

SUCCESSOR AGENCY FOR THE REDEVELOPMENT AGENCY OF THE CITY OF
HAYWARD

RESOLUTION NO. SA 15-__

Introduced by Councilmember _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HAYWARD, ACTING AS THE GOVERNING BOARD OF THE
SUCCESSOR AGENCY FOR THE REDEVELOPMENT AGENCY OF
THE CITY OF HAYWARD, AUTHORIZING THE TRANSFER OF
INTERESTS IN A REGULATORY AGREEMENT IN CONNECTION
WITH THE GLEN BERRY DEVELOPMENT TO THE HOUSING
AUTHORITY

WHEREAS, the California state legislature enacted Assembly Bill x1 26, as amended by AB 1484 (the "Dissolution Statutes") to dissolve redevelopment agencies formed under the "Community Redevelopment Law" (Health and Safety Code Section 33000 et seq.); and

WHEREAS, pursuant to Health and Safety Code Section 34173, the City Council of the City of Hayward (the "City Council") declared that the City of Hayward (the "City"), would act as successor agency (the "Successor Agency") for the dissolved Redevelopment Agency of the City of Hayward (the "Dissolved Agency") effective February 1, 2012, and effective June 28, 2012, the Successor Agency was declared to be a separate legal entity; and

WHEREAS, pursuant to Health and Safety Code Section 34176(b)(3), the City Council elected for the City not to retain the housing assets and functions previously performed by the Dissolved Agency and instead selected the Housing Authority of the City of Hayward (the "Housing Authority" and "Housing Successor") to serve as the successor housing agency pursuant to Section 34176(b)(3) effective February 1, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34176, all housing assets of the Dissolved Agency (as defined in Section 34176(e)) transfer to the Housing Successor; and

WHEREAS, on August 1, 2012, the Housing Authority submitted a Housing Asset Transfer List to the California Department of Finance (the "Department") which identified the housing assets of the Dissolved Agency, as defined in Health and Safety Code Section 34176(e); and

WHEREAS, the Housing Authority received a letter from the Department dated February 25, 2013, approving substantially all housing assets listed on the draft Housing Asset List (as approved, the "Final Housing Asset List"); and

WHEREAS, on December 1, 1992 the City entered into that certain Loan Agreement with Eden Housing, Inc., under which the City agreed to provide a temporary "Bridge Loan" in

the amount of Two Hundred Thirty Thousand Dollars (\$230,000) from an allocation of the Dissolved Agency's Low and Moderate Income Housing Fund ("Housing Fund"). The purpose of the Bridge Loan was to provide additional financing for the development of a 50-unit affordable housing development located at 625 Berry Avenue in Hayward California (the "Glen Berry Development"); and

WHEREAS, in connection with the Bridge Loan, the City of Hayward recorded a Regulatory Agreement, that imposed the Community Redevelopment Law affordability restrictions required under Health and Safety Code Section 33334.2 et. seq., on June 8, 1993, in the Official Records of the County of Alameda as Document No. 93-201286 (the "Glen Berry Regulatory Agreement"); and

WHEREAS, the temporary Bridge Loan has been repaid but the Glen Berry Regulatory Agreement continues to be an encumbrance on the Glen Berry Development and constitutes a housing asset, as such term is defined in Health and Safety Code Section 34176(e)(1), consisting of restriction on the use of real property for low- and moderate-income housing purposes; and

WHEREAS, the Glen Berry Regulatory Agreement was inadvertently left off the Final Housing Asset List and no statutory mechanism exists to amend the Final Housing Asset List to add the Glen Berry Regulatory Agreement thereto; and

WHEREAS, the Dissolution Statutes provide for the appointment of an oversight board (the "Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, Health and Safety Code Section 34181(c) authorizes the Oversight Board to direct the Successor Agency to transfer housing assets to the Housing Successor pursuant to Health and Safety Code Section 34176; and

WHEREAS, Health and Safety Code Section 34177(g) further authorizes the Oversight Board to effectuate the transfer of housing functions and assets to the Housing Successor; and

WHEREAS, on September 22, 2015, the Oversight Board approved Resolution No. 2015-07 ("Oversight Board Resolution") directing the Successor Agency to transfer its rights and obligations in the Glen Berry Regulatory Agreement to the Housing Successor pursuant to Health and Safety Code Section 34176, 34177(g), and 34181(c); and

WHEREAS, in compliance with the Oversight Board Resolution, the City Council, acting as the Board of the Successor Agency, desires to transfer the Glen Berry Regulatory Agreement to the Housing Authority, in its capacity as Housing Successor; and

WHEREAS, the disposition of the Glen Berry Regulatory Agreement and the interests in the Glen Berry Regulatory Agreement pursuant to the Resolution is exempt from the requirements of the California Environmental Quality Act and the applicable state and local implementing guidelines ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3).

NOW THEREFORE, the Successor Agency does hereby find, determine, resolve and order as follows:

BE IT RESOLVED, the City Council, acting as the governing Board of the Successor Agency, hereby finds and determines that the foregoing recitals are true and correct.

FURTHER RESOLVED, that in accordance Health and Safety Code Sections 34176, 34177(g), and 34181(c), the Glen Berry Regulatory Agreement and the Successor Agency interests in the Glen Berry Regulatory Agreement, a housing asset, are transferred to the Housing Authority acting as the housing successor to the Dissolved Agency, and the Successor Agency shall do everything necessary and appropriate to effectuate or ratify said transfer.

FURTHER RESOLVED, that transfer of the Glen Berry Regulatory Agreement to the Housing Authority is exempt from the requirements of the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301 (as an action resulting in continuation of an existing facility) and State CEQA Guidelines Section 15061(b)(3).

FURTHER RESOLVED, that the transfer of interests in the Glen Berry Regulatory Agreement to the Housing Authority as Housing Successor ensuring the Glen Berry Development is used for affordable housing is consistent with the Dissolved Agency's approved redevelopment plan.

FURTHER RESOLVED, that the City Council, acting as the Board of the Successor Agency, hereby approves and authorizes the City Manager, acting on behalf of the Successor Agency, or the City's Manager's designee to take any action and execute any documents, in consultation with the City Attorney, acting in the capacity of counsel to the Successor Agency, as may be necessary to implement the disposition of the Glen Berry Regulatory Agreement pursuant to the terms approved in this Resolution.

FURTHER RESOLVED, that the City Manager or the City Manager's designee is authorized to file a Notice of Exemption with respect to the acceptance of the transfer of interest in the Glen Berry Regulatory Agreement.

HAYWARD, CALIFORNIA, _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES:	BOARD MEMBERS:
NOES:	BOARD MEMBERS:
ABSTAIN:	BOARD MEMBERS:
ABSENT:	BOARD MEMBERS:

ATTEST:

Miriam Lens, Secretary of the Successor
Agency for the Redevelopment Agency
of the City of Hayward

APPROVED AS TO FORM:

Michael Lawson, General Counsel of the
Successor Agency for the Redevelopment
Agency of the City of Hayward