

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD  
AUTHORIZING THE CITY TO BECOME A MEMBER OF THE CALIFORNIA  
COMMUNITY HOUSING AGENCY (“CALCHA”); SUPPORTING CALCHA’S  
ISSUANCE OF TAX-EXEMPT BONDS FOR THE PRODUCTION, PRESERVATION  
AND PROTECTION OF ESSENTIAL MIDDLE-INCOME RENTAL HOUSING; AND  
AUTHORIZING THE CITY MANAGER TO ENTER INTO PURCHASE OPTION  
AGREEMENTS WITH CALCHA FOR ESSENTIAL MIDDLE-INCOME RENTAL  
HOUSING CREATED WITHIN CITY LIMITS

WHEREAS, one of the primary goals of the City of Hayward (the “City”) is to meet the growing housing needs of its residents by actively supporting the production, preservation and protection of market-rate and affordable rental housing for all; and

WHEREAS, no existing federal, state or local subsidies, programs or motivations currently exist to meaningfully address the growing shortfall of protected middle-income rental housing; and

WHEREAS, CalCHA is a Joint Powers Authority created specifically to produce, preserve and protect quality affordable rental housing made available to California’s essential middle-income workforce; and

WHEREAS, CalCHA intends to develop rental housing or acquire existing rental properties within City limits and restrict future occupancy to middle-income households earning no more than 120% of area median income; and

WHEREAS, CalCHA will avoid the displacement of existing residents, implement regulatory agreements restricting the incomes and rents of future residents, and impose caps on the annual rent increases of qualified middle-income households; and

WHEREAS, CalCHA will finance its acquisitions through the issuance of tax-exempt bonds, and in order for CalCHA to issue tax-exempt bonds in Hayward, the City must be an Additional Member of CalCHA; and

WHEREAS, the City proposes to become an Additional Member of CalCHA pursuant to Section 12 of the Joint Exercise of Powers Agreement Relating to the California Community Housing Agency; and

WHEREAS, subsequent to becoming a member of CalCHA, any existing rental housing within City limits which CalCHA intends to acquire and finance with tax-exempt bonds must receive support and approval from the City; and

WHEREAS the City proposes to support and approve CalCHA's issuance of tax-exempt bonds for the acquisition of existing rental properties as a means towards the preservation and protection of essential middle-income rental housing within City limits; and

WHEREAS, CalCHA's issuance of tax-exempt bonds will provide public benefit through the production, preservation and protection of below-market-rate rental housing, as well as the granting of all surplus project revenues to the City; and

WHEREAS, pursuant to one or more purchase option agreements (the "Purchase Option Agreements"), between CalCHA and the City, CalCHA will grant the City the option, but never the obligation, to purchase each essential middle-income rental housing property commencing on the date fifteen (15) years after CalCHA's acquisition of such property; and

WHEREAS, the City Manager will evaluate the location of the properties to promote equitable access to affordable housing and community amenities; and

WHEREAS, the Purchase Option Agreements will additionally provide the City with any surplus project revenues from each essential middle-income rental housing property at the time the City exercises its option or declines to purchase the property; and

WHEREAS, the City will maintain the option to exercise such Purchase Option Agreements for a period of fourteen (14) years following the commencement dates of the Purchase Option Agreements for each essential middle-income rental housing property; and

WHEREAS, prior to exercising the option under Purchase Option Agreements, Council will consider options to acquire the property, assign the City's option including transfer of ownership to tenants, or decline the option to purchase and determine use of any surplus revenues; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby authorizes the City to become a member of CalCHA and authorizes the City Manager to execute the Joint Exercise of Powers Agreement Relating to the California Community Housing Agency, subject to approval as to form by the City Attorney.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby supports and approves CalCHA's issuance of tax-exempt bonds as a means towards the production, preservation and protection of essential middle-income rental housing within City limits.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to enter into Purchase Option Agreements , consistent with this resolution and its basic purpose, with CalCHA over the next five (5) years for no more than four (4) properties totaling no more than 1,000 units for essential middle-income housing created within City limits, excluding projects that received their certificate of occupancy after 2019, subject to approval as to form by the City Attorney.

BE IT FURTHER RESOLVED that prior to entering into a Purchase Option Agreement, the City Manager will ensure that the Regulatory Agreement for each property contains language allowing over-income tenants to remain housed at the property and prohibits FPI Property Management from managing the property.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward