

HAYWARD SUCCESSOR AGENCY OVERSIGHT BOARD

RESOLUTION. 2015-__

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR
AGENCY FOR THE REDEVELOPMENT AGENCY OF THE CITY OF
HAYWARD AUTHORIZING AND DIRECTING TRANSFER OF A
HOUSING ASSET TO THE HOUSING AUTHORITY OF THE CITY
OF HAYWARD ACTING AS THE HOUSING SUCCESSOR AGENCY
PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE
SECTION 34181(C)

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, a charter city (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 rights, powers, duties, obligations, and housing assets (as defined in Section 34176(e)) transfer to the entity that retains the housing assets and functions previously performed by the Former Agency (the "Housing Successor" or the "Housing Authority"); and

WHEREAS, on August 1, 2012, the Housing Authority submitted the Housing Asset Transfer List (the "Draft Housing Asset 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). These included: real and personal property interests acquired for low- and moderate-income housing purposes; encumbered funds; loan and grant receivables for assistance provided by the Low and Moderate Income Housing Fund ("Housing Fund"); rents and payments from housing operations; and amounts owed to the Housing Fund as a result of previously deferred or borrowed Housing Fund deposits; and

WHEREAS, the Housing Authority received a letter from the Department dated February 25, 2013, approving all housing assets listed on the Draft Housing Asset List (except for Items

106 and 107 on Exhibit D thereof) herein after referred to as the "Final Housing Asset List" (Attachment II to the Staff Report) which includes all of those housing assets approved by the Department; 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. The purpose of the Bridge Loan was to provide additional financing for the development of a 50-unit affordable housing development located at 625-561 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., and was recorded 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) authorize 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, the Successor Agency requests that the Oversight Board direct transfer of the housing asset identified as the Glen Berry Regulatory Agreement to the Housing Authority in its capacity as the Housing Successor to the Dissolved Agency.

WHEREAS, in compliance with Health and Safety Code Section 34176, the Oversight Board has considered and desires to approve and direct the transfer of 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 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); and

WHEREAS, the accompanying Final Housing Asset List, the Loan Agreement, the Glen Berry Regulatory Agreement and the Staff Report (the "Supporting Documents") provide supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board hereby finds and determines that the foregoing recitals are true and correct, and together with the Supporting Documents and the information provided by the Successor Agency staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED that in accordance Health and Safety Code Sections 34176, 34177(g), and 34181(c), the Oversight Board does hereby authorizes and directs the transfer of the Glen Berry Regulatory Agreement, a housing asset to the Housing Authority acting as the housing successor to the Dissolved Agency, and to do everything necessary and appropriate to effectuate said transfer.

BE IT FURTHER RESOLVED that the transfer of 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).

BE IT FURTHER RESOLVED that the transfer of 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 Former Agency's approved redevelopment plan.

BE IT FURTHER RESOLVED to implement the above direction, the Oversight Board hereby approves and authorizes the Successor Agency Executive Director or the Executive Director'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 ratification of the disposition of the Glen Berry Regulatory Agreement pursuant to the terms approved in this Resolution.

BE IT FURTHER RESOLVED that the Successor Agency is hereby directed to notify the California Department of Finance of the actions set forth in this Resolution in accordance with Health and Safety Code Sections 34179(h) and Section 34181(f).

BE IT FURTHER RESOLVED that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

HAYWARD, CALIFORNIA, September 23, 2015

ADOPTED BY THE FOLLOWING VOTE:

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

ATTEST: _____
 Secretary of the Oversight Board to
 the Hayward Successor Agency