

ITEM #2

File #: RPT 21-098

**Overview of Upcoming Updates to the City of Hayward's
Housing Element, Climate Action Plan, Environmental Justice
and Safety Element and Housing-Related Planning Grants**



DEVELOPMENT SERVICES

Overview on Housing Element Update & Housing Related Planning Grants

What is a Housing Element?



- ▶ The Housing Element is one of eight mandatory elements of the General Plan.
- ▶ Required to be updated every eight years.
- ▶ The only element that is reviewed and certified by the State.
- ▶ Hayward's Housing Element Update is being combined with General Plan Amendments related to the Climate Action Plan, Environmental Justice and Safety Element Updates.

Why do we need a Housing Element?



- ▶ Opportunity for **community conversation** about local housing challenges & solutions, environmental justice, safety and hazard planning and climate change.
- ▶ State law does not require that local jurisdictions build or finance housing, but we must plan for it.
- ▶ Noncompliance creates the potential for being sued when making land use decisions. It could also make the City ineligible for community development and infrastructure grants and funding sources.

Contents of a Housing Element



Needs Assessment

- Demographics
- Housing trends
- Existing and projected housing needs
- Special needs groups

Constraints Analysis

- Governmental
- Market
- Environmental
- Remedies for identified constraints

Community Engagement

- Must include a robust community engagement plan
- Include all segments of the population with special attention paid to typically underrepresented groups

Housing Sites Inventory

- Identify locations of available sites to meet future Regional Housing Needs Allocation
- Sites must demonstrate requirements to Affirmatively Further Fair Housing

Policies and Programs

- Programs supporting housing preservation and development

What is the Regional Housing Needs Allocation?



- ▶ Every eight years, the State projects housing need for the State as a whole and allocates a total to each Council of Government. The Association of Bay Area Governments (ABAG) covers the nine-county Bay Area region.
- ▶ Bay Area was allocated 441,176 units – a 234% increase over the last cycle. That total is broken down into income categories.
- ▶ ABAG's Housing Methodology Committee released a Draft Allocation in May 2021, which is anticipated to be finalized in Fall 2021.

ABAG's Methodology

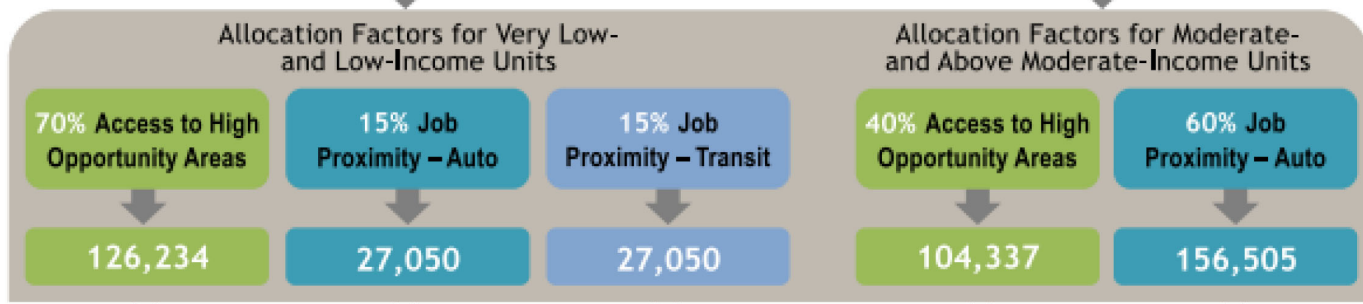


STEP 1:
Group RHND
by income

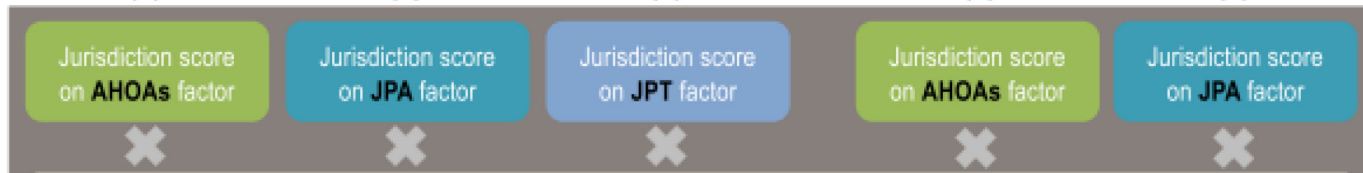
Total Regional Housing Need Determination (RHND) from HCD
441,176



STEP 2: Factor
weight = units
allocated by
factor



STEP 3:
Calculate
jurisdiction's
units from
each factor



JURISDICTION BASELINE ALLOCATION
Share of households in Year 2050 from Plan Bay Area 2050 Blueprint



Hayward's RHNA



	Very Low Income (<50% AMI)	Low Income (50-80% AMI)	Moderate Income (80-120% AMI)	Above Moderate Income (>120% AMI)	Total
2015-2023 Allocation	851	480	608	1,981	3,920
2023-2031 <i>Draft</i> Allocation	1,075	617	817	2,115	4,624

Alameda County
Area Median Income:
\$125,600

Extremely Low	28800	32900	37000	41100	44400	47700	51000	54300
Very Low Income	47950	54800	61650	68500	74000	79500	84950	90450
Low Income	76750	87700	98650	109600	118400	127150	135950	144700
Median Income	87900	100500	113050	125600	135650	145700	155750	165800
Moderate Income	105500	120550	135650	150700	162750	174800	186850	198900

How are we doing with our current RHNA?



Income Category	Unit Goal	Reported 2020		Approved		Pending Approval		Estimated Compliance		Estimated Deficiency	
		Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal
Very Low	851	65	8%	217	25%	75	9%	357	42%	494	58%
Low	480	153	32%	197	41%	4	1%	354	74%	126	26%
Moderate	608	72	12%	89	15%	40	7%	201	33%	407	67%

The City has met the need for Above Moderate-Income Units for the reporting period.

Housing Element Timeline



Outreach Plan



- ▶ Currently developing an Outreach Plan with focus on engaging underrepresented groups.
- ▶ Outreach Plan will identify target communities, forge partnerships, tailor methods, use simple culturally-informed communication, recognize other priorities and engage early, consistently and throughout the project.
- ▶ To date, staff has started reaching out to advocacy groups and individuals to develop relationships and to ask who and what groups we should include.
- ▶ Outreach will include small grants and stipends to community groups to partner with the City and to extend reach.

Housing Related Grants



Grant Type	Project	Grant Amount	Date Grant Received	Project Status	Grant Deadline
SB2	Comprehensive Rezone & Objective Design Guidelines	\$185,000	3/19/2020	Drafting RFP	6/30/2022
SB2	Density Bonus Update	\$125,000	3/19/2020	Not started	6/30/2022
LEAP	Housing Element Update	\$420,000	5/21/2021	Project underway	12/31/2023
LEAP	ADU Ordinance & Program Update	\$70,000	5/21/2021	Not started	12/31/2023
REAP	AHO Materials & Program to Convert Tax Defaulted Properties	\$52,869	7/27/2021	Not started	9/30/2023

Questions & Discussion



ITEM #3

File #: RPT 21-097

**Implementation Update on the Residential Rent Stabilization
and Tenant Protection Ordinance**



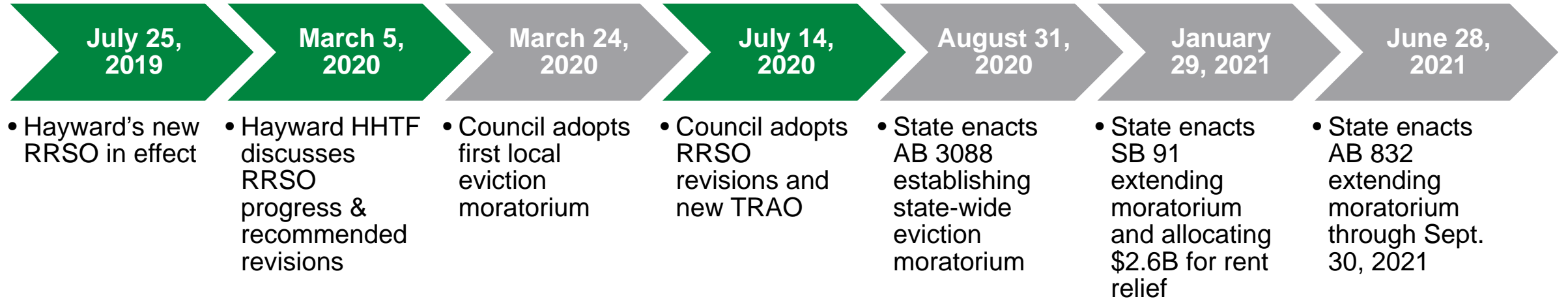
Implementation Update on the Residential Rent Stabilization and Tenant Protection Ordinance

September 2, 2021 | Hayward City Council
Amy Cole-Bloom, Management Analyst

Agenda

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- RRSO Background
 - RRSO Implementation
 - Tenant Relocation Assistance Ordinance Update
 - COVID-19 Response Updates
 - Next Steps & Discussion

Background

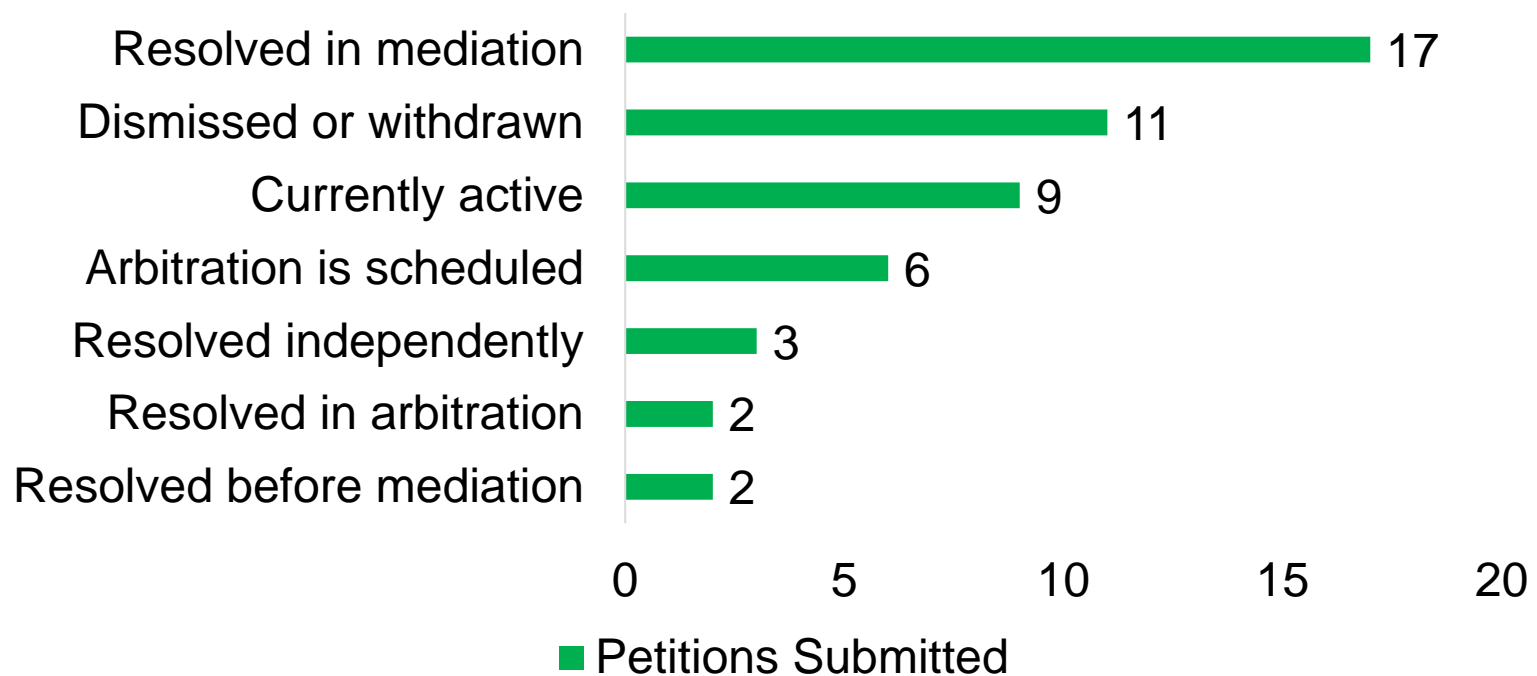


RRSO Implementation

Note: The majority of data on the following slides was collected during the time period of the COVID-19 pandemic and various eviction moratoria were in effect. Please keep this in mind when reviewing the data.

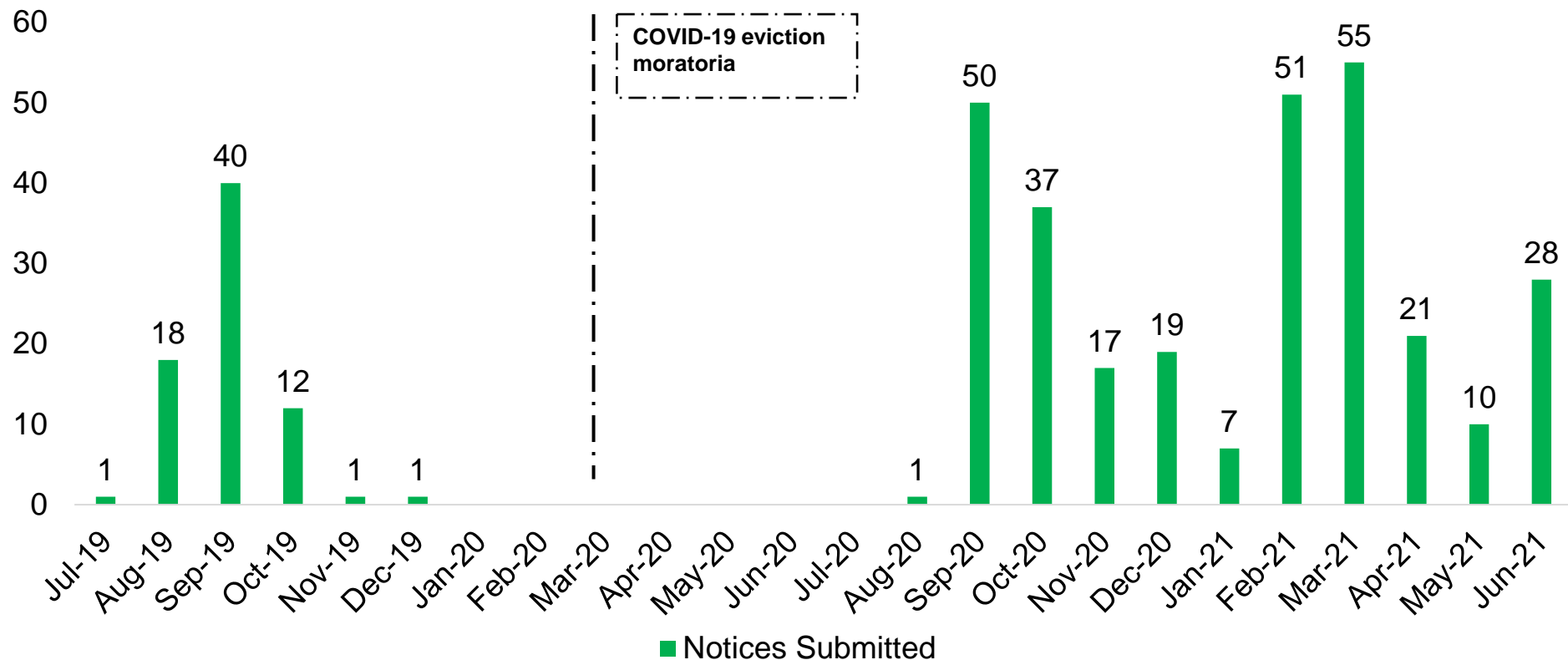
Petitions

- 50 petitions received since enactment of the new RRSO



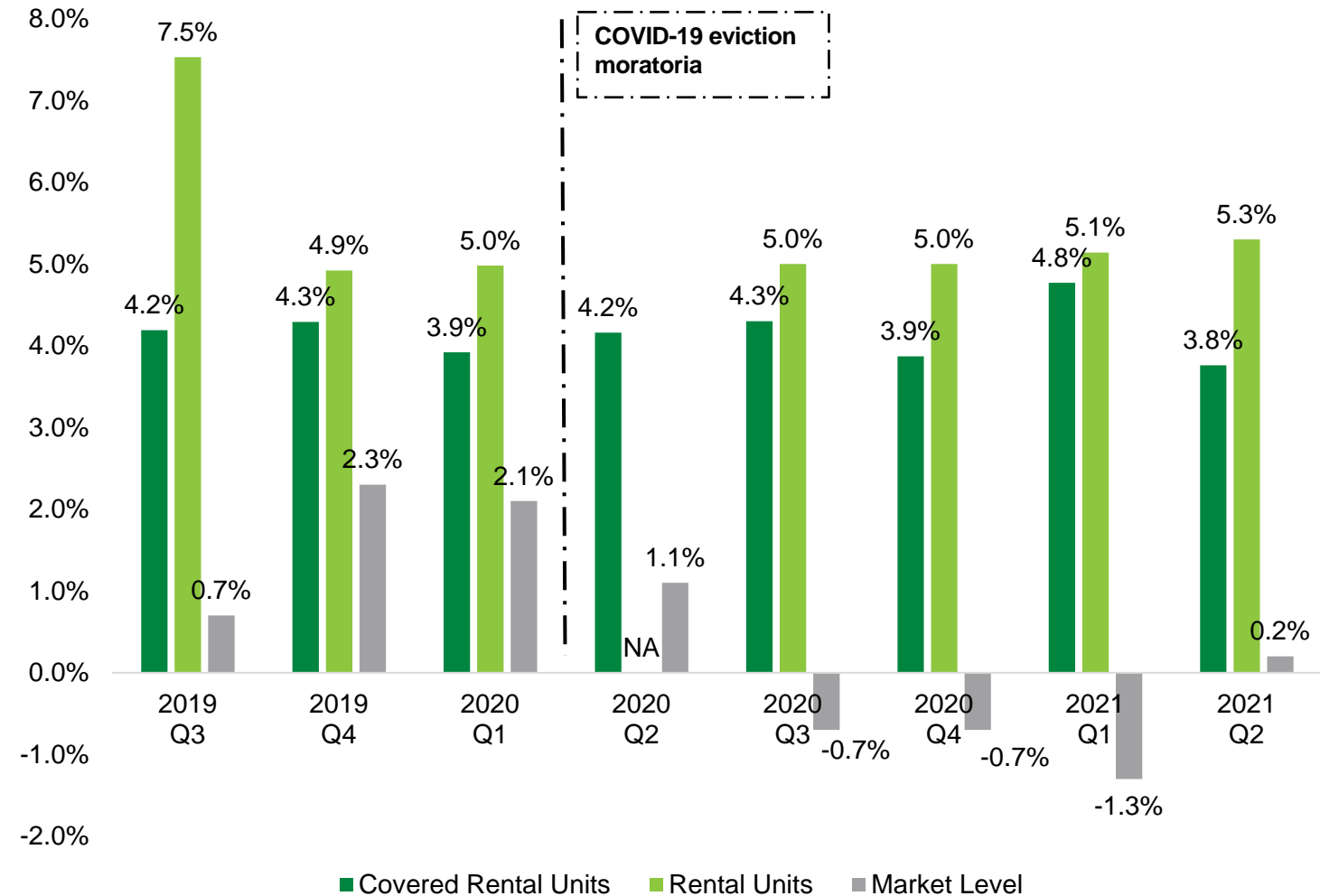
Termination Notices

- The Rent Review Office received 446 notices through June 2021. 96% of notices were for a failure to pay rent or utilities.
- Patterns in the notices submitted aligns with shifts in State law.



Rent Increase Notices

- Number of notices dropped almost 70% from Year 1 to Year 2
- The average rent increase for covered rental units was lower than the average rent increase for rental units
- Market-level data for multi-unit properties show lower average effective rent
- Comparison to rent increase submission suggests that fewer tenants have received rent increases during the time that market rent has gone down



Data Infrastructure and Implementation Support

- Launch of [rent review database](#)
 - Tenants and landlords can search for their unit to see what parts of the RRSO apply
 - Manage the petition process
- [Eviction Prevention Learning Lab](#) participation



Outreach and Education Efforts

- 38 outreach events from July 2020 through July 2021, with 9 more scheduled through December
- 6,365 inquiries to the Housing Division phone or office July 2019 through July 2021
 - 55% regarding the RRSO
 - 22% about COVID-19



Tenant Relocation Assistance Ordinance

- Requires that landlords pay relocation assistance under certain circumstances when a tenant becomes displaced from their unit
- Since implementation, staff have created several resources in English, Spanish, and Chinese to facilitate compliance
- 12 relocation cases through August 2021, most initiated through a Code Enforcement Notice of Violation and often corresponding Notice to Vacate for tenants
- Developing the Council approved Tenant Relocation Assistance Fund to ensure payments to displaced tenants

COVID-19 Response Updates

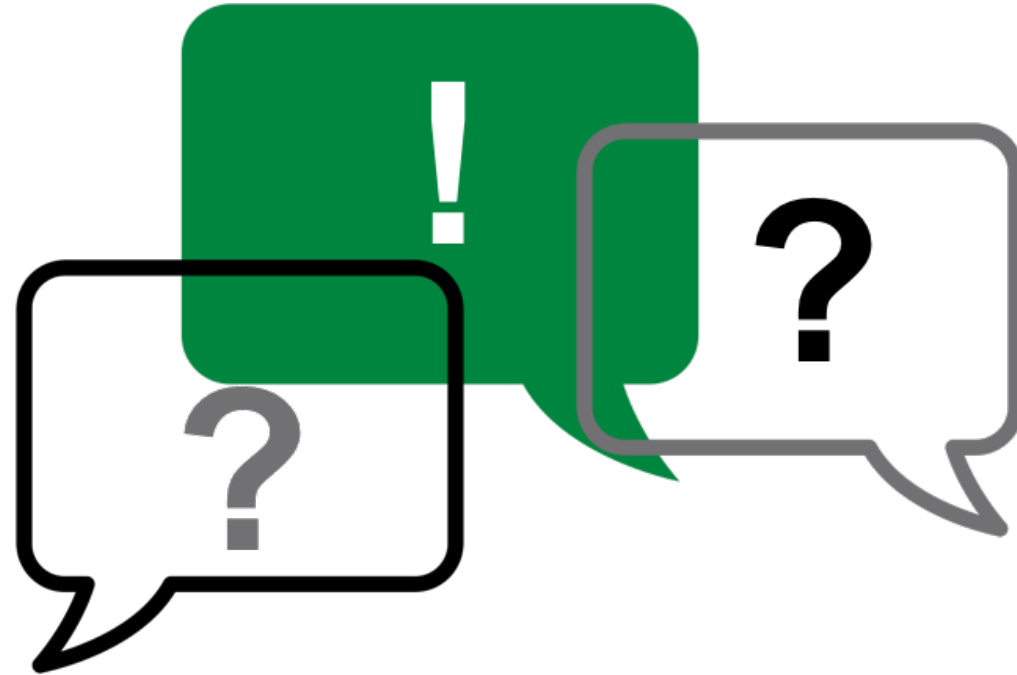
- Rent Relief Program
- Expanded Mediation Services
- Local Eviction Moratorium
- Tenant Relocation Assistance Fund
- Community Outreach and Education



Next Steps

- September 21, 2021, Council informational report on eviction and foreclosure data and City's efforts to support community members as the State's eviction moratorium ends
- Implementation of the Tenant Relocation Assistance Emergency Fund
- Maintain and monitor program data
- Additional outreach and education scheduled through end of the year

Questions and Discussion



ITEM #5

Oral Report on Foreclosures and Evictions

Eviction and Foreclosure Briefing

September 2, 2021 | Homeless Housing Taskforce
Christina Morales, Housing Division Manager

Overview



Evictions

Foreclosure

Community Support

Evictions

96% of termination notices filed with the City are related to failure to pay rent

- These termination notices can be cured by paying rent or moving out
- Notices filed beginning from September 2020 can be cured by sending landlord COVID-19 related financial distress form

No published data on evictions in Alameda County

- Existing moratoria prohibit evictions related to non-payment of rent
- Staff working with the Alameda County Superior Court to obtain data on a quarterly basis

Evictions

United States Census Bureau Household Pulse Survey
San Francisco-Oakland-Berkeley Metro Area

	Total	Income under \$75,000	Income over \$75,000
Caught up on rent	84%	79%	94%
Concerned about paying next months rent	17%	30%	3%
Owe past due rent and concerned about eviction	37%	51%	0%

What the data tells us:

- 16% of households surveyed in the metro area still behind on rent
- Lower income households are more impacted
- Tenants concerned about eviction may not be aware of the eviction moratorium

Eviction Protections

- Federal
 - Supreme Court ends federal eviction moratorium
- State
 - State eviction moratorium in effect through Sept. 30, 2021
 - State law protects tenants from evictions related to past due rent accrued between March 2020 and September 2021. Landlord can recover past due rent through small claims court (not eviction) starting November 2021
 - Tenants actively seeking rental assistance are protected from eviction
 - If landlord refuses to participate or accept rental assistance, the landlord's claim may be reduced

Eviction Protections

- Rental Assistance
 - City provided over \$1.5 million in rental assistance serving over 670 households
 - Alameda County has \$61 million to implement Alameda County Housing Secure rental assistance program
 - Alameda County Housing Secure has received 1677 rental assistance applications for Hayward totaling nearly \$33 million
 - 223 applications have been approved to date disbursing \$3.7 million

Foreclosures Public Records

Stage of Foreclosure	NO.
Pre-foreclosure	6
Schedule for Auction	10
Real Estate Owned by Lender (REO)	6
Total	22

Foreclosure

United States Census Bureau Household Pulse Survey
San Francisco-Oakland-Berkeley Metro Area

	Total	Income under \$75,000	Income over \$75,000
Caught up on mortgage payments	92%	94%	95%
Concerned about paying next month's payment	4%	8%	2%
Delinquent on mortgage and likely to leave in the next two months due to foreclosure	3%	15%	2%

What the data tells us:

- 8% of households surveyed in the metro area still behind on their mortgage
- A low percentage of homeowners are at risk of foreclosure
- Lower income households are more impacted, but not at the same rate as low-income renters

Foreclosure Protections

- Forbearance required on federally backed single-family mortgages but forbearance periods coming to an end.
- City has funded a contract with A-1 Community Housing Services to provide foreclosure prevention counseling.
- City is developing a program to provide financial assistance loans to low-income homeowners that cannot otherwise address COVID related mortgage delinquency. Implementation underway:
 - RFP was issued August 19, 2021
 - Select consultant by October 4, 2021
 - Request Council Approval October 19, 2021

Supporting the Community

- Increasing outreach to the community to ensure community residents are aware of existing protections and support programs.
 - Know your rights postcard
 - Landlord Right and Responsibility Mailing
 - Attend Community Events
 - Continue to hold workshops about rental housing
 - Expand list of community partners
- Promote Alameda County Rental Assistance Program
- Provide mediation services for tenants and landlords that do not qualify for rental assistance.

Supporting the Community

- Promote foreclosure counseling
- Implement financial assistance program for low-income homeowners
- Leverage technical assistance from the Eviction Prevention Learning lab to improve eviction prevention strategies

Questions and Discussion

