required beyond the two-week period, leave shall be provided as unpaid time off, and the employee serving jury/witness duty may elect to use any accrued paid vacation and/or floating holiday time during the unpaid portion of the leave.

The employee must submit a copy of the official summons or subpoena to his/her supervisor upon receipt and at least five calendar days prior to the beginning date of such duty or service. Proof of attendance from the court will be required in order to receive jury/witness duty pay. When an employee is excused from jury or witness duty in time to report for at least one-half of his/her regularly scheduled shift, the employee is required to report for duty.

Public employees are not entitled to court compensation except for mileage reimbursement for any portion of jury duty that is paid by the employer. Thus, an employee must remit to the Agency any pay received as juror fees or witness fees during any Agency-paid portion of leave. Mileage reimbursement may be retained by the employee.

BEREAVEMENT AND FUNERAL LEAVE

Bereavement Leave

In the event of a death in the employee's immediate family, the employee may request up to four working days off with pay per occurrence, up to a maximum of eight days per calendar year. Regular part-time employees may be granted bereavement leave pro-rated based on the percentage of time regularly scheduled to work. Bereavement leave does not apply if the death occurs while the employee is on leave without pay.

For this section, "immediate family" is defined as parents, siblings, spouse or domestic partner, children, mother- or father-in-law, grandparents, grandchildren, children of domestic partner, step-parents, step-children, or step-siblings, where there is a child-rearing relationship. In order to qualify for bereavement pay, the employee may be required by AHA to provide a death certificate (or other proof of death) and proof of relationship.

Funeral Leave

With supervisory approval, a full-time regular employee may be granted up to four hours of paid funeral leave to attend the funeral of a co-worker or former co-worker. Part-time employees may be granted time off as a personal leave without pay.

TIME OFF TO VOTE

The Housing Authority encourages its employees to fulfill their civic responsibilities by voting in elections. Generally, the polls are open for several hours in the morning and evening after regularly scheduled work hours. Accordingly, the Housing Authority expects employees to ~~be~~ make every effort to vote either before or after work hours. However, if the employee does not have sufficient time before or after work to vote, the Housing Authority will provide up to two hours off to vote, without loss of pay, provided the employee gives at least two (2) working days' advance notice, in writing, of the need. AHA reserves the right to require time off to vote to be taken at the beginning or end of the employee's shift.

PART SIX: UNPAID TIME OFF AND LEAVES OF ABSENCE

Unless authorized by law, Housing Authority policy, or by authorization of the Executive Director, employees are not entitled to leave of absence or time off without pay. The Housing Authority may provide unpaid leaves of absence to employees in a variety of circumstances. Employees who are considering requesting a leave of absence are encouraged to meet with the

Director of Human Resources and Operations as early as possible to discuss the details of the leave and to coordinate the integration of benefits and payroll.

Employees may request a leave of absence without pay for a qualifying personal or family illness, qualifying exigency arising from a call to active duty, or justifiable personal or other reasons. "Without pay" means that AHA will not pay for time on leave except for available vacation, floating holiday, sick leave and/or comp time that the employee concurrently uses consistent with this policy. Additionally, if the employee is in a paid leave status (due to concurrent use of accrued leave), any Housing Authority-paid holidays that fall within the leave period will be paid as holidays. Any holiday that occurs after all paid time off benefits have been exhausted will be without pay. Unless required by law, employees on any type of unpaid leave do not accrue additional benefits such as vacation, sick leave, holiday pay, increases in salary, or fringe benefits. Generally, no seniority shall accrue during any unpaid portion of the leave.

The Following General Information is Applicable to All Unpaid Leaves

REQUESTS FOR LEAVE

As soon as an employee learns of the need for a leave of absence, the employee should submit a written request for leave to his/her supervisor and provide a copy to Human Resources. If the need for the leave is foreseeable, employees are required to provide at least 30 days' advance notice. Approval of the leave may be delayed if timely notice is not provided. If the employee learns of the need for leave less than 30 days before the leave is needed, the request must be made as soon as possible.

INTEGRATION OF BENEFITS

If an employee on leave is receiving State Disability Insurance ("SDI") or Paid Family Leave ("PFL") or Workers' Compensation benefits, and the employee has not exhausted his/her accrued paid benefits with the Housing Authority, AHA will generally integrate the outside paid benefit with the employee's accrued paid benefit (to the extent permitted by law) so that total compensation for the pay period does not exceed the employee's regular wages.

Employees on approved leaves under this section, who receive SDI, PFL, or Workers' Compensation benefits, must promptly notify Human Resources of the dates and amount of payment(s) so that AHA can make arrangements for integration.

MEDICAL CERTIFICATION

Human Resources will notify the employee if medical certification is required for a requested leave to be approved. If the reason for leave is the employee's own injury or illness, medical certification of the employee's ability to return to work, with or without reasonable accommodation, at the conclusion of the leave is required before the employee will be permitted to return.

RETURNING TO WORK

When applicable, an employee returning from approved leave will return to the original job held when the leave commenced, or to an equivalent job with equivalent pay and benefits. An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously working.

The Housing Authority's actions upon failure to return to work will be based upon the reason the employee does not return, as outlined below:

- ~~If the employee is released by his/her physician to return to work and fails to do so, the Housing Authority will proceed with termination of employment.~~
- If an employee fails to return to work after their leave entitlement has been exhausted or expires, the AHA shall have the right to recover its share of health plan premiums for the entire leave period and proceed with termination, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his or her family member that would entitle the employee to leave or because of circumstances beyond the employee's control.
- If upon return from leave an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the Housing Authority will engage in the interactive process with the employee to identify a potential reasonable accommodation(s). The employee will not be allowed to return to work until a reasonable accommodation is implemented or the employee is otherwise able to perform the essential functions of his or her position with or without reasonable accommodation.

CONCURRENT RUNNING OF LEAVES

If an employee is on a leave that qualifies under more than one law (e.g., leave for a serious health condition under the FMLA/CFRA that is also a Workers' Compensation injury; pregnancy disability leave that is also a serious health condition under the FMLA), the leave time will run concurrently to the extent permitted by law.

PROBATIONARY STATUS DURING LEAVES

If an employee is on an approved leave of absence of any length or on unpaid leave for greater than 40 hours in total during the initial probationary period or any subsequent probationary period due to a change in position, an amount of time equivalent to the time the employee was on the leave of absence and/or unpaid leave shall be added to the probationary period to allow the Agency sufficient time to evaluate the employee's performance. Should this occur, the employee's anniversary date will be reset accordingly.

UNPAID LEAVES

The most common types of unpaid leaves are described below. Please see Human Resources for additional information about any leaves of absence, or if you have a need for leave that is not covered by the descriptions below.

Family/Medical Leave under the Family and Medical Leave Act and the California Family Rights Act (“FMLA”/“CFRA”)

The Housing Authority will provide family and medical care leave for eligible employees as required by state and federal law. Rights and obligations that are not specifically set forth below are provided for in the regulations implementing the federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA). To the extent allowed under the law, FMLA leave runs concurrently with, and is not in addition to, the leave entitlements provided by the CFRA. Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA’s job restoration or maintenance of health benefits provisions.

Eligibility and Leave Duration

Eligible employees, defined as those who have at least one year of service with the Housing Authority, and who have worked at least 1,250 hours in the 12 month period before the date the requested leave will begin, may request an unpaid, job-protected leave of up to 12 workweeks in a 12-month period for any of the following reasons:

- For incapacity due to pregnancy or prenatal care (FMLA leave only; see also Pregnancy Disability Leave);
- Under the FMLA and CFRA, leave is permitted to care for the employee’s child after birth, or following placement for adoption or foster care (“baby bonding”) within one year of the birth or placement;
- Under the FMLA and CFRA, leave to care for a child, parent, or spouse who has a serious health condition;
- Under the CFRA only, leave is permitted to care for a domestic partner, grandparent, grandchild, or sibling who has a serious health condition. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA.
- Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of their position. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider;
- Leave for a variety of “qualifying exigencies” arising out of the fact that an employee’s spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation;

- Under the CFRA only, leave for a variety of “qualifying exigencies” arising out of the fact that an employee’s domestic partner is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation. Leave for this purpose does not apply to FMLA leave and will not run concurrently with leave under the FMLA; or
- Under the FMLA, leave to care for a spouse, son, daughter, parent, or “next of kin” who —is a covered service member of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces; or who is a veteran who was discharged or released within the past five years and is undergoing medical treatment, recuperation or therapy for a serious injury/ illness. The injury or illness may constitute an exacerbation of a pre-existing condition and may also manifest itself before or after the member became a veteran. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.
- To care for the employee’s child after birth, or following placement for adoption or foster care (“baby bonding”) within one year of the birth or placement;
- ~~To care for the serious health condition of the spouse, registered domestic partner, minor child, or parent of an employee; CFRA is also available to care for adult children, grandparents, grandchildren, siblings, and parents-in-law (FMLA does not cover these family members);~~
- For the employee’s serious health condition that makes the employee unable to work at all or unable to perform the essential functions of his or her position (FMLA/CFRA); or
- To handle “qualifying exigencies” arising out of the fact that the employee’s spouse, registered domestic partner, child, or parent is on covered active duty, or is called to active duty, in support of contingency operations as a member of the Armed Forces, including the National Guard or Reserves. The general categories of “qualifying exigencies” include: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, additional activities, and parental care arrangements. (FMLA/CFRA)(FMLA leave only).

~~In addition, eligible employees may be entitled to take a leave of up to 26 weeks in a 12-month period to care for a spouse, registered domestic partner, parent, child, or next of kin who is a current member of the Armed Forces and has sustained serious illness/injury in the line of military duty or who is a veteran who was discharged or released within the past five years and is undergoing medical treatment, recuperation or therapy for a serious injury/ illness. The injury or illness may constitute an exacerbation of a pre-existing condition and may also manifest itself before or after the member became a veteran.~~

~~A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.~~

The 12-month period shall be a rolling 12-month period measured backward from the date leave is taken. It is continuous with each additional leave day taken.

Additional guidelines for leave duration include:

- **Minimum Duration of Leave:** If leave is requested for the birth of a child, or for adoption or foster care placement of a child with the employee, the basic minimum duration of such leave is two weeks. This leave must be concluded within one year of the birth or placement of the child. However, an employee is entitled to leave for ~~this one of these~~ purposes (e.g. bonding with a newborn) for less than two weeks' duration (but for at least one day) on any two occasions.
- **Parents Both Employed by AHA:** Under the FMLA, if both legal parents are employed by AHA and are entitled to leave, the parents will be limited to a combined total of 12 workweeks of leave in a 12-month period. However, under the CFRA, if both legal parents are employed by the AHA and are entitled to leave, each parent is entitled to take 12 workweeks of leave during any 12-month period. If both legal parents are employed by the Agency and are entitled to leave, the total number of workweeks of leave to which both may be entitled is limited to 12 workweeks for the birth of a child, or for adoption or foster care placement of a child with the employees.
- **Parents Both Employed by AHA:** If both parents of a covered servicemember are employed by the Agency and are entitled to leave to care for a covered servicemember, the ~~aggregate number of workweeks of leave to which both may be entitled is the~~ parents will be limited to a combined total limited to 26 work weeks during the 12-month period.

Coordination of Accrued Leave and Benefits

To the extent permitted under the law, the Housing Authority requires employees to substitute paid leave accruals while on an FMLA or CFRA leave. State Disability Insurance (SDI), Paid Family Leave (PFL), ~~and Workers Compensation benefits, and~~ Long Term Disability (LTD) benefits may be coordinated with accrued leave so that an employee receives up to full pay. Once accrued paid benefits are exhausted, the remainder of leave, if any, is unpaid.

Generally, employees taking FMLA/CFRA leave must use accrued paid sick (if applicable), floating holiday, and vacation time during the leave. The exceptions to this are:

- Employees on FMLA/CFRA leave for their own serious health condition and who are receiving temporary disability benefits (SDI) or workers' compensation benefits may elect to use their paid leave to supplement their disability benefit up to an amount that, when combined with the disability benefit, does not exceed their regular pay for the pay period.
- Employees taking leave to care for a family member or for baby bonding are required to use accrued vacation or floating holiday leave. They are not required to use accrued sick leave, but may elect to do so, and may elect the order in which accrued leave is used.
- Employees on FMLA leave due to pregnancy disability may elect whether or not to use floating holiday or vacation time during the leave.

Insurance Coverage

▪ Group Health Insurance During Unpaid Leave:

Employees on FMLA/CFRA leave retain their employer-paid group coverage (i.e., health, dental, vision, life and AD&D, and long-term disability insurance) up to a maximum of 12 weeks in a rolling 12-month period under the same terms applicable before the employee takes leave.

▪ Payment of Premiums:

An employee may elect to continue coverage of other, voluntary benefits for which the employee is responsible for paying the entire premium, (e.g., voluntary life and AD&D insurance), so long as he/she continues to pay the entire cost of the premium(s) while on leave. Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Authority will inform employees on Family/Medical Leave who are in unpaid status to whom direct payments should be remitted to for continued coverage.

▪ Recovery of Premiums:

If an employee fails to return to work after his or her leave entitlement has been exhausted or expires, AHA shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of a continuation, recurrence, or onset of a serious health condition of the employee or his or her family member that would entitle the employee to leave, or because of circumstances beyond the employee's control.~~If applicable, arrangements will need to be made for employees to pay their share of premium costs while on leave. If the employee fails to return to work from leave, the Housing Authority may recover premiums it paid to maintain health coverage for this employee.~~

~~An employee may elect to continue coverage of other, voluntary benefits for which the employee is responsible for paying the entire premium, (e.g., voluntary life and AD&D insurance), so long as he/she continues to pay the entire cost of the premium(s) while on leave. Employees on Family/Medical Leave who are in paid status may continue to pay the full cost of the premium(s) via payroll deductions. The Authority will inform employees on Family/Medical Leave who are in unpaid status to whom direct payments should be remitted to for continued coverage.~~

Employees on an unpaid leave that does not qualify for FMLA/CFRA must pay their insurance premiums when they are off work for five (5) consecutive days, as allowable by the plan or statute, even if leave is accrued and used subsequently. Human Resources will provide information about payment options to employees, which may include COBRA, self-pay (for CalPERS health insurance), or direct pay options.

Certification

An employee will be required to provide certification of the need for Family/Medical Leave according to the following guidelines:

- **Timely Provided Certification:** The employee should provide at least 30 days' advance notice where the need is foreseeable. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. For foreseeable leave due to a qualifying exigency, an employee must provide notice for leave as soon as is practicable, regardless of how far in advance such leave is foreseeable.

- **Requirements of the Certification:** The Housing Authority requires that an employee's request for leave due to a serious health condition affecting the employee or a family member, or due to a covered servicemember's serious injury or illness, be supported by a written certification from a health care provider*. If leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his or her position. The first time an employee requests leave because of a qualifying exigency, AHA may require the employee to provide a copy of documentation issued by the military, in accordance with the FMLA. The Housing Authority may require second or third medical opinions, at the Housing Authority's expense, and an employee to report on his/her status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

***Health care provider is defined as:**

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
4. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

- **Failure to Provide Adequate or Timely Certification:** If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. If an employee fails to timely provide certification, AHA may delay or deny use of FMLA/CFRA leave until the required certification is provided, or deny FMLA/CFRA protections following the expiration of the time to provide an adequate certification.

- **Second and Third Medical Opinions:** If AHA has a good faith, objective reason to doubt the validity of a certification of the employee’s claimed serious health condition, AHA may require a medical opinion of a second health care provider chosen and paid for by the Agency. If the second opinion is different from the first, the Housing Authority may require the opinion of a third provider jointly approved by the Agency and the employee, but paid for by the Agency. The opinion of the third provider will be binding. The Housing Authority will provide the employee with a copy of the second and third medical opinions, where applicable, without cost, if requested by the employee.

- **Intermittent Leave or Reduced Schedule:** For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter, grandparent, grandchild, sibling, or parent-in-law with a serious health condition, or to care for a covered servicemember with a serious injury or illness, the employee must provide medical certification that the requested leave is medically necessary. “Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The Housing Authority may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

Employment Status

If the leave is only protected under the FMLA, and not the CFRA, the employee’s unpaid absence will be considered a break in service for purposes of determining seniority.

Returning to Work

When an employee is on leave for his/her own serious health condition, the Housing Authority requires written medical certification by a health care provider of an employee’s ability to return to work. Failure to provide such certification will result in denial of reinstatement. Upon expiration of an authorized leave, the employee will be returned to the same, or to a comparable, position to the extent required by law.

Non-FMLA/CFRA Medical/Family Leave

Part-time employees who have at least one year of continuous service with AHA, and who are not otherwise eligible for leave under the FMLA/CFRA may nonetheless request a discretionary leave of absence for any of the reasons allowed for FMLA/CFRA leaves. The employee must

provide evidence of one of the reasons for leave as stated in the FMLA/CFRA, and provide 30 days' advance notice if the need for the leave is foreseeable.

If approved, leave will not exceed a maximum duration of eight work weeks within a rolling 12-month period. Employees must exhaust any and all accrued sick leave, floating holiday, and vacation time during the leave. Once all accrued, available leave is exhausted, the leave is unpaid and no vacation or sick leave will accrue. The employee's unpaid absence will be considered a break in service for purposes of determining seniority.

Part-time employees on this leave who are otherwise eligible for employer-paid group coverage (i.e., health, dental, life and AD&D, and long-term disability insurance) with the Housing Authority will have paid group coverage insurance coverage through the end of the pay period in which their unpaid leave commences. Thereafter, employees may continue coverage under AHA's group insurance plans at their own expense. The sole exception to this is employees on pregnancy disability leave, who remain covered by AHA health benefits during their approved leave.

Upon expiration of an authorized leave of this kind, AHA will seek to return the employee to the same, or a comparable position.

Pregnancy Disability Leave ("PDL")

~~An Employee-employee who are disabled and unable to work due to by~~ pregnancy, childbirth, or a related medical condition ~~are eligible to request a leave of up to~~ up to four months (defined as one-third of a year, 17 1/3 weeks, or 693 hours) of disability leave per pregnancy. Related medical conditions include, but are not limited to, severe morning sickness, the need for prenatal or postnatal care, childbirth, postpartum depression, gestational diabetes, preeclampsia, mastitis, and loss or termination of the pregnancy and recovery therefrom.

PDL does not need to be taken all at once, but can be taken on an as-needed basis as required by the employee's health care provider, including intermittent leave or a reduced work schedule, all of which counts toward the employee's four month entitlement. If taken on an as-needed basis, every effort should be made to minimize the disruption to Housing Authority business.

Pregnancy disability leave is without pay. Employees on PDL are required to first use accrued sick time during the leave, and may elect to use, or not to use, accrued vacation and PTO. However, employees who are FMLA-eligible, **and** concurrently taking PDL leave, **and** receiving benefits under SDI, may use their accrued leave to supplement their disability benefit up to an amount that, when combined with the disability benefit, does not exceed their regular pay for the pay period. Once accrued paid benefits are exhausted, the remainder of PDL, if any, is unpaid.

Employees on PDL retain their employer-paid health insurance during their approved leave (i.e., up to a maximum of four months) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. Eligible employees who take CFRA leave for baby bonding (or other qualifying reason) following their PDL leave, may receive employer-paid health insurance for up to an additional 12 workweeks. In some instances, the Agency can recover from an employee premiums paid to maintain health coverage if the employee fails to return following the PDL.

Employees will retain their employee status during the period of the approved PDL, and the absence will not be considered a break in service for purposes of determining seniority.

Upon timely return at the expiration of PDL or after transfer to a reduced work schedule, the employee is entitled to return to the same position. If the same position is no longer available (e.g., position eliminated due to a reduction in force), the Housing Authority will offer a position that is comparable in terms of pay, location, job content, and promotional opportunities, unless no comparable position exists. The Housing Authority requires written medical certification by a health care provider of an employee's ability to return to work at the end of a PDL exceeding three days in length.

If the employee fails to return to work, refer to the process outlined in the Returning to Work section above that addresses all unpaid leaves.

Industrial Injury Leave

Employees who sustain any illness or injury arising out of and in the course of their employment and are deemed to have a temporary total disability under Workers' Compensation laws are entitled to a medical leave until the earlier of the following:

- The employee is released to return to work; or
- The employee is determined to be permanently unable to return to his/her usual duties.

It is the employee's responsibility to immediately report any work-related injury to his/her supervisor, who will provide the employee with the Employee's Report of Occupational Injury form and the Housing Authority Incident Report. These forms ~~must be completed~~ are used to determine eligibility for Workers' Compensation. Employees requesting leave are required to submit medical certification of the need for leave.

Employees must exhaust all accrued paid time off during this leave, and before taking unpaid leave. Any such pay will be coordinated with third-party benefits received by the employee through Workers' Compensation. The exception to this is that employees receiving workers' compensation benefits whose leave runs concurrent with FMLA/CFRA leave are not required to use their paid leave but may elect to do so in order to supplement their disability benefit up to an amount that, when combined with the disability benefit, does not exceed their regular pay for the pay period.

Employees who are otherwise eligible for paid health insurance with AHA, and who do **not** have FMLA/CFRA leave running concurrently, will have paid health insurance coverage through the end of the month-pay period in which the unpaid portion of their leave commences or during which FMLA/CFRA leave expires. Thereafter, employees may continue coverage under the Housing Authority's group insurance plans at their own expense. Human Resources will provide information about payment options to employees, which may include COBRA, self-pay (for CalPERS health insurance), or direct pay options.

Employees returning from industrial injury leave will be returned to the same, or a comparable position, to the extent required by law.

Military Duty Leave

A Housing Authority employee will be granted a military leave of absence to carry out military obligations in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state law. In accordance with federal and state law, the employee must give his/her supervisor advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable, and provide a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the department head may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave. Please see HR for additional information about the continuation of pay and benefits, which may be in place for up to 30 days during a military duty leave.

Personal Leave of Absence

In addition to the previously described leaves, and in an effort to recognize the needs of employees for time off for reasons other than those described above, the Housing Authority may consider granting a personal leave of absence without pay. Personal leaves are limited to a maximum of two months in any two year period (measured in a rolling 24-month period). Personal leaves may not be added to or run consecutively with any of the previously described leaves.

All regular employees of the Housing Authority who have completed their probationary period may request an unpaid personal leave of absence. Job performance, attendance, and work/program requirements will all be taken into consideration before a request is approved. Requests for unpaid personal leave may be denied or granted by AHA within the sole discretion of the Executive Director.

Requests for a personal leave of absence must be submitted in writing to the Executive Director and must state specifically the reasons for the request and the proposed dates for beginning and ending the leave. Thirty days' notice is required if the need for leave is foreseeable.

Personal leaves, if granted, are without pay. Any accrued paid time off (i.e., accrued sick (if applicable), vacation, floating holiday and comp time) must be exhausted prior to the commencement of a personal leave.

Insurance benefits may be continued at the employee's own expense during any unpaid personal leave.

Employees on personal leave status for any reason are responsible for maintaining communication with their immediate supervisor or the Executive Director or designee regarding their situation no less than once each month. An employee is required to return from the personal leave on the originally scheduled return date. If the employee is unable to return, he/she must request an extension of the leave in writing within five business days before expiration of the leave, explaining the reason for and requested duration of the additional leave sought. If the leave is not extended, the employee must return to work on the originally scheduled return date or the employee will be considered to have voluntarily resigned from his/her employment. Extensions of leave are considered only on a case-by-case basis.

School Activities Leave

In accordance with California Labor Code section 230.8, employees may take up to forty hours off without pay in any single school year, and no more than eight hours in any calendar month of the school year, with the exception of emergencies, to participate in activities at their child's school (grades K-12) or licensed child care facility. Under School Leave, employees may also take time off to find, enroll and/or re-enroll in a school (grades K-12) or a licensed child care provider as well as to address school or licensed child care provider emergencies. To be eligible for such leave, the employee must be a parent, stepparent, foster parent or standing in loco parentis, guardian or grandparent with custody of the child.

Employees requesting School Leave must provide their Supervisor with reasonable advance notice of the planned absence and provide documentation of the school activity (a letter from the school, event announcement etc.) as verification that the employee participated in the activity on a specific date at a particular time. An employee who takes time under this policy must utilize any existing vacation leave or floating holiday leave first. If the employee as no accrued paid time off, the time off will be taken without pay.

Other Forms of Leave

Other forms of leave may be available to employees who are victims of domestic violence, sexual assault or other crimes, are military spouses, emergency responders, or organ donors; or who require leave ~~for children's school activities, or~~ for volunteer firefighter or Civil Air Patrol service, as required by law. Please contact the Director of Human Resources and Operations for more information.

LEAVE DONATION PROGRAM

Eligible employees may participate as donors and recipients in the leave donation program, which provides a mechanism for assisting employees who have exhausted paid leave due to a serious or catastrophic illness or injury. This program allows a Housing Authority employee to donate his/her accrued paid vacation to a specific, eligible employee who has exhausted his/her own available leave balances.

“Serious or catastrophic illness or injury” is defined for purposes of this policy as the employee’s own medical condition which requires him/her to be absent from work for more than twenty (20) consecutive work days, or the illness or injury of the employee’s immediate family member requiring the employee’s care (which results in the employee’s absence from work for more than 20 consecutive work days).

Eligibility to Receive Benefit

To be eligible to receive leave donations, an employee must have been employed in a regular full-time position for a minimum of one year and have completed their initial probationary period; must be absent from work due to a “serious or catastrophic illness or injury” (as defined above, and as verified by a physician’s certification); and must have exhausted all earned leave balances (including sick leave, compensatory time, vacation, and floating holiday credits). The request may be initiated prior to the anticipated date leave balances will be exhausted; however, no retroactive requests will be permitted (i.e., employees will not be granted donations for time off already treated as unpaid leave).

To be considered for a leave donation, the requesting employee, family member of the requesting employee, or another person designated in writing by the requesting employee must submit a request for such a donation to: Housing Authority of the City of Alameda, Human Resources Department, 701 Atlantic Avenue, Alameda, CA 94501. The determination of whether to award an employee leave donation and the maximum amount of leave that can be donated to the employee shall be at the Executive Director’s sole discretion and shall be final.

Benefit

Donated leave will be changed to its cash value at the donor’s base rate of pay and then credited to the recipient in equivalent hours of paid time off at the recipient’s base rate of pay. For as long as the receiving employee remains in a paid status, seniority and all other benefits will continue, with the exception that paid sick leave and paid vacation will not accrue during any period of donated paid leave, and employees will not receive holiday pay for any holidays that fall during any period of donated paid leave. Generally, the period of donated paid leave may not exceed three months; however, the Executive Director may decide to extend or restrict the total period of donated paid leave on a case-by-case basis.

When using donated leave, disability, paid family leave, or workers compensation benefits will be integrated with donated leave, just as they are when non-donated sick or vacation leave is used.

Donating Leave Credits

Donations are voluntary and may be made by any regular full-time employee who has completed his/her initial probationary period and has accrued paid time off. Other rules include:

1. Only vacation leave may be donated. Comp time, floating holiday and sick leave are not eligible for donation.
2. The total amount of time donated by any one employee may not exceed 40 hours.
3. Leave donations, if made, must be in four hour increments.
4. An employee may not donate leave hours that would reduce his/her vacation balance to less than one week (i.e., either 37.5 or 40 hours) at the time of donation.

If the receiving employee does not use all transferred leave for the intended use, any balance will remain with the receiving employee until that employee's separation from the Housing Authority. Unused donated leave will not be returned to the donating employee(s); once the donation is made, it is a final transaction.

Upon approval of an eligible employee's request for leave donations, the Executive Director or designee will post a notice of an eligible employee's need for donations on bulletin boards accessible to employees or will communicate the need for leave donations via email; confidential medical information shall not be included in this notice. Employees wishing to donate should contact the Director of Human Resources and Operations or designee. The Director of Human Resources and Operations will review all donations and notify employees if their donation will be accepted. Donations may generally be made for a period of 45 days after the donation request and physician certification is received, dependent on the need for continued leave donations; the Executive Director or Director of Human Resources and Operations may limit the donation period should adequate donations to cover the requested leave period be received. Employees may request leave donations not more than one time in each one year period beginning on the date of first request.

The Leave Donation Program is designed to be as confidential as possible, and is strictly voluntary. Employees who donate benefits will be made aware of the value of their donation. The recipient of benefits will be made aware of the value of their benefits received. Individual donations and the identities of donors are confidential, and will not be disclosed except on a need-to-know basis for administrative purposes.

PART SEVEN: WORK HOURS AND PAY

PAY PERIODS AND PAY DAYS

For all employees, the standard pay period is biweekly, and each paycheck covers work performed through the completion of the previous two-week work period. Paychecks are normally distributed every other Friday. Direct deposit is encouraged, but it is not mandatory.

Employees will receive an earnings/leave statement showing earnings and mandatory and voluntary deductions for each pay period. Each employee is responsible for notifying his/her supervisor if she/he believes there is a discrepancy on his/her earnings statement.

WORK DAY AND WORK WEEK

Normally, the workweek consists of 40 hours, and the workday consists of eight hours. Designated positions (including part-time positions) may have a shorter workweek of 37.5 hours and/or workday of 7.5 hours. The Executive Director (or designee) sets daily work schedules and any options for hours of work (e.g. start and/or end of shift times).

OVERTIME

Overtime is time an overtime-eligible employee actually works in excess of 40 hours in his or her designated work week. Only actual hours worked will be counted toward the 40-hour threshold for purposes of calculating Fair Labor Standards Act (FLSA) overtime pay; paid time off will not be counted. Overtime-eligible employees who are directed to work overtime must do so. Employees may only work overtime when approved in advance by a department head. Employees who have a flexible work schedule must also have advance approval for working any hours in excess of their approved work schedule, whether or not those hours will be eligible for overtime pay.

WORK PERIOD

The Housing Authority has declared a seven-day work period which begins on Sunday at 12:00 a.m. and ends on Saturday at 11:59 p.m. for all non-exempt positions.

BREAK/REST PERIODS AND MEAL PERIODS (NON-EXEMPT EMPLOYEES ONLY)

All non-exempt employees are provided a 15-minute paid rest period (i.e., break) for each four-hour period of work or major portion thereof per workday, one in mid-morning and one in mid-afternoon. The rest period shall be taken at a time designated by the employee's supervisor. Rest periods may not be used to extend the meal period or to leave work early.

Meal periods are provided to employees who work more than five (5) hours per shift. Eligible employees are required to take a daily meal period, at a length and time established by the supervisor, except that employees who are scheduled to work for 6 hours or less per day may opt to forgo their meal period. Meal periods will be no less than 30 minutes or more than one hour in length and are unpaid. Employees may not skip meal breaks to shorten the workday. Employees are free to come and go, and are not to perform any work during their meal periods. When being relieved of all duties during lunch is not possible due to Housing Authority work requirements, employees will be paid for their meal period. Any employee who works more than 12 hours per day will receive a second meal period of 30 minutes.

Rest Periods during Late Night/Early Morning Work

At times, particularly during emergencies, it may be necessary for certain staff to work late at night or early in the morning. In addition to overtime pay that is provided for this work, staff who work more than two (2) hours between 11:00 p.m. and 7:00 a.m. will be provided with one hour of paid rest period for every two hours worked. This rest period shall generally commence at the start of the next regularly scheduled shift, unless the employee's services are otherwise required to continue past the start of his/her shift. Payment for the rest period will be at the regular straight time rate, and will count as hours worked for purposes of calculating overtime.

FLEXIBLE WORK SCHEDULES

Employees may have the option to request a reduced work week, or the Executive Director may designate certain positions as subject to a flexible work schedule. Any employee requests for a reduced work schedule – or to stop flexing – must be submitted in writing, and are reviewed and approved by the supervisor and the Executive Director. Generally, once an employee's request for a flexible schedule is approved, the employee may not return to a regular schedule unless required to do so for agency business needs.

Employees currently working 75 hours per pay period may request a reduction to 72 hours; employees currently working 80 hours per pay period may request a reduction to 76 hours. Vacation and sick leave accrual are not affected by the adjusted work week option, nor is a non-exempt employee's hourly rate of pay affected. Since non-exempt employees will be working fewer hours, however, actual earnings are reduced accordingly. Exempt employees' salaries will not be affected by a reduced work week option, unless an exempt employee performs no work during the work week. Additional information about flexible work schedules is available from Human Resources.

The Housing Authority reserves the right to designate work schedules for employees on flexible work schedules, to rescind or alter the types of flexible schedules offered, if any, and to require employees to work flexible schedules [or rescind flexible schedules](#) subject to business needs and budget restrictions and upon two weeks written notice to the employee. Unless an exception is made by the Executive Director, new employees who would otherwise be subject to a 75 hour per pay period schedule will be placed on a flexible (72 hour per pay period) schedule upon hire.

TIMEKEEPING REQUIREMENTS

An employee's accurately-recorded time card is one of the best ways to ensure the employee receives the correct amount of pay. AHA utilizes an electronic timekeeping system, and all employees are required to submit an electronic time card every other week, on the Monday prior to payday. Non-exempt employees record actual hours worked and leave taken; non-exempt employees must report all hours worked and are strictly prohibited from performing any work "off the clock". Exempt employees report only leave taken, and report their leave usage in two-hour increments only. Any type of absence must be recorded on the time card and approved by the employee's supervisor.

In the event that a non-exempt employee does not record hours consistent with his/her scheduled work hours, the employee is required to use vacation and/or floating holiday leave to the extent necessary to bring their pay to an amount equivalent to their scheduled work hours.

Employees are responsible for ensuring that their time cards are accurate, complete, and submitted on time. Non-exempt employees should notify their supervisor no later than the end of the next business day if they fail to clock in or out, report leave used incorrectly, or have any other adjustment that needs to be made so that corrections can be completed in a timely manner. Falsification of time cards or repeated inaccurate reporting of time will subject the employee to discipline, up to and including immediate termination.

PAYROLL DEDUCTIONS

Your payroll and earnings deductions are detailed with your paycheck. Federal and State laws require deductions from every paycheck for federal and state withholding taxes, Medicare taxes, state disability insurance, garnishments or wage attachments, and employee contributions to either the CalPERS or PARS retirement program. Other voluntary deductions may be made from an employee's paycheck with the employee's authorization. These deductions may include, but are not limited to, insurance premiums, contributions to a deferred compensation program, and deductions to fund flexible spending account elections.

REVIEW YOUR PAYCHECK

The Housing Authority makes every effort to ensure its employees are paid correctly. If a mistake is made, and called to the Housing Authority's attention, it promptly will make any correction that is necessary. Employees should review their paychecks to make sure they are correct. If an employee believes a mistake has occurred or has any question, they should notify their supervisor no later than the end of the next business day.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the Housing Authority. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, exempt employees' salaries are subject to certain deductions. For example, unless state law requires otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons
- Full-day absences for sickness or disability
- Partial-day absences for personal leave or sick leave
- Full-week disciplinary suspensions for infractions of our written policies and procedures
- Family and Medical Leave absences (either full- or partial-day absences)
- To offset amounts received as payment for jury and witness fees or military pay

- The first or last week of employment in the event you work less than a full week
- Any full work week in which you do not perform any work
- Daily unpaid disciplinary suspensions if the discipline is for a violation of a workplace conduct rule

In any work week in which you performed any work, exempt employees' salaries will not be reduced for any of the following reasons:

- Your absence on a day because the Housing Authority has decided to close a facility on a scheduled work day
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work
- Any other deductions prohibited by state or federal law

Unless state law provides otherwise, deductions may be made to your accrued leave for full- or partial-day absences for personal reasons, sickness or disability. If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor.

PART EIGHT: COMPENSATION AND SALARY ADMINISTRATION

DETERMINATION OF PAY RATES

The Housing Authority desires to attract and retain strong performing employees, and accordingly attempts to pay competitive wages to its employees. To determine appropriate compensation rates for positions, AHA will take into account information about current wages and, where information is available, benefits of pertinent local agencies, and will evaluate the relationship between jobs within AHA and other public agencies. AHA will determine how often pay rates should be reviewed. Generally, AHA plans to review pay rates at least every four years unless data indicates review on a more or less frequent basis is appropriate.

WAGE RANGES AND STEPS

The Housing Authority has established a wage range for each class of position title listed in the Schedule of Authorized Positions approved by the Board of Commissioners. Each position, with the exception of the Executive Director and contract positions, is assigned a wage range, and each range currently has five steps or rates of pay. Wage ranges are subject to adjustment and change by the Board of Commissioners as conditions warrant. The Salary Schedule shows all salary and wage ranges available, whether any positions are currently assigned to those ranges or not, and the corresponding rate for each step with each range, including monthly and biweekly rates (applicable to exempt employees) and hourly wages (for non-exempt employees). ~~(Non-exempt employees are listed as an hourly wage at each step. Exempt employees are listed with a monthly and annual salary.)~~ Wage ranges are subject to adjustment and change by the Board of Commissioners as conditions warrant. The current

Schedule of Authorized Positions Pay Schedule showing titles, ~~and~~ wage ranges, and monthly rates is posted on the AHA website.

The steps within each range shall be administered in the following manner:

- The first step of each range is the beginning wage level and is the standard hiring rate for a class or position. The Executive Director has the authority to hire an employee above Step 1 of the applicable range. Generally, AHA seeks to hire job applicants at Steps 1-3 of the assigned range unless doing so would ~~result in a reduced compensation level for the applicant or~~ risk the applicant not accepting the Housing Authority's job offer.
- Employees may be considered for advancement to the next step assigned to their position after a minimum of one year of satisfactory probationary service, and upon the performance evaluation and recommendation of the supervisor with approval of the Executive Director. Advancement to the next step in subsequent years may occur with each year of satisfactory service until the employee attains the top step of the range assigned to his/her position.
- The top step of each range is the final step for employees who attain and maintain a thoroughly satisfactory standard of work performance. Employees at the top of their range are eligible for any adjustments made to the range due to cost of living adjustments or re-evaluation of the wage rate schedule, but are not eligible for any further step increases so long as they remain in the same position or wage range.
- The Executive Director has the authority to approve an employee for a salary advancement of more than one step. Generally, this would only be considered when there is a need to adjust an employee's salary for internal equity reasons, or when an employee was hired at the bottom of the salary range and has demonstrated exemplary performance.

RECLASSIFICATION RESULTING IN RANGE DECREASE (Y-RATE)

When the Housing Authority deems it necessary to reclassify an employee for reasons other than misconduct, substandard performance, and/or other disciplinary action (i.e., due to position reclassification or when a position is assigned to a lower wage range as a result of a compensation study), and such action places that employee in a position receiving lower wages, the employee's wages will remain at the same step already attained. The employee will not receive any cost of living increases granted by the Board of Commissioners until such time as the range currently assigned becomes equal to or greater than that of the previously held position.

WAGE ADJUSTMENTS

Cost of Living

The Housing Authority will employ a method to compensate employees for cost of living adjustments, if any, to the extent that funds are available. Cost of living adjustments (COLA) may be considered no more frequently than annually and require approval from the Board of Commissioners. There is no guarantee of a cost of living increase in any year.

Transfers and Promotions

In the case of lateral transfers, (i.e., transfers to another position within the same range), only fully qualified employees who meet the minimum requirements of the transfer position are eligible to be placed at the same step they attained prior to the transfer. The Executive Director shall determine the appropriate step to which transferring employees are assigned.

Employees promoted within the Agency will be placed within the wage range for the new position with step assignment determined by the Executive Director. In no event will a promotion result in a wage decrease.

The decision of within-range placement in other instances of voluntary position classification changes will be made by the Executive Director. Employees are urged to consider the effect of reclassification when applying for positions within the agency, and to ask questions of their supervisors or Human Resources. It is the employee's obligation to keep him/herself informed of the impact that changes of position may have on compensation.

Demotion in Lieu of Layoff

In the event that a position is eliminated and the employee holding that position is therefore subject to termination, AHA may, should a position assigned to a lower wage range be available that the employee is qualified for, offer such position to the employee. If the employee accepts the position, the employee shall be assigned to the wage range for the new position, with the assigned step within the range determined by the Executive Director.

OVERTIME PAY

Employees may occasionally be asked to work beyond their normally scheduled hours. When this occurs, supervisors should attempt to provide as much advance notice as possible. Opportunity for overtime (or work hours beyond the employee's regular schedule) on a particular job normally will be given to the employee who has been working on that job during the regular shift, or may be rotated among employees when multiple employees have been performing similar work. Generally, overtime is not offered to an employee who is underperforming.

The Housing Authority provides overtime compensation to non-exempt employees for all hours worked in excess of 40 hours per workweek. All overtime (or work hours beyond the employee's regular schedule) must be approved in advance by the supervisor, except in the cases of emergency call-outs, with approval documented in the electronic time card.

In all cases, non-exempt employees will receive compensation at one and one-half their regular rate of pay for each overtime hour worked. For computation purposes, "hours worked" does not include paid vacation, sick leave, AHA-paid holidays, floating holidays, or any other paid time off. Unpaid sick leave, personal leave or any other unpaid time away from work is also not considered hours worked.

Exempt Employees and Overtime

Exempt employees are paid a fixed salary that is intended to cover all of the compensation to which they are entitled. Because they are exempt, such employees are not entitled to additional compensation for extra hours of work. Accordingly, the Agency does not maintain any time off plan or arrangement with exempt employees. Neither extra compensation nor ~~compensatory~~ time off will, under any circumstances, be owed or payable to an exempt employee during employment or upon separation from the Housing Authority's employ for any reason.

~~COMPENSATORY TIME OFF (CTO)~~

~~At the option of the non-exempt employee, AHA provides compensatory time off (CTO) as a substitute for overtime pay, for all hours worked in excess of 40 in the workweek, at the rate of one and one-half hours of paid time off for each hour of overtime worked. Employees who wish to be compensated in CTO must submit their request in advance of the time that the overtime hours are worked via a note in the electronic timekeeping system; supervisors are also to make a note in the system that overtime shall be paid in CTO for that pay period. Such requests apply to any overtime worked during the ~~entire~~ pay period.~~

~~No employee may accrue more than 120 hours of compensatory time off.~~

~~When earned compensatory time is used shall be determined by mutual agreement of the employee and his/her supervisor; however, employees are encouraged to take CTO as soon as possible after it is earned. AHA will not unreasonably deny such requests.~~

ON-CALL AND EMERGENCY CALL COMPENSATION

Maintenance personnel who live within 40 miles of Alameda may be required to perform rotating weeks of on-call service. A non-exempt employee will be compensated for one and one-half hours of straight time pay for each day of on-call service, even if that employee is not actually called into service. On-call service is assigned at the discretion of AHA and may be eliminated, suspended, or reassigned at any time. Hours compensated for on-call service are not considered hours worked for purposes of calculating overtime.

A non-exempt regular employee on call who is called back to work will be compensated for time worked at the usual overtime rate of pay for the employee's position for a minimum of two hours of work, irrespective of the number of hours worked during the work week. This provision also applies to other maintenance and non-maintenance employees who may be called back to work in the event of an emergency. This provision does not apply to instances in which the employee is called to report less than two hours before her/his regular starting time and is working from the time she/he reports through his/her regular starting time. Emergencies that require an employee to work past the normal end of his/her shift will be considered hours worked for purposes of calculating overtime, and are also not subject to on-call/call-in provisions.

For more information about on-call and emergency call procedures, maintenance personnel may refer to the Maintenance On-Call Procedures document.

BILINGUAL PAY

The Executive Director (or designee) may designate employees to receive bilingual pay based on the translation needs of the Housing Authority and the employee's ability to provide the service. Bilingual pay may be authorized on either a continuing or temporary basis (i.e., for a specific activity).

Two levels of continuing bilingual pay are provided by the agency. In order to receive **continuing certified** bilingual pay, employees must pass a language proficiency exam administered by a provider of AHA's choice. Employees that are not certified through the language proficiency exam but demonstrate bilingual communication capacity are eligible for continuing basic bilingual pay. Designated employees will receive a taxable salary augmentation for their additional service at a rate determined by AHA in conjunction with the budgeting process. The rate for continuing certified bilingual pay will generally be two times the rate paid for continuing basic bilingual pay, and will be authorized by the Board during the budget process. The Human Resources Department will maintain a current list of positions and employees certified to receive the bilingual pay incentive. Employees certified to receive continuing bilingual pay receive this pay regardless of whether or not any bilingual services were actually provided during the period of compensation, and are expected to be available to provide these services as needed, including during events or meetings that may occur outside of normal business hours.

In order to receive **temporary** bilingual pay, employees must be able to demonstrate their bilingual capacity, but do not need to be certified by AHA's outside provider. Employees may be compensated at the rate of \$50 per month for up to 3 months in a calendar year. Temporary bilingual pay is authorized at times when services are anticipated to be needed, but an employee approved for temporary bilingual pay does not necessarily need to provide bilingual services during the approved period to receive bilingual pay.

Only non-exempt employees are eligible to receive either form of bilingual pay, regardless of language. However, exempt employees with language skills in one of the Agency's LEP languages may also be eligible for either form of bilingual pay. Exempt employees with non-LEP language skills may be required to provide interpretation or translation services if needed. The Executive Director may authorize bilingual pay for exempt employees for other (non-LEP) languages as needed.

NOTARY PUBLIC STIPEND

The Executive Director (or designee) will designate which employees shall serve as notary publics for the AHA. Those employees, and only those employees, are eligible to receive a monthly stipend in the form of a taxable salary augmentation for their additional service at the rate of \$50.00. This stipend is paid whether or not any notary services were actually provided during the period of compensation. As a condition of receiving notary public stipend pay,

designated employees are expected to be available to provide notary public services as needed, including during events or meetings that may occur outside of normal business hours.

The Human Resources Department will maintain a current list of employees designated to receive the notary public stipend.

SHOES/BOOTS ALLOWANCE

Affected maintenance employees may request reimbursement for the purchase of steel or hard toe safety boots or shoes that are required for his/her position and which must be worn as a condition of employment. The maximum reimbursement rate ~~for 2016 is \$220; the Executive Director has the authority to adjust this amount in subsequent years~~ is authorized by the Board during the budget process. There is no limit on the number of shoes/boots that the employee purchases with the annual allowance. Please see the Maintenance Staff Uniforms policy in Section Nine: Work Practices and Environment for more information about maintenance staff attire.

CELL PHONE ALLOWANCE

~~Employees who have been approved by the Executive Director to utilize their personal cell phone for AHA-related business will receive a stipend at a rate determined by AHA in conjunction with the budgeting process. Please refer to the Information Technology and Cell Phone Policies for additional information about the use of mobile devices.~~

ACTING PAY

An employee who is assigned by the employee's supervisor and approved by the Executive Director, to perform a job in a higher classification during the temporary absence of another employee will receive "acting pay" during the assignment. Unless otherwise approved by the Executive Director, acting pay is set at the first step of the classification to be held temporarily as long as the amount is not less than five (5) percent above the current salary step of the employee assigned to the acting position. To be eligible for acting pay, the temporary assignment must not be for less than one full pay period.

Where an employee is assigned a temporary working classification due to the performance of duties that are above his/her normal classification and for which there is no classification available, the employee may be eligible to receive acting pay at the discretion of the Executive Director. Acting pay will be paid at no less than five (5) percent over the employee's current hourly wage, even if this temporary increase is at a level higher than the top of the wage range to which the employee is assigned.

PART NINE: WORKPLACE HEALTH AND SAFETY

DRUG & ALCOHOL-FREE WORKPLACE

As part of the Housing Authority's ongoing commitment to a safe and healthy workplace, the Housing Authority maintains a drug and alcohol-free workplace. Any employee who reports to work while under the influence of drugs or alcohol runs the risks of endangering his/her safety and the safety of others, destruction of or damage to personal or AHA property, and a loss of productivity and workplace morale.

All employees are required to understand and comply with the Housing Authority's drug and alcohol-free workplace policy. Employees conducting Housing Authority business regardless of location are prohibited from all of the following:

- Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensing of alcohol or a controlled substance in either Housing Authority workplaces or wherever Housing Authority business is performed.
- Reporting to work while under the influence of alcohol or a controlled substance.

Use of prescribed medications and drugs in accordance with physician's instructions is not a violation of this policy, as long as the medications or drugs do not interfere with the employee's ability to perform his/her duties. An employee must notify his/her supervisor before beginning work when taking medications or drugs that could interfere with the safe and effective performance of duties or the operation of Housing Authority equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the Housing Authority may require medical clearance.

If the Housing Authority reasonably suspects that an employee is under the influence of alcohol or drugs, the employee shall be prevented from engaging in further work and may be detained for a reasonable time until he or she can be safely transported from the work site. If the Housing Authority has reasonable suspicion that an employee is under the influence of alcohol or drugs, the Housing Authority may require the employee to submit to AHA's drug/alcohol testing procedure. "Reasonable suspicion" is based on objective factors a reasonable person would believe that the employee is under the influence of drugs or alcohol at work. Examples of objective factors include, but are not limited to: unusual behavior, slurred or altered speech, body odor, unkempt appearance, red or watery eyes, unsteady gait, lack of coordination, sleeping on the job, a pattern of abnormal or erratic behavior, a verbal or physical altercation, puncture marks or sores on skin, runny nose, dry mouth, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, inappropriate wearing of sunglasses, tremors, an accident involving agency equipment or property, or other evidence of recent drug or alcohol use. In order to receive authority to test, the supervisor must record the facts that support reasonable suspicion and discuss the matter with the Executive Director or designee. If there is a reasonable suspicion of drug or alcohol abuse at work, the employee will be relieved from duty and placed on sick leave until the test results are received. Refusal to submit to the Housing Authority's drug/alcohol testing procedure may constitute insubordination and subject the employee to discipline.

The Housing Authority has established an Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees who think they may have an alcohol or drug usage problem are urged to seek confidential assistance from the EAP. Employees should contact Human Resources for additional information about the EAP.

As a condition of employment, Housing Authority employees are expected to abide by the terms of this policy and are required to notify the Housing Authority of any criminal drug statute conviction occurring in the workplace within five days of the conviction. Disciplinary action will be taken against those who violate this policy.

SMOKING

For health and safety considerations, the Housing Authority discourages smoking. Smoking by employees, including the use of e-cigarettes or other unregulated nicotine products, is prohibited in all locations on Housing Authority property, including office/maintenance areas, dwelling units/grounds, and vehicles, and while conducting AHA business, regardless of location.

SAFETY AND SECURITY

The Housing Authority strives to provide a secure work environment for our employees and visitors. It is the policy of AHA to provide and maintain safe and healthful working conditions. Every AHA employee shares a responsibility for the prevention of accidents and everyone is expected to cooperate to the fullest to make sure our agency is a safe place to work. Employees are required to be safety conscious and to report immediately any unsafe or hazardous condition directly to his/her supervisor or the Injury and Illness Prevention Program (IIPP) Administrator. Employees also are required to participate in regular safety trainings, to read and follow the Housing Authority's Safety Policies and Rules, and to become familiar with AHA's IIPP, provided as separate documents.

Our main building is equipped with an alarm system that is activated during non-business hours via a rotation system by exempt staff at 701 Atlantic, and exterior doors/gates that are locked at all times (except the front entrance door) as are reception area doors that provide access to the interior of the office. Other AHA offices maintain systems that allow for the safety and security of employees assigned to work in those locations.

Each employee is required to comply with all AHA security procedures and immediately report any breach of security to his/her supervisor. These procedures include, but are not limited to the following:

- Immediately report lost or stolen keys/access badges or missing AHA property to your supervisor.
- Employees may be responsible for the cost of replacing lost or stolen AHA property, such as parking lot remotes, badges, and keys.
- Employees may not keep or store AHA equipment or keys/badges in vehicles except while travelling to or from work.

- Copying or giving AHA keys/badges, alarm codes, or parking lot remote controls to an unauthorized individual is strictly prohibited.

We encourage employees to be prudent about bringing personal items to work. The Housing Authority is not responsible for losses resulting from theft or damage to employees' personal property.

VIOLENCE IN THE WORKPLACE

The Housing Authority is committed to providing a safe, violence-free workplace. Therefore, the Housing Authority strictly prohibits employees, consultants, customers, visitors, vendors, or anyone else on Housing Authority premises or engaging in a Housing Authority-related activity from behaving in a violent or threatening manner. This policy applies in any location where Agency business is conducted, including vehicles and parking lots. As part of this policy, the Housing Authority seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

Prevention of workplace violence begins with the recognition of potential early warning signs and the establishment of agency procedures for responding to any situation that presents the possibility of violence.

Employees are prohibited from participating in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of Housing Authority employment. The Housing Authority has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.

Workplace Violence Definition

Workplace violence is defined as any conduct that causes an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:

- Threats of any kind or acts of physical harm directed toward an individual or his/her family, friends, associates, or property
- Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others
- Destruction of, or threat of destruction of Agency property or another employee's property
- Fighting, challenging another person to fight, or participating in dangerous or threatening horseplay
- Striking, punching, slapping, or assaulting another person
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise

- Harassing or threatening phone calls or electronic communications
- Surveillance of or stalking another person
- Other behavior that suggests a propensity towards violence, such as belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage of Housing Authority property, or a demonstrated pattern of refusal to follow AHA policies and procedures
- Defacing AHA property or causing physical damage to the facilities
- With the exception of security personnel, bringing weapons or firearms of any kind on Housing Authority premises or while conducting Housing Authority business.

Reporting

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor, or anyone else, he/she should notify any manager or supervisor immediately. The Housing Authority will take appropriate steps to provide security, such as: placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation; asking any threatening or potentially violent person to leave the site; or immediately contacting the appropriate law enforcement agency.

Employees are required to report to the Executive Director or designee if any restraining order is in place, or if any potentially violent non-work-related situation exists that could result in violence in the workplace. Employees may be required to obtain a restraining order against a particular individual in the interest of staff safety.

Investigation

All reports of workplace violence will be taken seriously and investigated promptly and thoroughly. In appropriate circumstances, the Housing Authority will inform the reporting individual of the results of the investigation. To the extent possible, AHA will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. AHA will not tolerate retaliation against any employee who reports workplace violence.

Corrective Action and Discipline

If the Housing Authority determines that workplace violence has occurred, the Housing Authority will take appropriate corrective action, including possible discipline of offending employees up to and including termination. The appropriate corrective action will depend on the particular facts but may include oral or written warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the Housing Authority will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, the Housing Authority may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, the Housing Authority may require that the employee participate in counseling, either voluntarily or as a condition of continued employment.

Employee Assistance Program

Any employee who believes that he or she may have a problem that could lead to violent behavior is encouraged to seek confidential assistance from the Employee Assistance Program (EAP). For information about accessing the EAP, contact Human Resources.

PART TEN: WORK PRACTICES AND ENVIRONMENT

PUNCTUALITY AND ATTENDANCE

All employees are expected to be responsible and demonstrate respect for fellow employees by establishing a record of punctuality and regular attendance. Attendance and punctuality are important to the efficient operation of any business, and are factors considered in evaluating an employee's overall job performance. Employees are expected to be present and ready to work at their scheduled work time each day and for the duration of their work shift. Non-exempt employees must adhere to their scheduled workday, and any established break and meal periods. Frequent tardiness, excessive absenteeism, or abuse of sick leave will not be tolerated, and will result in disciplinary action.

Employees who are unable to report for work for any reason must notify their immediate supervisor no later than one-half hour after their regularly scheduled start time on the first day and each subsequent day of an unscheduled absence by calling the Absence Reporting Line at 1-510-649-5529. Employees must indicate the ~~reason for the absence,~~ type of leave needed (i.e., sick or vacation), and the probable duration of the absence or the planned arrival time at work if tardy. Upon returning to work, employees must accurately record any absences in the electronic timekeeping system.

An employee is deemed to have resigned from his/her position if he or she is absent for three consecutive scheduled work days/shifts without prior authorization and without notification during the period of the absence. The employee will be given written notice, at his or her address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence. An employee who promptly responds to the agency's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the Executive Director or designee before final action is taken, to explain the unauthorized absence and failure of notification. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.

LEAVING DURING WORK HOURS

Non-exempt employees who leave the premises during their work time for any reason unrelated to their job must get approval from their supervisors (or designated alternates) for any period of absence prior to leaving work. As a courtesy and to ensure an appropriate level

of management coverage, exempt employees who need to leave work unexpectedly are requested to notify their supervisors as well.

TELECOMMUTING

Telecommuting is a work arrangement in which some of the employee's work is performed at home. Telecommuting is a privilege that may be appropriate for some employees and some jobs. It is not an entitlement or an Agency-wide benefit. Performance expectations of an employee are the same regardless of work location.

The Housing Authority may allow exempt staff the option to telecommute on an occasional, informal basis for a limited period of time when the employee's work can reasonably be carried out from home without unduly impacting either the employee's own level of work productivity, or that of his/her fellow employees or any subordinates, including providing for an appropriate level of overall management presence in the office. All informal telecommuting arrangements are made on a case-by-case basis at the discretion of the supervisor in consultation with the Director of Human Resources and Operations and are memorialized in writing in advance. Supervisors should know the specific work to be performed and the projected amount of time expected before granting permission for short-term, informal work-at-home arrangements. All employees who telecommute, even on an occasional, informal basis, are responsible for ensuring a safe home workplace and taking appropriate steps to safeguard AHA confidential information. AHA reserves the right to designate only certain exempt positions as eligible for telecommuting.

The Housing Authority may also designate positions approved for telecommuting in response to an emergency or similar occurrence. Positions authorized to telecommute on a regular basis are designated by the Executive Director, who also has the authority to determine when telecommuting is no longer required. Employees that telecommute on other than an infrequent, informal basis, are required to have a telecommuting agreement and safety self-certification checklist on file with Human Resources.

GUESTS AND VISITORS

Employees must discourage frequent or regular visits from family or friends to ensure that the workplace is not unduly interrupted and to maintain a professional atmosphere for both employees and the public. Should it be necessary for a friend or family member to call on an employee during business hours, visits are to be kept to a minimum and visitors are to be directed to areas away from other employees and/or the public so as not to be disruptive. The employee being visited may not perform any work during the visit to ensure work accuracy and client confidentiality.

All visitors are required to sign in upon arrival at the AHA office. Visitors are to remain in the reception area until escorted by the appropriate employee, and must remain in the company of an employee at all times while in the AHA office.

While AHA is sensitive to employees' dependents' needs, it is not appropriate for minor children or other minor visitors of employees to be in the workplace during working hours, except for very brief visits. In those cases where minors are in the workplace, they must be directly supervised by the employee at all times.

In the interest of maintaining the health and well-being of all AHA employees, visitors who are ill should not be brought to the workplace. AHA provides sick leave so that employees may provide care for their sick dependents at home. Employees may contact AHA's Employee Assistance Program for assistance with finding emergency care providers for sick dependents.

Any supervisor is authorized to ask visitors to leave the office should it be deemed necessary.

BREASTFEEDING-FRIENDLY WORKPLACE

The Housing Authority encourages employees and management to have a positive, accepting attitude toward working women and breastfeeding. AHA promotes and supports breastfeeding and the expression of breast milk by employees who are breastfeeding their babies.

It shall be the policy of the Housing Authority to provide:

- Information about breastfeeding support prior to an employee's leave for pregnancy disability or related condition, including providing a copy of this policy when an employee inquires about or requests parental leave.
- Reasonable amount of break time to express milk or breastfeed. In the event that an employee requires additional break time, other than the scheduled rest or meal periods, additional unpaid time off will be provided for this purpose. Supervisors are encouraged to consider flexible break times, schedules, or other reasonable accommodation to meet employees' needs.
- A designated room within the AHA office, which shall be furnished with an electrical outlet, comfortable seating, a table, appropriate signage, and be free from intrusion to ensure privacy while the employee is expressing milk.
- Access to a sink with running water and a refrigerator for storing milk.

All other employees should avoid interrupting an employee during an authorized break under this policy, except to announce an emergency or other urgent circumstance.

Employees have the right to request lactation accommodation, and should make their request, preferably in writing, to the Director of Human Resources and Operations. A form for making a lactation accommodation request is available from Human Resources. Human Resources will respond to the request, and will provide a written response to the employee and shall notify

the employee if AHA cannot provide break time or a compliant location. Employees have the right to file a complaint with the Labor Commissioner for any violation of Labor Code sections 1030, et seq., which governs lactation accommodations.

USE OF FACILITIES AND PROPERTY

Employees are asked to treat Housing Authority property as they would their own. Specifically, employees are to keep their work area and AHA common areas clean and well maintained and limit their use of AHA equipment to work-related purposes. Employees are required to receive written supervisory approval before removing any Housing Authority property from the premises. Employees may decorate their work spaces, as long as such decorations are consistent with AHA policies. Employees must consult with the Director of Human Resources and Operations before displaying items in or making any alterations to public spaces or common areas.

TOOLS AND EQUIPMENT

The Housing Authority supplies employees with all tools and equipment necessary to carry out assigned duties. Employees are responsible for the safekeeping of all tools and equipment. Use of agency tools or equipment for other than official Agency business, loss of equipment, or any unusual damage above and beyond normal wear and tear are grounds for disciplinary action. Responsibility for replacement due to normal wear and tear lies with the Housing Authority.

INSPECTION OF TOOL BOXES/DESKS/COMPUTERS/VEHICLES

Tool boxes, desks, computers, agency vehicles, etc., are the property of the Housing Authority and are provided to employees for their use and convenience during work hours. As a result, Housing Authority employees have no expectation of privacy in their use of any Agency equipment or resource. It is understood that the Housing Authority has the right to open and inspect any such tool boxes, desks, computer directories, or vehicles, as well as any contents, effects, or articles that are contained in same at any time, with or without advance notice or the employee's personal consent. This includes, but is not limited to, inspections of emails, history of Internet usage, logs of calls made and received on Agency telephones and Agency-issued cellular phones/smart phones, text messages sent and received on Agency-issued cellular phones/smart phones, and voicemail on Agency telephones and Agency-issued cellular phones/smart phones. Inspections may be conducted before, during or after working hours by the employee's supervisor or a department head when there is a customer service or business or program related need. For situations involving suspected inappropriate conduct, the Executive Director or Director of Human Resources and Operations shall designate the individual(s) authorized to carry out the inspection

USE OF MOTOR VEHICLES

Employees must follow the Housing Authority Vehicle Use and Accident Reporting procedures provided as a separate document, and are required to sign an acknowledgement that they have received the information. Assignment of driving responsibilities, in either an agency vehicle or in the employee's own vehicle, is conditional upon receipt of a satisfactory report from the State of California, Department of Motor Vehicles.

Employees who use their own automobiles for travel on authorized AHA business will be reimbursed for mileage at the rate established by the Internal Revenue Service. Employees must have prior supervisory approval for the use of personal vehicles and must have on file in advance of using their personal vehicle, a copy of their driver license and evidence that they obtained at their own expense the minimum insurance coverage for property damage and public liability.

Employees who wish to use an agency vehicle must reserve the vehicle and sign it in and out on the day of use. Use of agency vehicles for personal reasons is strictly prohibited.

EXPENSE REIMBURSEMENT

Reasonable and customary expenses incurred in the performance of one's job or to attend trainings/conferences will be reimbursed. Reimbursement requires prior authorization by the employee's immediate supervisor and/or Department Director or Executive Director, written approval of actual expenses, and completion of a signed expense reimbursement form with all required documentation/receipts attached.

Employees must follow the Housing Authority's Training and Travel and Reimbursement Policy, provided as a separate document, including submitting any expenses no later than 60 days following the date(s) the expenses were incurred. Employees are expected to be prudent with expenses, particularly when traveling.

DRESS GUIDELINES

The Housing Authority's objective in establishing guidelines for work attire is to enable our employees to be comfortable in the workplace, while also projecting a professional and businesslike image in dealing with other employees, volunteers, and the general public. All employees are asked to observe good grooming and personal hygiene habits, and are expected to dress in a ~~businesslike~~ manner appropriate for their position in the agency as discussed below. The following guidelines have been developed to provide general parameters for appropriate work attire and to help employees exercise good judgment about similar items that are not specifically addressed.

Basic Guidelines

Regardless of whether it is a regular work day or a designated "casual dress day," clothing must be clean, neat, and fit properly. In all situations, clothing should be comfortable and practical

for work, but not distracting or offensive to others. Employees may observe dress and/or grooming practices consistent with their religious beliefs; any employee requiring special clothing accommodations for any reason should advise his/her supervisor in advance.

Work attire that is inappropriate for the workplace includes clothing that is revealing, including tight fitting clothing (such as spandex pants or leggings), tank tops or shorts, mini-skirts/dresses, athletic/exercise wear, see-through clothing, or clothing that shows bare shoulders, back or midriff, or that exposes underwear is not appropriate. Clothing with inappropriate wording or logos, such as offensive images or wording including profanity, and sports/exercise attire also may not be worn. In all situations, clothing should be comfortable and practical for work, but not distracting or offensive to others. Treatments to clothing that are inappropriate for the workplace include clothing that is torn, frayed, ripped, or excessively worn, as well as overly casual items are not considered appropriate for the office.

Employees may observe dress and/or grooming practices consistent with their religious beliefs; any employee requiring special clothing accommodations for any reason should advise his/her supervisor in advance.

Regular Work Days

All employees should wear casual business attire on Mondays through Thursdays, and a clean and neat appearance should be maintained at all times. Casual business attire may include dresses, trousers or pressed khakis, pants, or skirts; jeans are not included in casual business attire. with a shirt or blouse neatly tucked in unless it is designed to be worn on the outside. Employees should use good judgment about whether or not business casual attire is denim skirts or dark-rinse, colored, or trouser-style jeans as long as they are professional in appearance (e.g. full length, not frayed or ripped). appropriate on a daily basis, depending on whether meetings or other work is scheduled where customary business attire, such as a suit and tie, pantsuit, or dress/skirt and jacket, would be more appropriate.

Clean, polished shoes should be worn at all times. Footwear must be in good repair and appropriate for the work environment and functions performed. When performing office-based work, open-toed shoes and sandals may be worn so long as they are an appropriate style for the workplace and the employee is performing office-based work. When performing off-site work, sturdy closed-toe shoes must be worn at all times. Fabric may also play a role in determining whether or not an article of clothing is appropriate. For example, solid color Capri pants in a microfiber or light wool fabric would be appropriate office attire, whereas those that are multicolored, highly patterned, or made of a casual fabric (e.g., denim) are not. Other examples of inappropriate attire include jeans, shorts, tank tops, mini-skirts/dresses, track or warm-up suits, flip flops, beach sandals, tennis shoes, and faded, patched or torn/ripped clothing of any kind.

Because of the work they do, employees performing off-site facilities-related work and employees who are performing inspections or visiting construction sites may wear jeans or other sturdy work clothing on days they are performing this type of work, though a neat

~~appearance is still important. Sturdy closed-toe shoes must be worn at all times when performing off-site work.~~

Employees should use good judgment about whether or not business casual attire is appropriate on a daily basis. For instance, casual attire is not appropriate for meetings or other work scheduled where formal business attire, such as a suit and tie, pantsuit, or dress/skirt and jacket, is customary and more appropriate.

Casual Dress Days

The Housing Authority observes “casual Fridays” on which ~~more casual~~ clothing more casual than that allowed for Regular Work Days may be worn, including other styles of jeans as long as they are appropriate for the workplace. However, it is important that employees understand that a neat, professional appearance is always necessary, especially when interacting with the public. As such, if you have an appointment or meeting that involves customers or participants other than members of staff, you should follow the Regular Work Day guidelines provided above.

~~If you do not have meetings scheduled on a Friday, casual wear, such as jeans, khaki or cargo pants, more casual Capri pants, tee shirts, and clean tennis shoes are acceptable. Leggings with an over-the-hip top are also acceptable.~~ Under special circumstances (e.g., storage clean-up, moving furniture, etc.) more casual attire may be worn on work days other than Fridays upon supervisory approval. In all situations, clothing should be comfortable and practical for work, but not distracting or offensive to others. ~~The inappropriate items described above are not appropriate on Casual Dress Days, with the exceptions of jeans and tennis shoes.~~

Supervisor Responsibility

Supervisors are responsible for interpreting and monitoring dress and grooming standards and have the authority to make decisions regarding what is inappropriate office or field appearance and to determine what action will be taken when guidelines are not being followed. The action taken will be based on the severity of the infraction, and may include counseling employees whose attire is considered inappropriate or sending the employee home to change into appropriate work attire.

MAINTENANCE STAFF UNIFORMS

Employees in certain maintenance positions are permitted to wear jeans or other sturdy work clothing, though a neat appearance is still important. Maintenance workers are required to wear uniform shirts, which are provided and cleaned by the Housing Authority. AHA may also provide other work/weather/safety related gear or equipment such as jackets, hats, foul weather gear, and gloves to employees who work outdoors. Employees are responsible for the safekeeping of all items they are furnished, must wear AHA-provided attire, and may not substitute personal items for AHA-provided items when on the job site. Damaged or worn gear must be submitted to the Department Head for replacement.

SCENT FREE WORKPLACE

Scents are prohibited in the workplace. Some employees and members of the public suffer from unpleasant and, in acute cases, life-threatening physical effects from scented products. Personal fragrant products (e.g., fragrances, colognes, lotions, powders and other similar products) that are perceptible to others should not be worn by employees. Other fragrant products (e.g., scented candles, potpourri and similar items) and plants are also not permitted in the workplace.

Employees required by medical necessity to use medicinal lotions or skin creams that contain ~~odors~~-perceptible odors must request a reasonable accommodation from their supervisor or Human Resources.

Employees with other allergies or substance sensitivities are encouraged to make their needs known to the Director of Human Resources and Operations so that appropriate steps may be taken to limit any health risk to the employee.

PARKING

The Housing Authority shall attempt to provide employees with free parking at the AHA office. However, parking spaces are limited and so may be assigned or allocated on a first-come first-served basis at the time of employment by Human Resources. In the event that adequate spaces are not available for all employees, Human Resources will establish a formal parking policy, that takes into account reasonable accommodations, business needs, and where possible employee preference. Additional information about parking procedures may be obtained from Human Resources.

Employees who wish to park their vehicle on AHA property must have a valid license and provide a current insurance certificate on file with Human Resources.

SOLICITATIONS

It is a Housing Authority policy to prevent work disruptions and protect employees from harassment related to solicitations. During working time, employees are prohibited from soliciting or distributing literature or other materials to another employee, nor may employees use AHA's electronic communication systems or display such materials in the public areas of the office, such as the lobby, at any time to do the same. Working time includes the working time of both the employee doing the soliciting or distributing and the employee to whom the soliciting/distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are not engaged in performing their work.

Persons who are not employed by the Housing Authority shall not distribute literature or other materials or solicit employees or visitors on Housing Authority property at any time or for any purpose without approval of the Executive Director.

REFERENCES

The Executive Director (or designee) and the Director of Human Resources and Operations are the only individuals authorized to provide information of any kind regarding current or former employees, volunteers, or vendors.

Generally, only hire and termination dates, job titles, and earnings are provided in response to a reference or verification of employment request. Except as provided by this policy, all employee information is considered confidential.

PART ELEVEN: INFORMATION AND COMMUNICATION

TECHNOLOGY, VOICE MAIL AND ELECTRONIC MAIL

Housing Authority employees are permitted to use AHA's voice mail, electronic mail, computers, software, temporary or permanent files, networking sites and internet access (collectively "Technology Systems") to perform their work and communicate with others for business purposes. Computers and Internet access, telephones and cell phones, and other forms of information technology are provided to employees based upon business needs. The e-mail system is to be used for AHA or work-related email only, and not for personal purposes. Employees must utilize their official Housing Authority email address for all Housing Authority communications sent via email. Employees are prohibited from using their private email address (i.e., Gmail, Yahoo!, Hotmail/MSN, etc.) for Housing Authority business. In no event should Housing Authority's Technology Systems be used to send jokes, comments or information to others that may be perceived as discriminatory, harassing, offensive, disruptive, or otherwise in violation of any AHA policy. Any technology provided by the Housing Authority may not be used to send material that disparages an individual, company, or business entity, or to disclose personal information without authorization.

Employees may not install, copy, stream, or download software onto AHA computers unless authorized to do so by the Senior Management Analyst or the Director of Human Resources and Operations. Employees also are prohibited from downloading any personal files onto work computers, as this may result in reduced capacity, slower computer speed for all employees, and maintenance and support issues. In addition, it places the employee's computer and the entire AHA network at risk for viruses, compromised network security, and other problems.

Non-exempt employees are prohibited from accessing any AHA Technology Systems, including email, from outside the office or during non-work hours, unless otherwise approved by the Executive Director or designee.

Employees do not have any right ~~or expectation~~ of privacy in any Housing Authority Technology Systems, including email sent to or received by AHA computers or transmitted via AHA's servers and networks. The Housing Authority may monitor and/or search the contents of all voice mail, computer files, and electronic communications (including email) to promote the administration

of AHA's operations and policies or for any other business reason. By these provisions AHA employees should not have an expectation of privacy when utilizing AHA technology.

Use of personal technology devices during work time is discouraged. Further, no employee may use unauthorized personal devices, software, or other technology in conjunction with Housing Authority property or Technology Systems.

All employees are provided training on and required to sign an acknowledgment that they have reviewed and understand AHA's Information Technology Policy at the time of hire and periodically during the course of employment.

USE OF AGENCY-ISSUED CELL PHONES

All Housing Authority cell phones are provided as a tool to conduct Agency-related business. Agency cell phones are issued on an as-needed basis with the approval of the Executive Director. All Housing Authority employees shall use such devices in a responsible, appropriate, and safe manner. All employees assigned communications equipment shall assume the responsibility to use the equipment in accordance with the provisions of this policy and the Housing Authority's Information Technology Policy.

- Employees are prohibited from installing any third party equipment or applications to Agency cell phones unless approved by the employee's supervisor in writing.
- Employees have no expectation of privacy as to data residing in telecommunications devices and /or voice mail. The Housing Authority may inspect that data at any time and without notice, as permitted by state and federal law.
- Employees shall protect Housing Authority cell phones from loss or damage. An employee assigned an Agency phone is responsible for its good care and will be required to reimburse the Agency's cost for any damage, or lost cell phones due to negligence. If a device is damaged, fails to work properly, or is stolen or lost, the employee shall immediately notify the Executive Director.
- Agency cell phones should only be used by employees in the performance of their official duties. Personal use of Housing Authority cell phones is strictly prohibited and will result in disciplinary action and reimbursement of charges for personal use.
- ~~▪ Employees shall acquaint themselves with the rate plan that applies to their cell phone and use their best efforts to make the most economical and cost efficient use of the cell phone. Cell phones are unique in that they may have charges for both incoming and outgoing calls and texts. In addition, local calls can still incur airtime charges if the plan minutes are exceeded. A call may be made from a cell phone only if it cannot be made at any other time with a provided wired landline telephone. Because cell phones have additional "air time" and possible other charges, employees are expected to use a wired landline telephone when available.~~

USE OF PERSONAL CELL PHONES

The Housing Authority recognizes the need for employees to be able to be contacted in the event of an emergency or other urgent situation. Employees are expected to observe the

following guidelines, however, to avoid unnecessary disruption in the workplace and maintain productivity:

- Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.
- Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may become subject to disciplinary action. Department heads reserve the right to request that the employee provide cell phone bills and usage reports for calls made during the working hours of that employee to determine if use is excessive.
- Employees are prohibited from making or receiving calls on a cell phone while driving within the course and scope of employment, unless the employee has a hands-free device, and texting or emailing while driving is prohibited at all times. Please see the Vehicle Use and Accident Reporting procedure for more information.

SOCIAL MEDIA

The Housing Authority respects the right of employees to use social media for self-publishing and self-expression during personal time on their own devices. To assist employees in making responsible decisions about their use of social media as it relates to their employment, the Housing Authority has established the following guidelines for appropriate use of social media. Housing Authority employees may not:

- Use AHA-owned equipment or software to conduct personal blogging or social network activities
- Use their Housing Authority email address to register on social networks, blogs, or other online tools utilized for personal/social purposes unless authorized by the Executive Director
- Post photographs of other employees, clients/customers, or vendors on personal posts
- Link from a personal blog, social network, or website to the Housing Authority's website without identifying yourself as a Housing Authority employee
- Provide any references or statements of endorsement for other AHA employees on social media sites; any references provided must be done in accordance with the Housing Authority's References policy contained in this Handbook

On personal social media sites, each employee should express only personal opinions, and must never represent him/herself as a spokesperson for the Housing Authority. If AHA is a subject of content the employee is creating, the employee must be clear and open about the fact that he/she is an employee of AHA; it must be made clear that these views do not represent those of AHA and the employee is not speaking on behalf of AHA. If the employee intends to post content regarding AHA, it is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of The Housing Authority of the City of Alameda."

Employees should understand that they are personally responsible for their commentary on blogs and social networks and can be held personally liable for commentary that is slanderous, obscene, defamatory or libelous by any offended party. Further, employees must comply with

the agency's Confidentiality policy when using social media. Employees should remember that colleagues, supervisors, and agency partners often have access to the online content that is posted. Inappropriate postings that may include discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct will not be tolerated. Any conduct on social media that adversely affects an employee's job performance, the performance of fellow employees, or otherwise adversely affects staff, volunteers, contractors, vendors, or any other people who work on behalf of or receive services from the Housing Authority is not permitted. [Please refer to the ethics section of the AHA Information Technology Policy for additional details.](#)

EMPLOYEE INFORMATION

It is important that personnel files contain up-to-date information regarding each employee. Employees should inform Human Resources immediately whenever there are changes in their personal data (such as address, telephone number, marital status, domestic partnership, number of dependents, and the person to notify in case of emergency), that may affect their pay, benefits, or communications with the Housing Authority.

[Additionally, AHA maintains an emergency communications system to enable information to be sent to employees outside of work hours. Employees may opt into this system to include receipt of text messages from AHA on their personal cell phones.](#)

PERSONNEL FILES

Employees have the right to inspect their personnel records relating to their performance or to any grievance concerning them during regular office hours, upon written request to the Director of Human Resources and Operations. An inspection request form is available from Human Resources and on AHA shared drives that employees may use to make their request. Records will be made available for inspection within 30 days of receipt of the written request. An appointment to inspect the file may be made with the Director of Human Resources and Operations, who will accompany the employee or his/her representative while he/she inspects the file. Employees may obtain copies, at their own cost, of any document in their personnel file to the extent required by law. Personnel records are the property of the Housing Authority and are not allowed to be taken from the office of the Director of Human Resources and Operations without prior written authorization. No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

Prior to making a copy of any personnel records or allowing inspection, the Housing Authority may redact the names of nonsupervisory employees. Under no circumstances will the Housing Authority provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; and ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

The Housing Authority will furnish the employee with one copy of all performance reviews and written reprimands or warnings prior to placement of such documents into the employee's personnel file. Employees are encouraged to retain these documents for their records. The employee may be required to acknowledge the receipt of any document entered into his/her personnel file.

INTERNAL COMMUNICATION

Bulletin boards, mailboxes, meetings, and office e-mail are used to communicate important information to employees on a regular basis. Each employee is responsible for reading posted or distributed information on a timely basis.

MEDIA RELATIONS

Employees should not respond to any inquiries or requests received from a newspaper, radio or television station, or any other type of media for comments or statements on behalf of the Housing Authority. Instead, employees should refer such requests to the Executive Director. The Executive Director will respond directly or provide written authorization to another staff member to serve as AHA spokesperson.

PART TWELVE: STANDARDS OF CONDUCT

DISCRIMINATION AND HARASSMENT

The Housing Authority does not tolerate discrimination or harassment in the workplace or in a work-related situation based on an individual's race, color, religion (including religious dress and grooming), sex (including gender, gender identity, gender expression, transgender, as well as pregnancy, childbirth, breastfeeding, or related medical conditions), national origin or ancestry, citizenship, age, marital status, registered domestic partner status, physical or mental disability, medical condition, sexual orientation (including homosexuality, bisexuality or heterosexuality), genetic information, military or veteran status, having taken a protected leave, or any other basis protected by law, or based on a perception that an individual has any of these characteristics, ~~or or based on a perception that the individual has any of these characteristics, or that the person is associated with a person who has, or is perceived to have, any of those characteristics. based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.~~ **All such discrimination or harassment is prohibited and is a violation of the Housing Authority's workplace conduct rules.** Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline up to termination or other appropriate sanctions.

This policy covers the conduct of all Housing Authority employees, volunteers, and unpaid interns as well as conduct of persons with whom the Agency contracts to do business, such as independent contractors, suppliers, or vendors when the conduct is directed at, or involves, an Agency employee, volunteer, or contractor. Under certain circumstances, harassment can also

include conduct taken by those who are not employees, volunteers or contractors, such as elected officials, members of the Board of Commissioners, appointed officials, or even members of the public.

Harassment can take many different forms and may include, but is not limited to:

- Verbal conduct such as epithets, derogatory or degrading comments, slurs, or unwanted comments and jokes made on the basis of a protected classification. This includes inappropriate comments about appearance, dress, physical features, gender identification, or race, ethnic or sexually-oriented stories and jokes.
- Visual conduct such as derogatory posters, cartoons, drawings, emails or gestures related to a protected classification. This includes pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.
- Physical conduct such as blocking normal movement, restraining, touching, or otherwise physically interfering with the work of another individual.
- Demanding or threatening that an employee's job, advancement, compensation, assignment, or other benefit is dependent upon submission to sexual demands, performing or submitting to actions of a sexual nature, or toleration of harassment.
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.

Sexual harassment under this policy includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Internal Complaint Procedure

Anyone who believes he/she has been discriminated against or harassed in connection with his/her employment, services, or volunteer capacity at AHA, or has observed or is aware of such discrimination or harassment, or who believes she/he has been subject to retaliation, should immediately notify any of the following individuals:

- Any supervisor or manager, or the Management Analyst or other exempt personnel assigned to HR,
- The Director of Human Resources and Operations, or any other member of Housing Authority Management, or
- The Executive Director or designee.
- If a complaint is about the Executive Director, the Chair of the Board of Commissioners should be notified. The email address is: BOC@alamedahsg.org.

There is no need to follow the chain of command. Any supervisor or manager who receives a complaint should notify the Executive Director immediately, or the Director of Human Resources and Operations in the Executive Director's absence. Complaints may be made verbally or in writing.

A prompt and, to the extent possible, discreet investigation will be conducted, and appropriate corrective action commensurate with the severity of the offense will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. The Housing Authority also will take reasonable steps to protect the complainant from further harassment, discrimination or retaliation, and take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

Option to Report to Outside Administrative Agencies

Both the state and federal governments have agencies whose purpose is to address unlawful harassment, discrimination and retaliation in the workplace. An individual has the option to report harassment, discrimination and retaliation to these agencies, both of whom offer legal remedies and a complaint process.

- ~~For the State of California, the agency is called the Department of Fair Employment and Housing ("DFEH"). The local address and telephone number for the DFEH is: [39141 Civic Center Drive, Suite 250, Fremont, CA 94538, Phone: \(510\) 789-1085.](#) ~~1515 Clay Street, Suite 701, Oakland, CA 94612, Phone: (510) 622-2941.~~~~
- For the federal government, the agency is called the Equal Employment Opportunity Commission ("EEOC"). The local address and telephone number for the EEOC is 1301 Clay Street, Suite 1170-N, Oakland, CA 94612-5217, Phone: (800) 669-4000.

Other Reporting Option

The Housing Authority may provide an additional option for third party reporting of harassment, discrimination, and other workplace wrong doing, such as theft or fraud. AHA currently provides employees with access to an Employee Protection Line, which provides for 24/7 reporting which may be done anonymously. Employees may call 1-800-576-5262 or go to www.employeeprotectionline.com to make a report. AHA's code number is 10311.

Retaliation is Prohibited

Adverse conduct taken against any individual for complaining of, reporting, or participating in any investigation of a complaint of harassment or discrimination is strictly prohibited. "Adverse conduct" includes but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination, spreading rumors about a complainant, shunning and avoiding an individual who reports harassment or discrimination, or making real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Individuals are protected by law and by Housing Authority policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the DFEH or EEOC, or for otherwise participating in any proceedings conducted by the Housing Authority under this policy and/or by either of these agencies.

Each department head shall endeavor to provide a work environment that is free from harassment and discrimination. Anyone who is found by the Housing Authority to have violated this policy, or whose conduct is found otherwise to be inappropriate, will be subject to appropriate corrective action, up to and including immediate termination of employment.

WORKPLACE CONDUCT

The Housing Authority is committed to promoting the highest standards of personal and professional conduct, and requires of its employees cooperation, efficiency, productivity, and compliance with its policies and procedures. While it is not possible to provide an exhaustive list of the types of conduct that are impermissible, examples of conduct that may result in disciplinary action, up to and including immediate termination, include, but are not limited to, any of the following:

- Ongoing substandard job performance
- Excessive tardiness or absenteeism, unauthorized absenteeism, or failure to observe work schedules
- Rudeness or discourtesy toward a fellow employee, supervisor, volunteer, tenant, or member of the general public
- Dishonesty, making any false representation or statement, or making any omission of a material fact
- Falsification of one's own or another employee's time card
- Working overtime without authorization or refusing to work assigned overtime, except under extenuating circumstances
- Fighting, roughhousing, violent or threatening language or gestures, or conduct that is abusive, hostile, discourteous, offensive or disrespectful (such as slandering or ridiculing others, making false accusations, humiliating others in public, shunning/ostracizing others, or the sabotage or undermining of a person's work performance), or other conduct of a bullying nature.
- Possessing a weapon or firearm on Housing Authority property
- Theft, deliberate damaging, or unauthorized use of Housing Authority property or the property of another employee or tenant; or unauthorized use of Housing Authority time or property for personal gain
- Failing to follow established safety or security procedures; knowingly creating an unsafe work situation for oneself or any coworker; or failing to report an on-the-job injury
- Refusing to perform a work-related duty when directly instructed to do so by a supervisor or member of management
- Refusing to cooperate with the investigation of a work-related matter
- Conviction, meaning any judicial determination of guilt, of a crime that has a nexus to the employee's job duties

- Unapproved outside employment or activity, or other enterprise that constitutes a conflict of interest with service to the Housing Authority
- Violation of the Housing Authority’s discrimination and harassment, drug & ~~alcohol free~~ alcohol free workplace, conflict of interest, or confidentiality policies
- Any conduct that impairs, disrupts or causes discredit to the Housing Authority, to the public service, or other employees
- Violation of any other Housing Authority policy, rule or regulation.

OPEN DOOR POLICY

The Housing Authority has an open door policy that encourages employee participation in decisions that will affect them and their daily professional responsibilities. Employees who have a difference of opinion, misunderstanding or conflict with another AHA employee are encouraged to address the situation directly with the employee(s) involved. This policy also encourages employees who have job-related problems or complaints to talk them over with their supervisor or a manager at any level of management who they feel can help them. The Housing Authority believes that employee concerns are best addressed through informal and open communication.

To the extent possible, AHA will maintain confidentiality in addressing and resolving concerns brought to its attention. However, in the course of investigating and resolving concerns, some dissemination of information to others on a ~~need to know~~ need-to-know basis may be necessary.

No employee will be retaliated against for raising a concern in good faith.

DISCIPLINE, TERMINATION, AND GRIEVANCE PROCEDURE

Discipline and Termination

It is mandatory that all employees observe AHA’s Workplace Conduct policy and perform to the best of their abilities at all times. Disciplinary action will be taken when the employee's conduct or performance does not meet expectations for his/her position, adversely affects the work of his/her department, or violates Housing Authority policy. The following constitutes the Housing Authority’s policy regarding disciplinary actions:

1. Policy Coverage

The following categories of persons can be terminated at-will and have no rights to any of the pre- or post-disciplinary processes or procedures in this policy: (a) temporary employees, (b) provisional or seasonal employees, (~~c3~~) probationary employees, (~~d4~~) any person who serves pursuant to a written employment contract, and (~~e5~~) any person who is designated “at-will” in any Housing Authority policy, document, acknowledgement, resolution or ordinance. While individuals in these categories do not have rights to pre- or post-discipline processes, AHA may nonetheless employ disciplinary steps in an effort to address and resolve performance issues or conduct that would not be cause for immediate termination.

2. Causes for Discipline

Regular full-time employees and part-time employees may be counseled, warned, suspended, demoted, discharged or incur a reduction in pay for performance or conduct issues including, but not limited to, behavior that violates AHA's Workplace Conduct Policy, described in the previous section.

3. Administrative Leave

A department director may place an employee on an administrative leave with pay pending a potential disciplinary action. Administrative leave with pay is authorized: (a) when the department director believes that the employee's continued presence at the work site could have detrimental consequences for Housing Authority operations, including situations where the employee appears to be a danger either to him/herself or to others; or (b) pending investigation into charges of misconduct. If the charges against the employee are substantiated by the investigation, appropriate disciplinary action may be taken in accordance with these procedures.

4. Types of Discipline

Generally, the Housing Authority will practice progressive discipline, which includes counseling, oral warnings, written warnings, suspension, demotion or pay reduction, and termination. By using progressive discipline, we hope that most employee performance problems can be corrected at an early stage. Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary; AHA may advance to whatever disciplinary step it concludes is appropriate for the circumstances, and any, all, or none of the following disciplinary steps may be invoked. Supervisors are required to consult with the Director of Human Resources and Operations prior to the issuance of any discipline, with the exception of employee counseling and oral warnings.

The types of personnel actions and/or discipline are:

a. Counseling

The supervisor counsels the employee, generally following a minor offense in an effort to eliminate possible misunderstandings and to identify what constitutes acceptable conduct or performance. A memo documenting the counseling will be prepared by the supervisor and retained in the supervisor's file. Counseling may not be appealed by the employee.

b. Oral Warning

The supervisor issues an oral warning to an employee when poor performance or misconduct warrants a disciplinary action more severe than supervisory counseling. An oral warning will be memorialized in writing and retained in the supervisor's file. An oral warning may not be appealed by the employee.

c. Written Warning

A supervisor may discipline an employee by furnishing him/her with a written statement of the specific reasons for reprimand and a notice of the corrective action required. A written warning is designed to make sure that the employee is aware of the misconduct or performance problem, including the degree of seriousness, and the consequences if the problem is not corrected. Written warnings are signed by the employee to acknowledge receipt, and a copy of the warning will be retained in the employee's personnel file. The employee has the right to have a written response attached to the warning in his/her personnel file if the response is submitted to the Human Resources Department within 10 working days of the date the warning was received. Written warnings may not be appealed by the employee.

d. Suspension

A department director may suspend an employee from his or her position without pay for cause, generally for serious or ongoing offenses. Unless the employee poses an imminent danger to him/herself or others, the department director must secure approval for the suspension from the Executive Director or the Director of Human Resources and Operations prior to imposing the suspension. Documents related to a suspension shall become part of the employee's personnel file when the discipline is final. An employee subject to suspension will receive prior written notice and appeal rights as described below.

e. Demotion

A department director may demote an employee from his or her position for cause, generally for serious or ongoing offenses. The Executive Director or Director of Human Resources and Operations must approve the demotion prior to imposition unless the employee poses an imminent threat to him/herself or others. Documents related to a demotion shall become part of the employee's personnel file when the discipline is final. An employee subject to demotion will be entitled to prior written notice and appeal rights as described below.

f. Reduction in Pay

A department director may reduce an employee's pay for cause, generally for serious or ongoing offenses. The Executive Director or Director of Human Resources and Operations must approve the reduction in pay prior to imposition unless the employee poses an imminent threat to him/herself or others. A reduction in pay for disciplinary purposes may take one of two forms: (1) a decrease in salary to a lower step within the salary range, or (2) a decrease in salary paid to an employee for a fixed period of time. Documents related to a reduction in pay shall become part of the employee's personnel file when the discipline becomes final. An employee subject to a reduction in pay is entitled to prior written notice and appeal rights as described below.

g. Discharge

A department director may discharge an employee from his or her position for cause. The Executive Director or Director of Human Resources and Operations must approve the discharge prior to imposition unless the employee poses an imminent threat to him/herself or others. Termination can result from a single serious offense that violates AHA policy, such as, but not limited to, theft, fighting, or other acts of violence at work, or it can be the final step in a process designed to correct offenses or performance deficiencies.

Documents related to discharge shall become a part of an employee's personnel file when the discipline becomes final. A discharged employee is entitled to prior written notice and appeal rights as described below.

5. Skelly Process – Pre-Disciplinary Procedure for Suspension, Demotion, Reduction in Pay, or Discharge

Only regular, for-cause employees have the right to the conference and appeal processes outlined in this Section.

a. Notice of Intent to Discipline

The employee will be provided a written notice of intent to discipline in the event of a proposed suspension, demotion, reduction in pay or discharge. Such notice will contain:

- i. The level of discipline intended to be imposed;
- ii. The specific charges upon which the intended discipline is based;
- iii. A summary of the facts upon which the charges are based;
- iv. A copy of all written materials, reports, or documents upon which the intended discipline is based;
- v. Notice of the employee's right to respond to the department director regarding the charges within 5 calendar days from the date of the Notice, either by requesting a conference, or by providing a written response, or both;
- vi. Notice of the employee's right to have a representative of his or her choice at the conference, should he or she choose to respond orally; and
- vii. Notice that the failure to respond at the time specified shall constitute a waiver of the right to respond prior to the imposition of discipline.

b. Employee's Response and the Skelly Conference

- i. If the employee requests a conference to respond orally to the charge(s), the conference must be scheduled at least seven calendar days after the date of the Notice. The conference will be an informal meeting with the department director, at which the employee has an opportunity to rebut the charges against him or her and present any mitigating circumstances. The department director will consider the employee's presentation before determining any final disciplinary action. The Executive Director (or, in the Executive Director's absence, the Director of Human Resources and Operations) may designate, in his or her sole discretion, an independent hearing officer to conduct the Skelly Conference.

- ii. The employee's failure to make an oral response at the arranged conference time, or the employee's failure to deliver his or her written response by the date and time specified in the notice, constitutes a waiver of the employee's right to respond prior to the imposition of the discipline. In that case, the proposed disciplinary action will be imposed on the date specified.

c. Final Notice of Discipline

Within five calendar days of receipt of the employee's timely written response or within five calendar days of the informal conference, the department director will either (1) dismiss the notice of intent and take no disciplinary action against the employee, (2) modify the intended disciplinary action, or (3) impose the intended disciplinary action. In any event, the department director will prepare and provide the employee with a notice that contains the following:

- i. The level of discipline, if any, to be imposed and the effective date of the discipline;
- ii. The specific charges upon which the discipline is based;
- iii. A summary of the facts upon which the charges are based;
- iv. A copy of all written materials, reports, or documents upon which the discipline is based; and
- v. A statement of the nature of the employee's right to appeal.

6. Evidentiary Appeal Pursuant to Grievance Procedure

A regular, for-cause employee may appeal a final notice of discipline in the form of suspension, demotion, reduction in pay, or termination by delivering a request for appeal to the Executive Director, pursuant to the Grievance Procedure For Evidentiary Appeal of Discipline, below.

Grievance Procedure

The Housing Authority has established the following grievance procedure that is available to all regular employees who have completed the probationary period.

The Housing Authority wishes to provide each employee fair and impartial treatment. Employees can use this procedure to address any disciplinary action or any claim of unfair treatment relating to their wages, hours or working conditions. Oral and written warnings are not subject to appeal. Failure by the grievant to comply with any of the time limits in this grievance procedure shall constitute an automatic waiver and/or withdrawal of the grievance. Failure by the Housing Authority to comply with any of the time limits in this grievance procedure shall entitle the employee to move his or her grievance to the next available step of this grievance procedure.

1. Procedure for Evidentiary Appeal of Discipline

This subsection 1 applies to appeals of final notices of discipline only. A regular, for-cause employee may appeal a final notice of discipline in the form of suspension, demotion, reduction in pay, or termination by filing a written request for an appeal,

which must be received by the Executive Director no later than seven calendar days from the date of the notice of final discipline.

The Executive Director will conduct an evidentiary hearing and issue written findings and a decision. The Executive Director may designate, in his or her sole discretion, an independent hearing officer to conduct the evidentiary hearing and render a written recommended decision. If the Executive Director conducts the hearing, his or her written decision shall be final administrative action. There is no process for reconsideration.

If the Executive Director was not the appeal hearing officer, he or she shall review the findings and recommendations of the designee who served as appeal hearing officer and may then affirm, revoke, or modify the findings, recommendations, or disciplinary action taken. The decision of the Executive Director is the final administrative action. There is no process for reconsideration.

The Housing Authority will mail a copy of the final written findings and decision, along with a proof of service of mailing that confirms that each of the parties and each of the parties' representatives were mailed the final written findings and decision. This includes mailing a copy directly to the employee. It shall be the responsibility of the employee to inform AHA of his/her address. Pursuant to Code of Civil Procedure section 1094.6, the parties have 90 days from the date of the proof of service of mailing of the written findings and decision to appeal the decision to the Superior Court in and for the County of Alameda.

2. Procedure to Grieve Non-Disciplinary Matters

The following procedure applies to all grievances, other than appeals of final notices of discipline.

a. Informal Step

Before filing a formal written grievance, no more than seven calendar days following the act or omission giving rise to the grievance, or no later than seven calendar days following the date upon which the employee reasonably should have known of the act or omission, the grievant shall attempt to resolve the grievance through an informal conference with the grievant's immediate supervisor. The supervisor shall respond to the employee's concerns within seven calendar days following the informal conference.

b. Step 1

If the matter is not resolved at the informal step, no later than seven calendar days following the supervisor's response at the informal step, the grievant must present the grievance in writing to the immediate supervisor. The written grievance shall contain a clear, concise statement of the grievance, the specific provision(s) of the policy allegedly involved, and the specific remedy sought. The immediate supervisor shall communicate

a written decision to the employee within seven calendar days after receiving the grievance.

c. Step 2

In the event the grievant is not satisfied with the decision at Step 1, the grievant may appeal the decision to the department director or his/her designee within seven calendar days. The department director or his/her designee shall communicate a decision within seven calendar days after receiving the appeal.

d. Step 3

In the event the grievant is not satisfied with the decision at Step 2, the grievant may appeal the decision to the Executive Director within seven calendar days. If necessary for due process considerations, the Executive Director may forward written appeals of discipline to an independent appeal officer, for review and consideration. Failure to meet this time limit by the grievant shall constitute an automatic waiver and withdrawal of the grievance. The Executive Director or designee shall communicate a decision within seven calendar days after receiving the appeal. The decision of the Executive Director is final. No decision or action may deny the legal right of any employee to seek recourse as may be allowed by law.

If the Executive Director, or the designated representative, determines that it is appropriate to do so, a grievance may be returned to a prior level for reconsideration.

3. Additional Provisions

Employees are encouraged to utilize this procedure without fear of reprisal. No employee will be discriminated or retaliated against because the employee has elected to use this procedure.

If an employee fails to initiate a grievance or request a review of any decision to the appropriate step within the time limits established in this policy, the grievance shall not be subject to further review.

This policy does not apply to claims involving alleged sexual or other forms of unlawful harassment or discrimination. Such claims must be made pursuant to the Agency's Discrimination and Harassment policy.

PART THIRTEEN: ENDING EMPLOYMENT

VOLUNTARY TERMINATION OF EMPLOYMENT

Employees who find it necessary to resign are requested to give advance notice in writing to their supervisor specifying the last day at work; this date will be considered the effective date of resignation. Full-time and regular part-time employees are expected to give at least two weeks' advance notice of the effective date of resignation. If AHA asks an employee who has

voluntarily resigned to leave AHA employment before the end of the notice period (e.g., if a replacement is to begin immediately), AHA may elect to pay the employee for the entire notice period, up to a maximum of two weeks. Employees who do not provide the requested notice will be considered ineligible for rehire and the date of resignation will be the last day of actual work.

A resignation becomes final when the Executive Director or Director of Human Resources and Operations accepts the resignation in writing. Once a resignation has been accepted, it is final and irrevocable. A resignation can be accepted by the Executive Director or Director of Human Resources and Operations even if it is submitted less than two weeks prior to the planned resignation date.

PAYROLL AND THE RETURN OF HOUSING AUTHORITY PROPERTY

All employees separating from AHA will receive their final paycheck at the next regularly scheduled payroll date. Employees are required to turn over all keys, access cards, parking lot remotes, ~~FSA benefit cards, other~~ agency credit cards, passwords, documents, and any other AHA-furnished uniforms, tools and equipment to the Director of Human Resources and Operations before leaving on their last day of work. Employees must also remove all personal belongings from their workspace on or before their last day of work; employees will not be allowed to re-enter the office for this purpose after their last day of work without prior authorization from the department director. In the event that an employee is not able to retrieve their own belongings prior to the absence, resignation or termination date, AHA reserves the right to do so as well as to determine the manner in which personal belongings are returned to the employee.

REDUCTION IN FORCE

Layoffs

While the Housing Authority will endeavor to avoid layoffs, it may initiate a layoff (aka reduction in force) if it determines that such action is warranted based on economic circumstances, operational reasons or other factors that it deems important to Housing Authority operations, (e.g., significant changes in HUD regulations or requirements, loss of a grant or contract, or a change in business model). AHA reserves the right to determine when and whether it is necessary to implement a reduction in force (RIF), which employees would be affected, and the method of implementation. Generally, AHA shall give primary consideration to the needs, circumstances, and operational needs of AHA. The following terms and conditions are guidelines which AHA anticipates it will apply in the event of a RIF. Since AHA cannot foresee the future circumstances that may impact AHA funding and programs, it reserves the right to change the below terms and conditions at any time, at its sole discretion.

To reduce the potential need to eliminate position(s), the Housing Authority may take any or all of the following actions:

- Employees may be hired for temporary or fixed term positions, with the duration of the position dependent on the availability of funding. Employees hired for temporary positions are not eligible for separation or severance pay under this policy.

- The Housing Authority may reduce positions through attrition rather than lay-off, as long as a workforce can be maintained that supports the program and operational needs at the time.
- The Housing Authority may require all or a portion of employees to opt for the flex work week for a definite or indefinite period of time.
- The Housing Authority may require all or a portion of employees to go on furlough (i.e., work fewer hours per week or take a specified period of time off work without pay).
- The Housing Authority may reduce a position(s) from full-time to part-time dependent on program needs and availability of funding.

Should the need arise to eliminate positions, AHA shall determine if the RIF will occur on an agency-wide basis, or in one or more departments and /or classifications. Once AHA determines there is a need for layoffs and determines in which areas of the agency they will occur, layoffs will generally be made in the following order:

1. Temporary employees
2. Part-time employees
3. Full-time employees in their initial probationary period
4. Regular, full-time employees

Layoffs of regular, full-time employees will be based on seniority within a job title, except as otherwise provided. Seniority is defined as the length of continuous paid employment with the Housing Authority (and City of Alameda), calculated from the date of original hire, including the probationary period as a full-time employee. Time spent in leave without pay status is excluded, except as required by law.

So long as employees are in good standing, layoffs of employees will be based on seniority with the least senior employee being the first to be laid off. The Executive Director, may, however, elect a different order of layoff if:

- It can be demonstrated that an employee who would otherwise be subject to layoff possesses special skills, training, or abilities that are required by the Housing Authority; or
- A more senior employee's past job performance or disciplinary record justifies an alternative order for layoffs. Under this policy, an employee would be considered not to be in good standing if the employee: 1) received an overall rating of less than "meets expectations" on the most recent performance review conducted, 2) one or more written warnings were given to the employee in the 12 month period preceding the layoff, and/or 3) the employee has been on a Performance Improvement Plan and has not shown satisfactory improvement, even if the PIP is not concluded at the time of layoff. Additionally, a record of any discipline for serious misconduct for reasons other than performance would be justification for an alternate order of layoff, even if the conduct did not result in termination at the time of the event.

An employee subject to layoff may be allowed, in lieu of layoff, to demote to a lower paying classification previously held by the employee, if such position is vacant; employees have no

right to “bump” another employee from such a position. The Executive Director has the discretion to make an exception to “bumping” for titles of non-exempt positions which include multiple levels, currently Housing Specialist and Maintenance Technician positions. Should an employee accept a position at a lower salary and level of responsibility, such employee will be required to reapply for any higher level positions that become available in the future.

Employees who are laid off, with the exception of temporary employees, will be provided either a minimum of two weeks advance notice of the layoff or in-lieu-of-notice pay equal to two weeks’ straight-time wages.

Insurance benefits, and continuation of such benefits, are subject to the same terms and conditions as any terminating employee.

Pre-Layoff Review

An employee who has been noticed for layoff, and who has any questions or concerns about the layoff decision or process may make an appointment to be heard by the Executive Director for an informal pre-layoff review. The employee must request this meeting in writing within five work days from the date of the notice of layoff. The Executive Director’s decision is final.

Re-employment

Employees who are laid off or who are eligible to demote or transfer in lieu of layoff will have, for a period of one year, re-employment rights to future vacancies in the position previously held. The Housing Authority will maintain a preferred list with the names of the employees laid off in inverse order of layoff. Future vacancies in those affected positions will first be filled from the preferred list in inverse order of layoff, provided that the employee retained or rehired is capable of performing the work required, and did not have any disciplinary action imposed at a written warning or higher level in the six months prior to layoff. A former employee offered re-employment will have seven days to accept the offer. If a former employee does not accept re-employment within seven days, the next person on the list will be offered re-employment.

EXIT INTERVIEWS

~~The Director of Human Resources and Operations or the Executive Director~~ Human Resources staff (or the Executive Director when HR personnel leave) will schedule an exit interview with each employee who voluntarily leaves the Housing Authority prior to the last day of work. These conversations allow employees to communicate their views on their work, agency operations, training needs, and the work environment, as well as provide the employee with an opportunity to discuss benefits and insurance. Although exit interviews are ~~not~~ mandatory/voluntary, employees are encouraged to participate in them and to speak frankly about their employment experience with the Housing Authority.



ACKNOWLEDGEMENT OF RECEIPT

RECEIPT OF MANUAL

I have received a copy of the Housing Authority of the City of Alameda's Employee Policies and Procedures Handbook dated ~~December 21, 2016~~ February 16, 2022. I understand that it contains important information on Housing Authority policies, as well as, my privileges, rights, and responsibilities as an employee. I understand and agree that it is my responsibility to familiarize myself with and abide by these policies. I further understand that the Housing Authority may change, rescind or add to any policies, benefits, or practices described in the Handbook.

I have read and understand the Employee Policies and Procedures Handbook, and I understand that I am governed by its contents.

Signature

Date

Print Name

CHANGE LOG

Item	Date
Original adoption of Personnel Policy by Commission	4/18/2012
Adoption of expanded definition of family for Paid Sick Leave policy eff 1/1/15	12/17/2014
Adoption of resolution to make expanded definition of family retroactive to 7/1/14	1/21/2015
Adoption of changes to Paid Sick leave policy to comply with Healthy Workplace Healthy Family Act eff 7/1/15	6/17/2015
Adoption of change to Declaration of Work Period and Deferred Compensation (to reflect addition of Roth IRA) policies	7/22/2015
Adoption of changes to Holiday policy, including Floating Holidays eff 1/1/16	11/18/2015
Adoption of revised Discipline, Termination, and Grievance Procedure	8/17/2016
Revision to Personnel Policy including: <ol style="list-style-type: none"> 1. Revision of title and format, and reorganization of content 2. Edits and rewording that did not change policy intent, but clarified or added to policy 3. Addition of: <ol style="list-style-type: none"> a. Complaint Procedure for Complaints of Denial of Reasonable Accommodation b. Changes in Employee Classifications c. Employment of Members of the Board of Commissioners d. Professional Development e. Definition of Eligibility (Benefits section) f. Paid Family Leave g. Social Security (to clarify that AHA does not participate) h. Floating Holiday (separated from Holiday policy) i. Review Your Paycheck j. Cell Phone Allowance k. Telecommuting l. Breastfeeding-Friendly Workplace m. Use of Facilities and Property n. Expense Reimbursement o. Scent Free Workplace p. Parking q. Use of Agency-Issued Cell Phones r. Use of Personal Cell Phones s. Internal Communications t. Open Door Policy 4. Deletion of: Employee Recognition Program 5. Significant changes to: 	12/21/2016

<ul style="list-style-type: none"> a. Outside employment, to clarify the procedures for approval and administration of employee requests b. Benefits policy, including clarification of Cafeteria Plan and active and retiree health benefits c. Vacation policy, to include a standard cap on accrual and a pay-out provision d. Sick leave, to ensure compliance with various laws regulating accrual and use of sick leave e. Jury Duty/Witness Leave, to limit length of service f. Bereavement and Funeral Leave, to institute an annual cap on leave provided under this policy g. Overtime policy, to reflect overtime based on a 40 hour workweek for all positions and use of paid leave does not count as hours worked h. Flexible Work Schedules, to clarify administrative procedures i. Reclassification Resulting in Wage Decrease (Y-Rate), to change policy with respect to application of COLA j. Bilingual Pay policy, to incorporate content from separate policy and clarify eligibility and administrative procedures k. Personnel files, with addition of procedures for access l. Workplace Conduct policy was streamlined m. Language and procedures in Discipline, Termination, and Grievance Procedures (previously adopted on 8/17/16) n. Reduction in Force/Layoff policy and procedures 	
<u>Change to Part 8: On-Call and Emergency Call Compensation</u>	<u>2/15/2017</u>
<u>Change to Part 7: Timekeeping, to change exempt reporting increment to 2 hours</u>	<u>8/21/2019</u>
<u>Changes to Part 5: Vacation Policy, to change eligibility to use vacation to 3 months and clarify approval criteria; Part 8: On-Call and Emergency Call Compensation to change mileage criteria; and Part 10: Breastfeeding-Friendly Workplace to clarify administrative procedures</u>	<u>1/16/2020</u>
<u>Change to Part 5: Vacation, to provide for a temporary increase to the accrual cap</u>	<u>12/1/2020</u>
<u>Change to Part 5: Holidays, to add Juneteenth to AHA's observed holidays</u>	<u>6/24/2021</u>
<u>Change to Part 5: Vacation, to provide for a gradual return to the standard vacation cap</u>	<u>10/20/2021</u>
<u>Revision to Employee Policies and Procedures Handbook</u>	<u>2/16/2022</u>
<u>(Add adopted changes in this version prior to publication)</u>	

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

*Resolution No.*_____

ADOPT REVISED EMPLOYEE POLICIES AND PROCEDURES HANDBOOK

WHEREAS, the Housing Authority Board of Commissioners adopted the AHA Personnel Policies April 12, 2012; and

WHEREAS, the Housing Authority Risk Retention Pool (HARRP) provided a model for the personnel policies; and

WHEREAS, Liebert Cassidy Whitmore completed a thorough review of the AHA Personnel Policies and certified legal compliance at both the state and federal levels on November 4, 2014; and

WHEREAS, Liebert Cassidy Whitmore completed a thorough review of the AHA Employee Policies and Procedures Handbook rev.12.21.2016, eff.1.8.2017 and certified legal compliance at both the state and federal levels;

WHEREAS, Liebert Cassidy Whitmore completed a thorough review of the proposed revisions to the AHA Employee Policies and Procedures Handbook and has certified legal compliance of the policies at both the state and federal levels;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Alameda hereby approves and adopts the revised Employee Policies and Procedures Handbook rev. 2.16.2022, eff. 2.17.2022.

ATTEST:

Carly Grob, Chair
Board of Commissioners

Vanessa M. Cooper
Secretary

Adopted: _____



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 Basta, Director of Human Resources and Operations

Date: February 16, 2022

Re: Adopt the Revised Schedule of Authorized Positions and Pay Schedule for Fiscal Year 2021-2022.

BACKGROUND

Each year, as part of the budgeting process, a Schedule of Authorized Positions for the upcoming year is developed and presented to the Board for adoption. A corresponding Pay Schedule is also adopted, and periodically updated as changes, such as the granting of a Cost of Living Adjustment (COLA), are made. Changes to the Pay Schedule were most recently adopted in November 2021.

DISCUSSION

Due to staff turnover, recruitment is underway for a Project Manager in the Housing Development Department, and a Management Analyst to support Human Resources and Operations functions in Administration. AHA Management is requesting flexibility in the placement of these two positions on the Pay Schedule when final candidates are selected. This would allow for more competitive salary offers in the current job market, provide for the flexibility to hire these positions at somewhat higher experience and skill levels, and potentially facilitate succession planning in these functional areas.

There would be no title change in the Project Manager/Senior Project Manager role. A new title of Human Resources Manager is proposed, as opposed to a Senior Management Analyst, to more accurately capture the work that would be assigned to this position. Both proposed higher wage ranges are at level 42. The determination of final title and corresponding wage range would be made at the time of job offer and approved by the Executive Director.

FISCAL IMPACT

There is no change proposed to the total FTE's on the Schedule of Authorized



Positions. If both positions were hired at the higher wage range, additional salary expenditures of approximately \$19,000 could be incurred during the balance of the current fiscal year. Any hires made at the higher level would be accounted for in the next fiscal year's budget.

CEQA

Not applicable to this item.

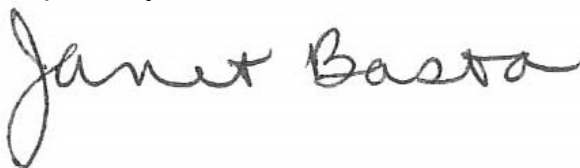
RECOMMENDATION

Adopt the Revised Schedule of Authorized Positions and Pay Schedule for Fiscal Year 2021-2022.

ATTACHMENTS

1. Exhibit 1 Schedule of Authorized Positions FY 2021-2022 2.16.2022 Rev
2. Exhibit 2 Pay Schedule 2021-2022 Eff 2.16.2022
3. Exhibit 3 Reso-Amend Schedule of Authorized Positions and Pay Schedule 2022.2

Respectfully submitted,

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

Janet Basta, Director of Human Resources and Operations

Housing Authority of the City of Alameda
Schedule of Authorized Positions
7/1/2021, Rev. 2/16/2022

Exhibit 1

Department/Position Title	2021-2022 approved	Proposed change	Year on Year
	FTE 2021-2022	FTE 2021 - 2022	Difference
Administration Department			
Executive Director	1.00	1.00	
Deputy Executive Director (See Note I)	1.00	1.00	
Director of HR and Operations	1.00	1.00	
Executive Assistant	1.00	1.00	
Risk Manager	1.00	1.00	
Community Relations Manager	1.00	1.00	
Administrative Manager (See Note G)	1.00	1.00	
Senior Management Analyst	2.00	2.00	
Principal Management Analyst (See Note J)	0.00	1.00	
Management Analyst (See Note L)	3.00	3.00	
Program Assistant	1.00	1.00	
Sub-total	13.00	14.00	1.00
Finance Department			
Director of Finance	1.00	1.00	
Controller	1.00	1.00	
Accounting Officer (See Note C)	1.00	1.00	
Accounting Specialist	2.00	2.00	
Sub-total	5.00	5.00	0.00
Housing Programs Department			
Director of Housing Programs	1.00	1.00	
Housing Programs Supervisor (See Note E)	2.00	2.00	
Housing Specialist III	1.00	1.00	
Housing Specialist I & II (See Note B)	7.00	7.00	
Program Assistant (See Note D)	2.50	2.50	
Sub-total	13.50	13.50	0.00
Property Operations Department			
Director of Portfolio Management (prior title Property Operations)	1.00	1.00	
Property Management Supervisor	1.00	1.00	
Asset Manager (See Note H)	1.00	1.00	
Housing Specialist I/II (See Note B, K)	1.00	0.00	
Maintenance Technician I & II (See Note B)	4.00	4.00	
Maintenance Specialist (See Note K)	1.00	0.00	
Resident Manager I and II (See Notes A and B)	2.00	2.00	
Assistant Resident Manager (See Notes A and B)	1.00	1.00	
Sub-total	12.00	10.00	-2.00
Housing Development Department			
Director of Housing Development (prior title Housing and Community Development)	1.00	1.00	
Senior Project Manager	2.00	2.00	
Project Manager (See Note M)	1.00	1.00	
Construction Project Manager (see Note F)	1.00	1.00	
Assistant Project Manager	0.00	1.00	
Program Assistant	0.50	0.50	
Sub-total	5.50	6.50	1.00
Rental Program Department			
Director of Rent Program	1.00	1.00	
Management Analyst	1.00	1.00	
Rent Program Specialist	3.00	3.00	
Program Assistant	1.00	1.00	
Sub-total	6.00	6.00	0.00
Total	55.00	55.00	0.00

Note A: Resident employees are contracted employees and are required to reside on-site at assigned Housing Authority complexes. Each Resident employee has an individual at will employment contract.

Note B: Positions at the I and II levels are combined as a total count to allow for flexibility in staffing.

Note C: Position may be renamed or filled at a lower level

Note D: Position may be filled at the Program or Housing Assistant level.

Note E: One position may be filled at an Assistant Director level beginning April 2022

Note F: Incorporates 0.5 FTE Project Manager from Property Operations, start Oct 2021

Note G: Position to start November 2021

Note H: Position moved to Property Operations Department; may be filled at a Senior level

Note I: Position may be filled at a Director of Administrative Services level.

Note J: May be an additional position if filled externally; if internally may absorb and not add 1 FTE

Note K: Due to outsourcing of Property Management, this position is not scheduled to be filled.

Note L: One Management Analyst position may be filled as a Human Resources Manager

Note M: May be filled at the Senior level

**HOUSING AUTHORITY OF THE CITY OF ALAMEDA
PAY SCHEDULE FY 2021-2022 eff. 2/16/2022 (with 3.2% COLA)**

PositionTitle	Salary Range	Effective Date	MONTHLY SALARY				
			Step 1	Step 2	Step 3	Step 4	Step 5
Housing Assistant	10	8/29/2021	\$ 4,918	\$ 5,164	\$ 5,422	\$ 5,693	\$ 5,978
Program Assistant	14	8/29/2021	\$ 5,422	\$ 5,693	\$ 5,978	\$ 6,277	\$ 6,590
Maintenance Technician I****	16	8/29/2021	\$ 5,693	\$ 5,978	\$ 6,277	\$ 6,590	\$ 6,919
Housing Specialist I	18	8/29/2021	\$ 5,978	\$ 6,277	\$ 6,590	\$ 6,919	\$ 7,266
Accounting Specialist	18	8/29/2021	\$ 5,978	\$ 6,277	\$ 6,590	\$ 6,919	\$ 7,266
Maintenance Specialist	20	8/29/2021	\$ 6,277	\$ 6,590	\$ 6,919	\$ 7,266	\$ 7,629
Housing Specialist II	22	8/29/2021	\$ 6,590	\$ 6,919	\$ 7,266	\$ 7,629	\$ 8,011
Rent Program Specialist (aka Rent Stabilization)	22	8/29/2021	\$ 6,590	\$ 6,919	\$ 7,266	\$ 7,629	\$ 8,011
Maintenance Technician II****	22	8/29/2021	\$ 6,590	\$ 6,919	\$ 7,266	\$ 7,629	\$ 8,011
Executive Assistant	25	8/29/2021	\$ 7,093	\$ 7,448	\$ 7,819	\$ 8,211	\$ 8,621
Housing Specialist III	26	8/29/2021	\$ 7,266	\$ 7,629	\$ 8,011	\$ 8,411	\$ 8,832
Accounting Officer	28	8/29/2021	\$ 7,629	\$ 8,011	\$ 8,411	\$ 8,832	\$ 9,273
Assistant Project Manager	30	11/17/2021	\$ 8,011	\$ 8,411	\$ 8,832	\$ 9,273	\$ 9,736
Property Management Supervisor	33	8/29/2021	\$ 8,621	\$ 9,053	\$ 9,505	\$ 9,980	\$ 10,480
Housing Programs Supervisor	33	8/29/2021	\$ 8,621	\$ 9,053	\$ 9,505	\$ 9,980	\$ 10,480
Management Analyst	33	8/29/2021	\$ 8,621	\$ 9,053	\$ 9,505	\$ 9,980	\$ 10,480
Project Manager	35	8/29/2021	\$ 9,053	\$ 9,505	\$ 9,980	\$ 10,480	\$ 11,003
Construction Project Manager	35	8/29/2021	\$ 9,053	\$ 9,505	\$ 9,980	\$ 10,480	\$ 11,003
Asset Manager	35	8/29/2021	\$ 9,053	\$ 9,505	\$ 9,980	\$ 10,480	\$ 11,003
Administrative Manager	42	8/29/2021	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Assistant Director of Housing Programs	42	8/29/2021	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Controller	42	8/29/2021	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Community Relations Manager	42	8/29/2021	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Human Resources Manager	42	2/16/2022	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Risk Manager*	42	8/29/2021	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Senior Project Manager	42	8/29/2021	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Senior Management Analyst	42	8/29/2021	\$ 10,735	\$ 11,271	\$ 11,835	\$ 12,427	\$ 13,048
Principal Management Analyst	47	11/17/2021	\$ 12,131	\$ 12,738	\$ 13,375	\$ 14,043	\$ 14,745
Director of Housing Programs	50	8/29/2021	\$ 13,048	\$ 13,701	\$ 14,386	\$ 15,105	\$ 15,860
Director of Portfolio Management (aka Property Operations)	50	8/29/2021	\$ 13,048	\$ 13,701	\$ 14,386	\$ 15,105	\$ 15,860
Director of Rent Programs (aka Rent Stabilization)	50	8/29/2021	\$ 13,048	\$ 13,701	\$ 14,386	\$ 15,105	\$ 15,860
Director of Administrative Services	50	8/29/2021	\$ 13,048	\$ 13,701	\$ 14,386	\$ 15,105	\$ 15,860
Director of HR and Operations	54	8/29/2021	\$ 14,386	\$ 15,105	\$ 15,860	\$ 16,653	\$ 17,486
Director of Housing Development (aka HCD)	54	8/29/2021	\$ 14,386	\$ 15,105	\$ 15,860	\$ 16,653	\$ 17,486
Director of Finance	56	8/29/2021	\$ 15,105	\$ 15,860	\$ 16,653	\$ 17,486	\$ 18,360
Deputy Executive Director	60	8/29/2021	\$ 16,653	\$ 17,486	\$ 18,360	\$ 19,279	\$ 20,242
Executive Director**	N/A	8/29/2021	\$ 24,903	\$ 26,148			
Resident Manager II***, ****	N/A	8/29/2021	\$ 33.63/hour				
Resident Manager ***, ****	N/A	8/29/2021	\$ 24.34/hour				
Assistant Resident Manager***	N/A	8/29/2021	\$ 20.64/hour				

*May be hired as a Senior Management Analyst

**Salary authorized by Board of Commissioners per Employment Agreement

***Resident and Resident Custodian staff are paid a flat hourly rate; no range is applied

****Indicates classification with 40 hour work week; other positions are based on 37-1/2 hour work week

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

Resolution No. _____

ADOPT THE REVISED SCHEDULE OF AUTHORIZED POSITIONS AND PAY
SCHEDULE FOR FISCAL YEAR 2021-2022

WHEREAS, the Housing Authority of the City of Alameda desires to ensure a competitive compensation (salary and benefits) package for its positions; and

WHEREAS, the Housing Authority of the City of Alameda has identified the need for flexibility in hiring positions in the Agency;

NOW, THEREFORE, BE IT RESOLVED, that effective February 16, 2022, the Housing Authority will adopt the revised Schedule of Authorized Positions and Pay Schedule for Fiscal Year 2021-2022.

ATTEST:

Carly Grob, Chair
Board of Commissioners

Vanessa M. Cooper
Secretary

Adopted: _____



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: Tonya Schuler-Cummins, Senior Management Analyst

Date: February 16, 2022

Re: Approve the Housing Authority of the City of Alameda to Submit the Moving to Work (MTW) Annual Contribution Contract (ACC) Amendment to the Public Housing and Housing Choice Voucher ACCs and Authorize the Executive Director to Execute Any Documents Required by the U.S. Department of Housing and Urban Development (HUD) to Execute the MTW ACC Amendment to the PHA Annual Plan.

BACKGROUND

On January 7, 2021, the U.S. Department of Housing and Urban Development (HUD) issued PIH Notice 2021-03 to request applications for the Moving to Work (MTW) Demonstration Expansion under Cohorts #4, Landlord Incentives to test the effectiveness of landlord incentives. The Housing Authority of the City of Alameda (AHA) conducted public meetings and a public hearing on June 24, 2021, to present the proposed activities to be included in an application to HUD. This application was submitted to HUD in 2021. On January 28, 2022, the AHA was notified by HUD that the Agency has been selected to be an MTW agency under the Landlord Incentives Cohort (attachment A).

The application to HUD included the following four Landlord Incentive options for the Housing Choice Voucher (HCV) program from the list that HUD required agencies to select from:

- Vacancy Loss (between HCV participants)
- Front-end Vacancy Loss Payment (before an HCV participant, but after a market-rate tenant)
- Pre-Qualifying Unit Inspections - inspecting the unit up to 90 days before an HCV participant moves into the unit
- Other Landlord Incentives - Incentive payments up to one month of contract rent (signing bonus)

The AHA will need to implement the above landlord incentives and maintain them



during the duration of the evaluation. It is expected that the evaluation of the landlord incentive cohort will last four years from the implementation date of the MTW activities for the Landlord Incentive cohort. During this period, the AHA will be monitored by HUD's evaluator for the cohort and will work with them to refine the details of the activities to be implemented. It is expected that, at a minimum, AHA will work to help HUD and the evaluator consider:

- Landlord receptiveness to the HCV program
- Landlords/units advertised to HCV participants
- HCV Success Rate
- Number of landlords participating in the HCV program and location of HCV participants

Because of this evaluation, there are certain activities that the AHA cannot implement during the evaluation period. The AHA will not be able to implement any activities that would change the following policies during this period:

- Stepped Rent
- Minimum Rents
- Fixed Subsidy
- Initial Rent Burden
- Imputed Income
- Elimination of Deductions
- Reasonable Penalty Payments for Landlords
- Term-Limited Assistance

The AHA will be required to comply with the [MTW Operations Notice](#) while participating in the MTW Demonstration Program. The AHA operates a handful of Special Programs such as VASH, FUP, NED, Mainstream Voucher, and EHV. The funding for these programs is separate from the funding for the regular program and in most cases is not eligible for fund flexibility; however, some MTW activities may be applied to these programs with or without HUD approval if the activity does not contradict the purpose or the funding source of the special programs. The AHA will evaluate each activity to determine if the activity should apply to each of the special programs.

The Annual Contributions Contract (ACC) is a contract between AHA and HUD allowing AHA to operate its Housing Choice Voucher program. In order to participate in the MTW program, the AHA must execute an MTW Amendment to the Annual Contributions Contract (ACC).

DISCUSSION

HUD has outlined seven steps a public housing authority must take before it can implement the MTW flexibilities. These seven steps are:

1. Execute your MTW Amendment to the ACC, which is the reason for our resolution at this meeting.
2. Prepare your Agency's MTW Finances to make sure proper reporting is followed

and funds flexibility is used correctly.

3. Develop your PHA's MTW Supplement and Conduct a Public Process. The MTW Supplement is shorthand for the MTW Supplement to the Annual PHA Plan form and, as such, must go through a public process that communicates the AHA's intentions to the public and participants.
4. Submit the MTW Supplement to the PHA Plan. This will outline the activities AHA plans to implement.
5. Transition your PHA Data to the IMS/PIC Modernization system. AHA has staff with experience with the PIC system under MTW.
6. Coordinate with PD&R and Evaluation Team to research the new innovations that are implemented under the Landlord Incentives Cohort.
7. Receive Approval of your MTW Supplement and Begin Implementation of your MTW activities.

HUD included a sample timeline for the implementation of the MTW Landlord Incentive cohort (see attachment B). This is just a sample timeline, but shows that the earliest a PHA may expect to have the MTW cohort implemented is October or November.

The first step is for the Board of Commissioners to approve the execution of the MTW Amendment and related documents. The MTW Amendment is Attachment C to this memo for the Board to review the terms of the amendment.

FISCAL IMPACT

Participation in the MTW program does not come with additional funding. The AHA shall have some flexibilities in fund use later after a public process to present and approve an MTW Supplement, but at this time, there will not be any financial changes.

CEQA

N/A

RECOMMENDATION

Approve the Housing Authority of the City of Alameda to Submit the Move to Work (MTW) Annual Contribution Contract (ACC) Amendment to the Public Housing and Housing Choice Voucher ACCs and Authorize the Executive Director to Execute Any Documents Required by the U.S. Department of Housing and Urban Development (HUD) to Execute the MTW ACC Amendment to the PHA Annual Plan.

ATTACHMENTS

1. Feb 2022 Attachment A Alameda Selection Letter
2. Feb 2022 Attachment B Timeline for Implementation
3. Feb 2022 Attachment C 50166-MTW ACC Amendment
4. Feb 2022 Attachment D Resolution MTW

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tonya Schuler-Cummins'. The signature is fluid and cursive, with the first name 'Tonya' being particularly prominent.

Tonya Schuler-Cummins, Senior Management Analyst



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

January 27, 2022

Vanessa Cooper
Executive Director
Housing Authority of the City of Alameda
701 Atlantic Avenue
Alameda, CA 94501

Dear Executive Director Cooper:

Congratulations! I am pleased to inform you that the Department of Housing and Urban Development (HUD) has selected the Housing Authority of the City of Alameda for admission to the Landlord Incentives Cohort of the Moving to Work (MTW) Demonstration Program.

You are one of 29 agencies that has been selected because of your excellent work and your desire to be even more effective in supporting low-income individuals and families. MTW allows your agency to exercise administrative flexibilities to respond to the unique needs of your community.

The Fiscal Year 2016 Appropriations Act, Public Law 114-113 (2016 MTW Expansion Statute) authorizes HUD to expand the MTW Demonstration Program by an additional 100 agencies over seven years. In January 2021, HUD invited public housing authorities to submit applications for admission into the Landlord Incentives Cohort of the MTW Expansion.

MTW Program Director Marianne Nazzaro will be in touch with you to advise you of the next steps for admission into the program. We look forward to working with you in this cohort.

Congratulations again on your selection!

Sincerely,

A handwritten signature in black ink that reads "Dominique Blom".

Dominique Blom
General Deputy Assistant Secretary
Office of Public and Indian Housing

MTW Expansion – *Potential* Implementation Timeline

In the timeline examples below, PHA A, B, and C, show the essential steps that must be completed to begin implementation.

Key Milestones/ Potential Timeline Options	Receive Selection Letter	Step 1: ACC Executed	Step 2: Finance	Step 3: Public Process	Step 4: Submit MTW Supplement	Step 5: Migrate data to IMS-PIC Mod	Step 6: Coordinate w. PD&R and Evaluator	Step 7: Receive Approval and Begin Implementation
PHA A	January	April	May	June/July	August	September	October	Oct/Nov
PHA B	January	June	July	August/Sept	October	November	December	Jan/Feb
PHA C	January	August	Sept	October/Sept	December	January	February	March/April

NOTE: Although the timelines for each PHA may vary, the order of steps 1-7 will remain the same for all; however, steps 1, 2, and 3 could happen simultaneously and potentially shorten the overall timeline.

<p><u>Step 1:</u> Complete & Execute the MTW ACC Amendment</p> <ul style="list-style-type: none"> Review the MTW ACC Amendment with PHA Board Receive PHA Board approval, sign, and submit the MTW ACC Amendment to HUD HUD will review, sign (aka execute) and date the MTW ACC Amendment and return it to the PHA. <p>Remember: Execution of the MTW ACC Amendment by HUD will be the PHA’s official entry date to the MTW Demonstration Program</p>	<p><u>Step 2:</u> Prepare your Agency’s Finances</p> <ul style="list-style-type: none"> See the “Helpful Resources” page Remember, that the PHA cannot use funds flexibly until the <i>1st of the month, following</i> the date that MTW ACC Amendment is executed by HUD. MTW PHAs are subject to 2 CFR Part 200 requirements. 	<p><u>Step 3:</u> Conduct Public Process and Complete Development of your PHA’s MTW Supplement to the Annual PHA Plan</p> <ul style="list-style-type: none"> Develop and complete the initial research for the MTW Activities that the PHA has determined it intends to implement. Hold the Public Hearing(s) regarding the Supplement, discuss potential MTW activities with program participants, gather public feedback and finalize the PHA’s program.
<p><u>Step 4:</u> Submit the MTW Supplement</p> <ul style="list-style-type: none"> Complete and submit the PHA MTW Supplement at the same time as the PHA’s Annual Plan is submitted to the Field Office. <p>Remember: The MTW Supplement is submitted via the on-line system.</p>	<p><u>Step 5:</u> Migrate HUD-50058 and building and unit data to within the new IMS/PIC Modernization system</p> <ul style="list-style-type: none"> Examine and ensure all active households are in the current IMS/PIC System with the most recent action Examine building and unit data, to ensure all is correct 	<p><u>Step 6:</u> Coordinate with PD&R and the Evaluation Team on Research</p> <ul style="list-style-type: none"> Attend Meetings with PD&R and the Evaluator and set up research on MTW Activities
<p><u>Step 7:</u> Receive Approval of MTW Supplement from HUD Field Office</p>	<p>Begin Implementation</p>	

MOVING TO WORK AMENDMENT TO ANNUAL CONTRIBUTIONS CONTRACT(S)

Section 1. This Moving to Work (MTW) Amendment to the Annual Contributions Contract(s) (MTW ACC Amendment) is entered into between the United States Department of Housing and Urban Development (“HUD”) and _____ (the “Public Housing Agency, “PHA”).

Section 2. This MTW ACC Amendment is an amendment to any Annual Contributions Contract(s) (“ACC”) or Annual Contributions Terms and Conditions (“ACC”) in effect between the PHA and HUD for the Public Housing and Housing Choice Voucher programs.

Section 3. The ACC is amended in connection with the PHA’s designation as a participant in the expansion of the MTW demonstration pursuant to Section 239 of the Consolidated Appropriations Act, 2016, P.L. 114-113; 129 Stat. 2897 (2016 MTW Expansion Statute) and Section 204 of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996, P.L. 104-134; 110 Stat. 1321-281 (1996 MTW statute). The PHA’s participation in the expansion of the MTW demonstration shall be governed by the MTW Operations Notice for the Expansion of the Moving to Work Demonstration as it is issued as it and may be amended in the future, or any successor notice issued by HUD, (“the MTW Operations Notice”).

Section 4. The term of this amendment shall be for 20 years from the beginning of the PHA’s first full fiscal year following execution by the PHA and HUD; or, until termination of this amendment, whichever is sooner.

Section 5. Requirements and Covenants

(A) As a participant in the MTW demonstration, the PHA must operate in accordance with the express terms and conditions set forth in the MTW Operations Notice. The MTW Operations Notice may be superseded or amended by HUD at any time during the twenty-year MTW term.

(B) The PHA will cooperate fully with HUD and its contractors for the duration of the HUD-sponsored evaluation of the cohort of the MTW Expansion for which the PHA was selected and shall comply with all aspects of its Cohort Study as outlined in the selection notice under which the PHA was designated.

(C) The PHA is only exempted from specific provisions of the Housing Act of 1937 (“the Act”) and its implementing regulations as specified in the MTW Operations Notice. Each such exemption also extends to subregulatory guidance to the extent that the subregulatory guidance implements the provisions of the Act or its implementing regulations exempted pursuant to the MTW Operations Notice. The PHA remains subject to all other applicable requirements including, but not limited to, those in Title 24 of the Code of Federal Regulations and Title 42 of the U.S. Code, Appropriations Acts,

Annual Contributions Contracts, notices of funding availability under which the PHA has received funds, and the applicable requirements listed in the MTW Operations Notice (collectively, “the Requirements”), as they may be amended or implemented in the future. Accordingly, if any Requirement, other than the provisions of the Act and its implementing regulatory requirements or subregulatory guidance exempted pursuant to this MTW ACC Amendment and the MTW Operations Notice, conflicts with any exemption or authorization granted by this MTW ACC Amendment, the MTW Agency remains subject to that Requirement.

Section 6. At least one year prior to expiration of this MTW ACC Amendment¹, the PHA shall submit a transition plan to HUD. It is the PHA’s responsibility to be able to end all MTW activities that it has implemented through its MTW Supplement to the PHA Plan upon expiration of this MTW ACC Amendment. The transition plan shall describe plans for phasing out such activities. The plan may also include any proposals of authorizations/features of the ACC Amendment and the MTW Operations Notice that the PHA wishes to continue beyond the expiration of the MTW ACC Amendment. The PHA shall specify the proposed duration and shall provide justification for extension of such authorization/features. HUD will review and respond to timely-submitted transition plans from the PHA in writing within 75-days or they are deemed approved. Only authorizations/features specifically approved for extension shall continue beyond the term of the MTW ACC Amendment. The extended features shall remain in effect only for the duration and in the manner specified in the approved transition plan and be subject to any necessary ACC Amendments as required by HUD.

Section 7. Termination and Default

(A) If the PHA violates or fails to comply with any requirement or provision of the ACC, including this amendment, HUD is authorized to take any corrective or remedial action described in this Section 7 for PHA default or any other right or remedy existing under applicable law, or available at equity. HUD will give the PHA written notice of any default, which shall identify with specificity the measures, which the PHA must take to cure the default and provide a specific time frame for the PHA to cure the default, taking into consideration the nature of the default. The PHA will have the opportunity to cure such default within the specified period after the date of said notice, or to demonstrate within 10 days after the date of said notice, by submitting substantial evidence satisfactory to HUD, that it is not in default. However, in cases involving clear and apparent fraud, serious criminal behavior, or emergency conditions that pose an imminent threat to life, health, or safety, if HUD, in its sole discretion, determines that immediate action is necessary it may institute the remedies under Section 7(B) of this MTW ACC Amendment without giving the PHA the opportunity to cure.

(B) If the PHA is in default of this MTW ACC Amendment and/or the

¹ Should the PHA receive an extension(s) of its MTW participation (e.g. by extension or replacement of its MTW ACC Amendment) the transition plan will be due one year prior to the end of the extension(s).

MTW Operations Notice and the default has not been cured, HUD may, undertake any one or all remedies available by law, including but not limited to the following:

- i. Require additional reporting by the PHA on the deficient areas and the steps being taken to address the deficiencies;
- ii. Require the PHA to prepare and follow a HUD-approved schedule of actions and/or a management plan for properly completing the activities approved under this MTW ACC Amendment;
- iii. Suspend the MTW waiver authorization for the affected activities;
- iv. Require reimbursement by the PHA to HUD for amounts used in violation of this MTW ACC Amendment;
- v. Terminate this MTW ACC Amendment and require the PHA to transition out of MTW;
- vi. Restrict a PHA's ability to use its MTW funding flexibly; and/or
- vii. Take any other corrective or remedial action legally available.

(C) The PHA may choose to terminate this MTW ACC Amendment at any time. Upon HUD's receipt of written notification from the PHA and a copy of a resolution approving termination from its governing board, termination will be effective. The PHA will then begin to transition out of MTW and will work with HUD to establish an orderly phase-out of MTW activities, consistent with Section 6 of this MTW ACC Amendment.

(D) Nothing contained in this ACC Amendment shall prohibit or limit HUD from the exercise of any other right or remedy existing under any ACC or available under applicable law. HUD's exercise or non-exercise of any right or remedy under this amendment shall not be construed as a waiver of HUD's right to exercise that or any other right or remedy at any time.

Section 8. Notwithstanding any provision set forth in this MTW ACC Amendment, any future law that conflicts with any provision of this ACC Amendment, as determined by HUD, shall not be deemed to be a breach of this ACC Amendment. Nor shall HUD's execution of any future law be deemed a breach of this ACC Amendment. Any future laws affecting the PHA's funding, even if that future law causes a decrease in the PHA's funding, shall not be deemed a breach of this ACC Amendment. No future law or HUD's execution thereof shall serve as a basis for a breach of contract claim in any court.

Section 9. If any clause, or portion of a clause, in this Agreement is considered invalid under the rule of law, it shall be regarded as stricken while the remainder of this Agreement shall continue to be in full effect.

In consideration of the foregoing covenants, the parties do hereby execute this MTW ACC
Amendment:

PHA

By: _____

Its: _____

Date: _____

UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

By: _____

Its: _____

Date: _____

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

Resolution No. _____

Approve the Housing Authority of the City of Alameda to Submit the Move to Work (MTW) Annual Contribution Contract (ACC) Amendment to the Public Housing and Housing Choice Voucher ACCs and Authorize the Executive Director to Execute Any Documents Required by the U.S. Department of Housing and Urban Development (HUD) to Execute the MTW ACC Amendment to the PHA Annual Plan

WHEREAS, the Housing Authority of the City of Alameda (“AHA”) is a Public Housing Authority;

WHEREAS, HUD has selected the Housing Authority of the City of Alameda to participate in the Move to Work (MTW) Demonstration Expansion, to design and test new ways of providing housing assistance and services to low-income households;

WHEREAS, to complete the AHA’s entry into the MTW Demonstration Expansion program, AHA must fully execute the MTW ACC Amendment to the Housing Choice Voucher Annual Contributions Contract; and

WHEREAS, The draft MTW ACC Amendment was made available and shared with the Board of Commissioners on February 16, 2022, and the Board of Commissioners has examined and approved the same as to form and content.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Housing Authority of the City of Alameda approved the MTW ACC Amendment;

BE IT FURTHER RESOLVED, the Board hereby authorizes the Executive Director to sign and submit the MTW ACC Amendment to HUD.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012.31, U.S.C. 3729 and 3802)

ATTEST:

Vanessa M. Cooper
Secretary and Executive Director

Carly Grob, Chair
Board of Commissioners

Adopted:

February 16, 2022

Date





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: February 16, 2022

Re: 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.

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. 1025 - AB 361 Resolution (02.16.22)
2. AB 361.pdf 2021

Respectfully submitted,



Vanessa Cooper, Executive Director

HOUSING AUTHORITY OF THE CITY OF ALAMEDA
Resolution No. 1025

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 16th day of February, 2022, by the following vote:

AYES: _____ NOES: _____ ABSETENTIONS: _ ABSENT: __

ATTEST:

Vanessa M. Cooper
Secretary Board of Commissioners

Carly Grob, Chair
Board of Commissioners

Adopted: February 16, 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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