

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE
AND EXECUTE AN AFFORDABLE HOUSING COOPERATION
AGREEMENT BETWEEN THE HOUSING AUTHORITY OF THE CITY OF
HAYWARD AND THE CITY OF HAYWARD

WHEREAS, the Housing Authority of the City of Hayward (the "Housing Authority") was formed to provide decent, safe and sanitary housing in the City of Hayward; and

WHEREAS, the City of Hayward (the "City") adopted the Downtown Hayward Redevelopment Plan (the "Redevelopment Plan") and the Redevelopment Plan sets forth a plan for redevelopment of the Downtown Hayward Redevelopment Project Area (the "Project Area"); and

WHEREAS, the dissolved Redevelopment Agency of the City of Hayward (the "Dissolved Agency") acquired that certain property located at 123-197 "A" Street in the City of Hayward, California (the "Property"), located in the Project Area, with funds from the Dissolved Agency's Low and Moderate Income Housing Fund established pursuant to California Health and Safety Code Section 33334.2; and

WHEREAS, the Dissolved Agency deeded the Property to the City and the City subsequently deeded the Property to the Housing Authority, with the Housing Authority acting in its capacity as the housing successor to the Dissolved Agency; and

WHEREAS, on September 3, 2014 the Housing Authority and Habitat For Humanity East Bay/Silicon Valley, Inc. ("Habitat") entered into that certain Disposition, Development and Loan Agreement, as amended by that certain First Amendment to Disposition, Development and Loan Agreement, dated as of March 29, 2019 (collectively, "DDLA"), pursuant to which the Housing Authority intends to sell the Property to Habitat and provide a loan in the amount of Six Hundred Thousand Dollars (the "Authority Loan") to Habitat for the development of ten (10) units of affordable ownership housing that will be affordable to low income households (the "Development"); and

WHEREAS, pursuant to City Council Resolution No. 21-071, the City appropriated Four Million Nine Hundred Thousand Dollars (\$4,900,000) of Inclusionary Housing Trust Fund monies to fund projects identified in the FY 2021 Housing Division Budget, which included an allocation of Two-Hundred Thousand Dollar (\$200,000) (the "Inclusionary Funds") for the Development; and

WHEREAS, the Housing Authority and the City desire to enter into that certain Affordable Housing Cooperation Agreement (the "Cooperation Agreement") to allocate the Inclusionary Funds to the Housing Authority and to require the Housing Authority to enter into contracts to increase the supply of decent, safe and sanitary housing in the City of Hayward; and

WHEREAS, pursuant to the Cooperation Agreement, the City will grant \$200,000 of Inclusionary Funds to the Housing Authority for use in a variety of affordable housing programs, including increasing the Authority Loan from Six Hundred Thousand Dollars (\$600,000) to Eight Hundred Thousand Dollars (\$800,000) under the DDLA; and

WHEREAS, the Authority Loan is being made to finance the costs of the Development in order to make the construction and operation of the Development financially feasible and to increase the supply of affordable ownership housing for families in the Project Area and the City of Hayward; and

WHEREAS, the Authority previously determined that the project was categorically exempt from review under the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) ("CEQA") as a Class 32 exemption pursuant to Section 15332 of the CEQA Guidelines. No subsequent review is necessary pursuant to 14 California Code of Regulations Section 15162 because there have not been substantial changes: (1) in the improvements proposed to be funded under the DDLA; or (2) with respect to the circumstances under which the proposed project is being implemented, and (3) there has not been the appearance of new information which was not known and could not have been known as of the date of the DDLA.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Recitals above are true and correct and by this reference makes them a part hereof; and

BE IT FURTHER RESOLVED, that the City Council hereby approves the execution and final negotiation by the City Manager of the Affordable Housing Cooperation Agreement, in a form approved by the City Attorney, between the City of Hayward and the Housing Authority of the City of Hayward granting \$200,000 of Inclusionary Funds to the Housing Authority in order for the Housing Authority to implement a loan in the amount of \$200,000 and all implementing documents and to take all reasonable steps which may be necessary to effectuate the approvals hereof, in such forms as may be agreed to by the City Manager and approved by the City Attorney; and

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
Miriam Lens, City Clerk

APPROVED AS TO FORM:

By: _____
Michael S. Lawson, City Attorney