

**CITY COUNCIL MEETING  
TUESDAY, MARCH 26, 2019**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

# **AGENDA QUESTIONS & ANSWERS**

**Item 5, 6, and 11**

**AGENDA QUESTIONS & ANSWERS**  
**MEETING DATE: March 26, 2019**

Item # 5: [CONS 19-165](#) Resolution to Initiate the Formation and Annexation of the SoHay Properties to Benefit Zone No. 18 of the Consolidated Landscaping and Lighting District 96-1

Regarding the formation of the SoHay LLD, please remind me, is SoHay also slated to have an HOA?

Yes, SoHay will have a home owners association (HOA).

Item # 6: [CONS 19-166](#) Approval of Final Maps for Tracts 8445 and 8446 (SoHay), Associated with the Previously Approved Vesting Tentative Map for Tract 8428; William Lyon Homes, Inc. (Applicant/Owner)

For the item on the final map for the SoHay development, may we please have the relevant tentative tract maps as well?

There is a link in the staff report to the tentative map agenda item and attachments. For future meetings, staff will include the actual tentative map as an attachment.

Item # 11: [LB 19-019](#) Adoption of Emergency Ordinance Amending Just Cause for Tenant Evictions to Exempt Affordable Housing Conversion Projects (Report from City Manager McAdoo)

For the Leisure Terrace complex, is there a way to phase in the affordability covenants? For example, the entire complex becomes affordable housing, but tenants who are over income, can stay until they naturally leave, but the next tenants must meet the requirements. In some ways, this would be comprable to traditional affordable housing complexes that allow a certain percentage of residents to be over income (25%)?

Federal Section 42 Tax Credit Regulations stipulate that tax credits are available for each Qualified Low-Income Housing Unit. The fundamental requirement for units to qualify for tax credits is that they must be rented only to income-qualified households and that the rents must be restricted. The limited partner in the deal values the percentage of units that are "low income," and provides funding for the development accordingly. As such, each unit occupied by a non-qualified household would reduce the amount of funding available to the project.

The Developer's application to CTCAC and CDLAC, which were approved and awarded credits and bonds on 3/20/2019, specifically stated that they would comply with Section 42 requirements, and accordingly 100% of the units would be income-restricted for residents making no more than 60% of area median income.

While affordable housing has allowances for tenants that exceed income limits upon recertification, initial lease-up is different and the developer would have to comply with the requirements of the funding source.

**ITEM #11 LB 19-019**

**ADOPTION OF EMERGENCY ORDINANCE  
AMENDING JUST CAUSE FOR TENANT  
EVICTIONS TO EXEMPT AFFORDABLE HOUSING  
CONVERSION PROJECTS**

**LETTER FROM THE HAYWARD COLLECTIVE**



March 26, 2019

**RE: Adoption of Emergency Ordinance Amending Just Cause for Tenant Evictions to Exempt Affordable Housing Conversion Projects**

Dear Mayor Halliday and City Council Members,

We have grave concerns about the Emergency Ordinance being proposed and request that this vote be delayed until a more exhaustive conversation can take place.

What is before you can potentially gut what remains of our rent controlled units.

Once a property is converted to an affordable housing project, any rent controlled units within that property are no longer rent controlled. I don't see any mention of this anywhere in the staff report. I also don't see any mention of how many units in the building are still rent controlled. Nor do I see any mention of potentially how many tenants will be displaced and what their income level actually is. Are these tenants who are moderate income earners (80% to 120% of AMI); which is still a vulnerable population in this community. Are you certain the language being used ensures Just Cause will apply to the rental unit post-rehabilitation/renovation?

The City of Hayward's Residential Rent Stabilization Ordinance (RRSO) is limited by state law to units built pre-1979, and it is those same buildings that are prime acquisition targets for programs like the Low Income Housing Tax Credits rehabilitation program.

**A vote on what is before you tonight is a de facto vote AGAINST rent control.**

At the February 19, 2019 meeting there was consensus around at least waiting to hear the results of the Vacancy Decontrol audit before voting on whether to remove the Vacancy Decontrol provision from the RRSO. A vote for what is before you tonight renders a vote on Vacancy Decontrol moot; as you are essentially creating a giant loophole through which this community could lose what remains of our rent controlled units.

This community has been telling you for years now that it needs rent control. People who live in formerly rent controlled units need rent control. And the idea that rent control is not an affordable housing mechanism is only such because of the loopholes created. Costa Hawkins, the Ellis Act, condo and TIC conversions; all loopholes designed to thwart rent control. We need YOUR help to close the loopholes that are in your purview and we need you to NOT create new loopholes.



We've already seen from the 808 A Street apartments how volatile an LIHTC property can be depending on who the owner is. We need to be prudent and cautious about LIHTC properties in our community.

We understand there may be a need for an amendment that addresses the issue at hand, but we need a more substantive conversation and to get creative about the solution. What is before you is detrimental to this community.

Sincerely,  
The Hayward Collective

**ITEM #11 LB 19-019**

**ADOPTION OF EMERGENCY ORDINANCE  
AMENDING JUST CAUSE FOR TENANT  
EVICTIONS TO EXEMPT AFFORDABLE HOUSING  
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**DOCUMENT FROM ALICIA LAWRENCE**

## ELECTION

7. REPORT OF CITY CLERK CERTIFYING RESULTS OF COUNTY REGISTRAR OF VOTERS' VERIFICATION OF SIGNATURES ON INITIATIVE PETITION RE "HAYWARD RENTER PROPERTY TAX RELIEF ORDINANCE OF 1979"

Filed: Mailgram supporting Rent Relief Ordinance from William Cabral, Secretary Treasurer, Cannery Warehousemen, Food Processors, Drivers and Helpers Local Union 768, 492 "C" Street, Hayward - April 23, 1979

Letters supporting Rent Relief Ordinance from Robert A. Main, Professor, Biological Science, California State University, Hayward - April 23, 1979

Richard L. Fowler, 24650 Amador #21, Hayward - April 24, 1979

Staff Report dated April 24, 1979

City Clerk Weaver explained that an initiative petition entitled, "Hayward Renter Property Tax Relief Ordinance of 1979" bearing 8,148 signatures was submitted to her office on March 26, 1979. Verification has been received from the Alameda County Registrar of Voters that the petition contains valid signatures of 18 percent of the total number of registered voters within the City of Hayward (36,010) as last officially reported to the Secretary of State. Mrs. Weaver further indicated that the Elections Code specifies that a special election must be held not less than 74 nor more than 89 days following the call for an election should Council fail to adopt an ordinance.

Note: Mayor Weinreb reported that her interest in rental property in the City disqualifies her from participating in this matter, and the gavel was passed to Mayor Pro Tem Bras. Councilman Oakes similarly disqualified himself from participating in the matter. Mayor Weinreb and Councilman Oakes prepared to absent themselves from the meeting; and in response to protests from the audience that they remain as observers in the hearing, both reaffirmed Council's long-standing policy that members with conflicts absent themselves to ensure that their presence does not affect the hearing in any manner. Mayor Weinreb and Councilman Oakes were excused from the meeting.

City Attorney Scanlon offered his interpretation of Proposition 9, the Conflict of Interest Code, under which Mayor Weinreb and Councilman Oakes had been disqualified from participation in this matter. He was also of the opinion that the Code would apply to Councilmen Florence and Randall-- Councilman Florence as the owner of a real estate company who rents his business quarters in Hayward; and Councilman Randall as a management member of a firm that rents property in the City. Mr. Scanlon quoted a case of record which could apply in these instances; however, both Councilmen Randall and Florence indicated they did not believe they have a conflict with the matter and stated intention to participate in the hearing.

Mayor Pro Tem Bras opened discussion to proponents of the rent relief ordinance, whose testimony centered on the following issues:

Frustration and outrage toward landlords who have failed to reduce rents following passage of the Property 13 tax relief measure was expressed. Large savings available to various landlords of large apartment complexes were cited. Other ways in which landlords prosper; i.e., cash flow, appreciation, tax advantages, accrued equity, etc., were mentioned. Tenants resented the margin of profit available to landlords through rent they pay with no consideration to lower rents given those who supported Proposition 13 on behalf of their landlords.

A rent relief ordinance was touted as not creating any additional bureaucracy; not preventing new construction; and not preventing landlords from making repairs or improvements, evicting unsatisfactory tenants, or earning a fair rate of return.

Criticism of landlords who continue to increase rents, fail to make repairs and engage in other unsatisfactory practices was made. Specific criticism was given of the Iki Gardens Apartments, 145 Lund Avenue, where children reportedly have no play area, there are no laundry facilities, and the grounds are reportedly not kept clean with the tenants being blamed for the mess. The Venetian Terrace Apartments at 26603 Gading Road were reported to have problems with the laundry facilities, no railings on stairways, silt and trash in the swimming pool.



**PUBLIC COMMENT**

**ROWENA DUPRE**

# Fundraiser Update as of 3/25/19:

As promised, here is an update on Rachel.

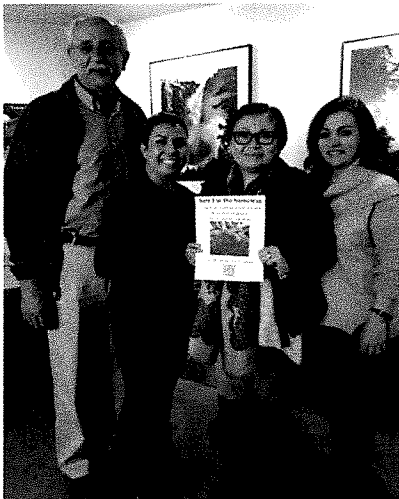
Thank you all who donated cash and items for Yard Sales, we were able to find a room where she can have her dog for \$1,100.00 a month, a very generous lady donated the entire deposit, and so Rachel has been sleeping under a roof.

We met with councilman Francisco Zermeño, and he pointed out some possible resources, although he cannot help on the fact, that Rachel needs to continue on the waiting list for housing. But he totally supports what we are doing and advised us to start a non-profit organization, that way we could potentially get more tax deductible donations. That will cost us \$900.00 + any other fees involved.

We would like to book more sales at Chabot Flea Market, to continue to cover the rent and to possibly get the organization started, if you happened to finished your Spring cleaning, let us know, we will take it, you can pm me and I will pickup the items, or I can give you the address on where you can drop off any donation items.

We are also looking for anyone who works for a food bank, please pm me, we would like to connect.

Thank you all for your generosity ❤️🙏



(From left to right:

Councilman Zermeño, Team Rachel & Wisp group leaders Carolina Bonilla, Rowena Dupre, and Anna Fernandes. Please connect with any of the group members via Messenger on FB for pick up of donation items to be sold at the Chabot College Flea Market every month.

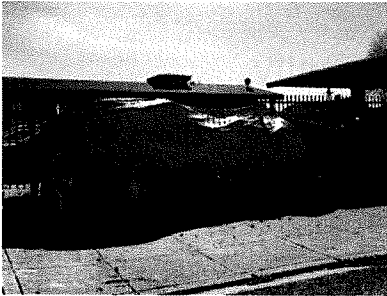
👉 All proceeds go towards Rachel & Wisp. All efforts are 100% volunteered, because ALL LIVES MATTER ❤️

1<sup>st</sup> Speaker

# HOMELESS OUTREACH

## (Helping one homeless person at a time)

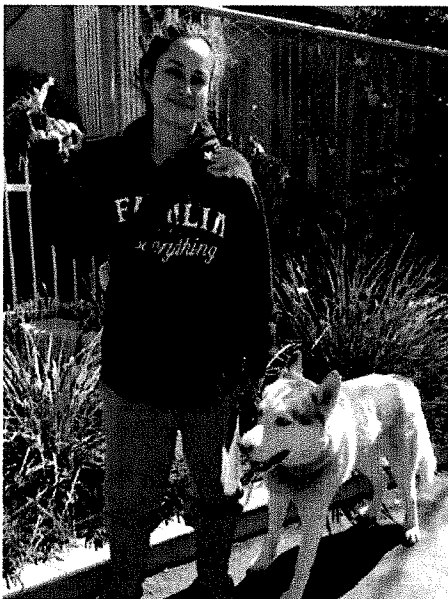
We are a group of women & moms who have come together because of one connection: a homeless woman named Rachel and her dog Wisp. They have been living on A Street in Hayward in a makeshift camp for the last year, maybe more, but unfortunately one month ago on a very rainy afternoon Rachel was forced to vacate her camp and pack what was left of her belongings after the Hayward Police & City Code Enforcer ordered her camp to be torn down. Many residents have come to know of this homeless girl and her dog who quietly & inconspicuously lived out in the open on the usually very busy A Street amidst the traffic and busses and passersby.



Photos of Rachel & Wisp's encampment on A St., courtesy of Dept of City Code Enforcement, Hayward City Hall, Hayward, CA

## TEAM RACHEL & WISP

Our group is comprised of residents who live in that area and see the need to have compassion towards Rachel & Wisp. Though she is homeless, she was never seen pan-handling or being a public nuisance. She is even known to turn away help, unless it was for her dog. We have embarked on a very uncertain, but inspiring quest to band together and help Rachel & Wisp overcome homelessness and regain her life. In the short month since we took on this endeavor, we've started a FB fundraiser raising \$2427 which doesn't include other donations that were given in cash & checks by strangers only having one person in common, well one person and her dog that is.



We all have our individual stories as to how we've helped Rachel & Wisp along the way but giving food & water every now and then vs. trying to keep someone off the streets and into a safe dwelling has become quite overwhelming. As we wait for Abode Housing to get Rachel & Wisp into a Supportive Housing unit, we rely on fundraisers like Facebook, GoFundMe and other charitable activities we have held. However, the outpouring we have gotten so far is incredible as we continue our efforts to help Rachel on her journey to overcome the hurdles and barriers of homelessness. If there is any way you can help us, donate or share our story, it would be greatly appreciated. Thank you from the bottom of our hearts ♥ 😊 🙏 Team Rachel & Wisp

*(photo of Rachel & Wisp last week when we moved her into an independent living home 3/13/19 – 1 month after she was forced from her camp! But the journey doesn't stop here as we await notification from Abode Housing and other social services benefits to come in.)*



Scan QR Code for Online Fundraiser