

HOUSING AUTHORITY OF THE CITY OF HAYWARD

RESOLUTION NO. HA 22-

Introduced by Board Member

RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF HAYWARD AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO THE DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT FOR THE A & WALNUT/SEQUOIA GROVE HABITAT FOR HUMANITY HOUSING DEVELOPMENT

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 is designated as the housing successor to the dissolved Redevelopment Agency of the City of Hayward (the "Dissolved Agency") pursuant to California Health and Safety Code Section 34176; 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 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 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, the Authority and the City will enter into that certain Affordable Housing Cooperation Agreement, which provides in pertinent part that the City will provide to the

Housing Authority a Two-Hundred Thousand Dollar (\$200,000) grant from the Inclusionary Housing Trust Fund (the "Inclusionary Funds") in order to increase the Authority Loan from Six Hundred Thousand Dollars (\$600,000) to Eight Hundred Thousand Dollars (\$800,000). Habitat shall use the Inclusionary Funds to pay for construction and permanent costs consistent with the Financing Proposal and approved by the Authority; and

WHEREAS, Habitat has submitted a revised Financing Proposal. Pursuant to Sections 2.4 and 5.11 of the DDLA, the Financing Proposal may be revised from time to time and, with the approval of the Authority, will be referred to as the Financing Plan; and

WHEREAS, Habitat and the Authority have determined that it would be mutually beneficial to extend the time frames for performance under the DDLA, to increase the Authority Loan amount, and make conforming non-substantive changes to effectuate the purpose of the DDLA as modified by this Amendment; and

WHEREAS, the Authority now desires to amend the DDLA to allow for: (1) the addition of the Inclusionary Funds to the Authority Loan; (2) approve the revised Financing Plan; and (3) extend the term and performance milestones set forth in the DDLA; and (4) make other conforming non-substantive changes to effectuate the purpose of the DDLA as amended; 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, the Housing Authority Board does hereby find, determine, resolve and order as follows:

BE IT RESOLVED that the Recitals above are true and correct and by this reference makes them a part hereof; and

BE IT FURTHER RESOLVED, the Housing Authority hereby approves an amendment to the DDLA and all ancillary documents consistent with this Resolution and authorizes the Executive director to negotiate and execute such amendment in a form approved by the Housing Authority's General Counsel; and

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

IN HAYWARD, CALIFORNIA, APRIL _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

CHAIR:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: _____
Secretary
Housing Authority of the City of Hayward

APPROVED AS TO FORM:

By: _____
General Counsel
Housing Authority of the City of Hayward