



**DATE:** December 6, 2022

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Demonstrating Compliance with State Housing Laws per Metropolitan Transportation Commission and One Bay Area Grant Funding Requirements

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) to demonstrate compliance with State Housing Laws per the Metropolitan Transportation Commission (MTC) requirements related to One Bay Area Grant (OBAG) funding.

### **SUMMARY**

The MTC requires local jurisdictions to adopt a resolution stating compliance with State Housing Laws to maintain funding eligibility for OBAG 2 and OBAG 3 federal monies.

### **BACKGROUND**

The MTC's OBAG program "Project Selection and Programming Policies" requires local jurisdictions to demonstrate compliance with certain State housing laws to maintain funding eligibility. The City can self-certify compliance of State housing laws related to surplus lands, accessory dwelling units, and density bonuses by adopting a resolution stating compliance with State housing laws in order to have OBAG 2 federal monies included in the Fiscal Year (FY) 2023 annual obligation plan, and to access funds in the OBAG 3 funding cycle. The City has one project receiving OBAG 2 funds: the Main Street Complete Street Project.

### **DISCUSSION**

As required by MTC Resolution No. 4505, adopted on January 26, 2022, staff recommends that Council adopts the attached resolution to ensure the City's continued eligibility for OBAG funds. The resolution acknowledges and confirms the following:

1. The City agrees to comply with the Surplus Land Act (California Government Code § 54220, et seq.) as it exists now or may be amended in the future, including, but not limited to, AB 1255 (Rivas, 2019), which requires jurisdictions to compile and

report annually an inventory of surplus lands to the California Department of Housing and Community Development;

2. The City agrees to comply with State laws related to Accessory Dwelling Units and Junior Accessory Dwelling Units as they exist now or may be amended in the future, including, but not limited to California Government Code §§ 65852.150, 65852.2, 65852.22, et seq., and California Health & Safety Code § 17980.12;
3. The City agrees to comply with state Density Bonus Law (California Government Code § 65915, et seq.), as it exists now or may be amended in the future; and
4. As of the adoption date of the corresponding resolution, the City warrants and represents, in its actual and present knowledge, that it is in compliance with the aforementioned State housing laws and that there are no claims, actions, suits, or proceedings pending, alleging violations of the State housing laws by the City.

### **ECONOMIC IMPACT**

The City will maintain funding eligibility for the OBAG 2 funding which will result in completion of the Main Street Complete Street Project.

### **FISCAL IMPACT**

Confirming compliance with State Housing laws does not have a fiscal impact. Taking no action on the local resolution to confirm compliance with State Housing laws would jeopardize the City's eligibility for up to \$1,675,000 in OBAG 2 funding. The City has been allocated \$1,675,000 in OBAG 2 funds for the Main Street Complete Street Project.

### **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority to Invest in Infrastructure. Specifically, it relates to the following:

N1: Improve access and mobility in downtown Hayward

### **SUSTAINABILITY FEATURES**

No sustainability features will result with this resolution.

### **PUBLIC CONTACT**

No public contact has been made related to this resolution.

**NEXT STEPS**

If Council approves this request, the City will maintain funding eligibility for OBAG 2 and OBAG 3 federal monies.

*Prepared by:* Kathy Garcia, Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



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Kelly McAdoo, City Manager