

# LOMA LINDA HOUSING AUTHORITY

## AGENDA

### REGULAR MEETING OF NOVEMBER 13, 2012

A regular meeting of the Housing Authority of the City of Loma Linda is scheduled to be held at 7:00 p.m. or as soon thereafter as possible, Tuesday, November 13, 2012 in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Reports and Documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours. The Loma Linda Branch Library is also provided an agenda packet for your convenience. The agenda and reports are also located on the City's Website at [www.lomalinda-ca.gov](http://www.lomalinda-ca.gov).

*Materials related to an item on this Agenda submitted to the Housing Authority Board after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 25541 Barton Road, Loma Linda, CA during normal business hours. Such documents are also available on the City's website at [www.lomalinda-ca.gov](http://www.lomalinda-ca.gov) subject to staff's ability to post the documents before the meeting.*

Persons wishing to speak on an agenda item are asked to complete an information card and present it to the City Clerk prior to consideration of the item. When the item is to be considered, please step forward to the podium, the Chair will recognize you and you may offer your comments. The Housing Authority meeting is recorded to assist in the preparation of the Minutes, and you are therefore asked to give your name and address prior to offering testimony.

The Oral Reports/Public Participation portion of the agenda pertains to items NOT on the agenda and is limited to 30 minutes; 3 minutes allotted for each speaker. Pursuant to the Brown Act, no action may be taken by the Housing Authority at this time; however, the Housing Authority Board may refer your comments/concerns to staff or request that the item be placed on a future agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (909) 799-2819. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Later requests will be accommodated to the extent feasible.

**A. Call To Order**

**B. Roll Call**

**C. Items To Be Added Or Deleted**

**D. Oral Reports/Public Participation - Non-Agenda Items (Limited to 30 minutes; 3 minutes allotted for each speaker)**

**D. Conflict of Interest Disclosure** - Note agenda item that may require member abstentions due to possible conflicts of interest

**E. Consent Calendar**

1. Demands Register
2. Minutes of October 9, 2012
3. Annual Report for Fiscal Year 2011-2012 [Secretary]

**F. Chair and Member Reports**

**G. Reports of Officers**

**H. Adjournment**



# City of Loma Linda Official Report

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Rhodes Rigsby, Chairman  
Ovidiu Popescu, Vice-Chairman  
Ronald Dailey, Member  
Phillip Dupper, Member  
John Lenart, Member

HOUSING AUTHORITY AGENDA: November 13, 2012  
TO: Housing Authority Members  
VIA: T. Jarb Thaipejr, Executive Director  
FROM: Pamela Byrnes-O'Camb, Secretary  
SUBJECT: Minutes of October 9, 2012

Approved/Continued/Denied By: Housing Authority Date _____
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## **RECOMMENDATION**

It is recommended that the Housing Authority Board approve the Minutes of October 9, 2012.

Loma Linda Housing Authority

Minutes

Regular Meeting of October 9, 2012

A regular meeting of the Loma Linda Housing Authority was called to order by Chairman Rigsby at 10:45 p.m., Tuesday, October 11, 2012, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Board Members Present:

Chairman Rhodes Rigsby  
Vice-Chairman Ovidiu Popescu  
Ron Dailey  
Phill Dupper  
John Lenart

Board Members Absent:

None

Others Present:

Executive Director T. Jarb Thaipejr  
General Counsel Richard E. Holdaway

**Scheduled Items**

**HA-2012-19 - Consent Calendar**

**Motion by Dupper, seconded by Popescu and unanimously carried to approve the following items:**

The Demands Register dated September 25, 2012 with commercial demands totaling \$10.27.

The Demands Register dated September 25, 2012 with commercial demands totaling \$9,416.46.

The Demands Register dated September 30, 2012 with commercial demands totaling \$300.20.

The Demands Register dated October 9, 2012 with commercial demands totaling \$15,246.32.

The Minutes of August 28 and September 11, 2012 as presented.

The meeting adjourned at 10:47 p.m.

Approved at the meeting of

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Secretary



# City of Loma Linda Official Report

Rhodes Rigsby, Chairman  
Ovidiu Popescu, Vice-Chairman  
Ronald Dailey, Member  
Phillip Dupper, Member  
John Lenart, Member

HOUSING AUTHORITY AGENDA: November 13, 2012

TO: Housing Authority  
FROM: Pamela Byrnes-O'Camb, Secretary *pho*  
VIA: T. Jarb Thaipejr, Executive Director *TJT*  
SUBJECT: Annual Report

Approved/Continued/Denied By Housing Authority Date _____
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## RECOMMENDATION

It is recommended that the Housing Authority Board receive and file the Annual Report for Fiscal Year 2011-2012.

## BACKGROUND

This report is the final annual report for the Loma Linda Redevelopment Agency and the first Annual Report for the Loma Linda Housing Authority.

All redevelopment agencies in the State of California were dissolved effective February 1, 2012 by way of ABx1 26 and the Supreme Court's decision to uphold ABx1 26. The City Council created the Loma Linda Housing Authority as the Housing Successor Entity to assume the housing assets of the former Redevelopment Agency.

There are no statutes, regulations or directives provided for Housing Successor Entity Annual Reports; however Government Code Section 34328 requires that at least once a year, the Housing Authority shall file with the clerk of the respective city or county and with the Department of Housing and Community Development a report of its activities for the preceding year. AB 1484 eliminated the requirement to file the Annual Report with the State Department of Housing and Community Development.

The Annual Report shows the winding down of the activities of the former Redevelopment Agency and includes activities of the Housing Authority through June 30, 2012. The Housing Authority, at this point in time has no revenue stream and therefore it has "maintenance" functions insofar as the Authority has maintained the Homebuyer Program to protect the long-term affordability covenants. Its budget is an operational budget only.

## ANALYSIS

Pursuant to AB 1484, the Housing Authority as the Successor Housing Entity is required to complete an annual report by October 1 and submit it to the City Clerk regarding housing activities for fiscal year 2011-2012. This report includes the winding down of the former Redevelopment Agency and the housing activities of the Housing Authority since the dissolution of the Redevelopment Agency.

## FINANCIAL IMPACT

None.

**ANNUAL REPORT  
FISCAL YEAR 2011-2012**

LOMA LINDA REDEVELOPMENT AGENCY

LOMA LINDA HOUSING AUTHORITY, AS SUCCESSOR  
HOUSING ENTITY

October 1, 2012

**MEMBERS**

**LOMA LINDA CITY COUNCIL**

**LOMA LINDA REDEVELOPMENT AGENCY  
(Now Dissolved)**

**LOMA LINDA HOUSING AUTHORITY**

**RHODES RIGSBY**

Mayor

**OVIDIU POPESCU**

Mayor Pro Tempore

Redevelopment Agency Chairman July 2010 - February 2012

**RON DAILEY**

City Council Member

Redevelopment Agency Vice Chairman July 2010 - February 2012

**PHILL DUPPER**

City Council Member

**JOHN LENART**

City Council Member

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**T. JARB THAIPEJR**

City Manager

Redevelopment Agency Executive Director through February 2012

Housing Authority Executive Director

**PAMELA BYRNES-O'CAMB**

City Clerk

Redevelopment Agency Secretary through February 2012

Housing Authority Secretary

## INTRODUCTION

This Annual Report is the final annual report for the Loma Linda Redevelopment Agency and the first Annual Report for the Loma Linda Housing Authority as the Housing Successor Entity.

On the first day of the fiscal Year, July 1, 2011, new state legislation went into effect. Two separate laws had been adopted by the State Legislature and signed by the Governor: ABx1 26 – Redevelopment Dissolution Act and ABx1 27– Alternative Voluntary Redevelopment Program Act.

ABx1 26, the Redevelopment Dissolution Act, immediately suspended and prohibited most redevelopment activities throughout the State of California and provided for the dissolution of all redevelopment agencies in California. As the result of the California Supreme Court’s decision upholding Abx1 26, the dissolution took place February 1, 2012.

Faced with dissolution of the Redevelopment Agency, the Loma Linda City Council created the Loma Linda Housing Authority pursuant to the California Health and Safety Code and designated it as the Housing Successor Entity to continue, as limited by State Law, the housing activities of the Redevelopment Agency.

There are few statutes, regulations or directives given to housing authorities detailing what is to be included in an Annual Report. There are no statutes, regulations or directives provided for Housing Successor Entity Annual Reports. Section 34328 of the Government Code outlines provisions to be incorporated in an annual report to be completed each year for housing authorities. It states:

34328. At least once a year, an authority shall file with the clerk of the respective city or county and with the Department of Housing and Community Development a report of its activities for the preceding year. This report shall contain information adequate for the city, county, or department to determine that the requirements of Section 34312.3 have been met for any activity undertaken pursuant to that section. An authority shall make either directly or through any national, regional, or state housing association or organization of which it may be a member, recommendations with reference to additional legislation or other action which it deems necessary to carry out the purposes of this chapter, to the respective legislative bodies having jurisdiction thereof.

Section 34312.3 of the Health and Safety Code, referenced above, states that a housing authority may:

1. Issue revenue bonds for the purpose of financing the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing.
2. Make or undertake commitments to make construction loans and mortgage loans to finance the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing.

3. Purchase or undertake, directly or indirectly through lending institutions, commitments to purchase, construction loans, and mortgage loans originated in accordance with a financing agreement with the authority to finance the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing or make loans to lending institutions under terms and conditions which, in addition to other provisions determined by the authority, shall require the lending institutions to use the net proceeds of the loans for the making, directly or indirectly, of construction loans or mortgage loans to finance the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing.
4. Develop, rehabilitate, or finance housing projects or participate in the development, rehabilitation, or financing of housing projects; or purchase, sell, lease, own, operate, or manage housing projects.
5. Convey surplus lands it acquires from another public agency to a nonprofit or private developer for development of single-family homes

The text of Section 34312.3 is included in Attachment A.

A representative of the Loma Linda Housing Authority contacted the State Department of Housing and Community Development to obtain direction concerning the requirements for preparing the annual report. In an email received by the Housing Authority's consultants, Community Advisors, Inc., Mario Angel of the Division of Housing Policy Development of the California Department of Housing and Community Development stated:

It is suggested that housing authorities submit a report of their activities based on the statutory provisions contained in Health and Safety Code sections 34312.3, 34312.4, and 34312.5.

- (1) HCD last produced a statewide report in 1991 and thereafter stopped requesting annual data from housing authorities (via a questionnaire).
- (2) Most housing authorities stopped reporting data to HCD many years ago.
- (3) The Housing Policy Division (HPD) has not had the necessary resources to create reporting forms and/or a database system to annually collect and report information from Housing Authorities.
- (4) The Department is not aware of any housing authority being penalized for not filing an annual report with HCD.

A copy of this email is attached in Attachment B.

The Department's comments notwithstanding, this Annual Report is being prepared pursuant to Section 34328 of the Health and Safety Code, detailing the actions of the Loma Linda Redevelopment Agency for the period of the fiscal year it was in existence, the Loma Linda City Council in its response to ABx1 126, the Redevelopment Dissolution Act, as it relates to housing activities, and the Loma Linda Housing Authority as the Housing Successor Entity.

## TIMELINE OF ACTIVITIES FISCAL YEAR 2011-2012

In order to provide a full accounting of the activities of the Loma Linda Redevelopment Agency, the Loma Linda City Council and the Loma Linda Housing Authority as Housing Successor Entity, the following timeline of actions is included.

Details of the pertinent actions are included in subsequent sections of this Annual Report.

DATE	ACTING ENTITY	ACTION
7/1/11	State	Effective date of ABx1 26 – Redevelopment Dissolution Act and ABx1 27– Alternative Voluntary Redevelopment Program Act.
7/26/11	City Council	Nonbinding Resolution of Intent to participate in the Alternative Voluntary Redevelopment Program.
8/23/11	City Council/ Redevelopment Agency	First Reading of Council Bill #O-2011-9 to allow Redevelopment Agency to continue if the City participates in the Alternative Voluntary Redevelopment Program established in Part 1.9 of Division 24 of the California Health and Safety Code (ABx1 27).
9/13/11	City Council/ Redevelopment Agency	Second Reading and Adoption of Council Bill #O-2011-9 to allow Redevelopment Agency to continue if the City participates in the Alternative Voluntary Redevelopment Program established in Part 1.9 of Division 24 of the California Health and Safety Code (ABx1 27)..
12/13/11	City Council/ Redevelopment Agency	Approval of letter to County of San Bernardino in support of potential affordable senior housing project under a Disposition and Development Agreement to be negotiated with Corporation for Better Housing (West side of Poplar Street, approximately 5.5 acres)
12/28/11	State Supreme Court	ABx1 26 upheld as constitutional. ABx1 27 found unconstitutional.
1/10/12	City Council	Activates Housing Authority
1/10/12	City Council	Designates the City as the successor agency of the Redevelopment Agency and designates Housing Authority of Loma Linda as entity to receive transfer of Redevelopment Agency housing assets
5/8/12	City Council/ Housing Authority	Approved a DDA (Disposition Development Agreement) between the Loma Linda Housing Authority and 10846 Poplar Street L.P. pertaining to a disposition by lease and development of 50 very-low and low-income senior rental units on approximately 2.5 acres on the west side of Poplar Street north of Van Leuven Street and south of San Timoteo Creek

<b>DATE</b>	<b>ACTING ENTITY</b>	<b>ACTION</b>
5/22/12	City Council	Approved the issuance by the City of conduit, multi-family housing bonds to finance the construction and development of 50 senior rental units known as Loma Linda Terrace located at 10846 Poplar Street
5/22/12	City Council/ Housing Authority	Approved the sale of property and approved Housing Disposition Agreement between Alpen and Dewi Sagala and the City/Housing Authority regarding 25368 Durango Loop
5/22/12	City Council/ Housing Authority	Approved the sale of property and approved Housing Disposition Agreement between Yossimar and Blanca Pineda and the City/Housing Authority regarding 25458 Sonora Loop
6/12/12	City Council/ Housing Authority	Approved the sale of property and approved Housing Disposition Agreement between Robin Escobar and Mark Boyer and the City/Housing Authority regarding 25530 Portola Loop
6/12/12	City Council/ Housing Authority	Approved the sale of property and approved Housing Disposition Agreement between Jesus A. & Maria A. Leyva and the City/Housing Authority regarding 24966 Court Street

**REDEVELOPMENT AGENCY/HOUSING AUTHORITY  
PROPERTY OWNER PROGRAMS**

In previous years and prior to ceasing activities under ABx1 26 and its subsequent dissolution, the Loma Linda Redevelopment Agency from time to time provided seven (7) programs of direct assistance to low to moderate income property owners. These programs have continued under the Loma Linda Housing Authority, as Housing Successor Agency to the Loma Linda Redevelopment Agency.

Because of the uncertainty of the Redevelopment Agency's ability to undertake activities through the first half of the fiscal year (July 1 through December 28, 2011) and the subsequent organizing activities of the Housing Authority after its creation and designation as the Redevelopment Agency's Housing Successor Agency, activity in these programs was negligible during Fiscal Year 2011-12.

Given the dissolution of redevelopment agencies and the absence of an alternative funding source, it is not anticipated that the Housing authority will continue these programs for the foreseeable future.

The following summarizes the activities of these programs:

<b>PROGRAM</b>	<b>ADDRESS ASSISTED</b>	<b>AMOUNT OF ASSISTANCE</b>
Dumpster	25577 Cottonwood	\$418.80
	25520 State Street	\$844.74
Mobile Home Grant	24414 University Ave #143	\$1,855.60
	25526 Redlands Blvd #130	\$2,366.00
	26397 Redlands Blvd #24	\$4705.00
Loan to Grant	11605 Cielo Lane	\$300.00
Major Loan	None	\$0.00
Exterior Paint	None	\$0.00
Smoke Detector program	None	\$0.00
Carbon Monoxide Detector Program	None	\$0.00

**REDEVELOPMENT AGENCY/HOUSING AUTHORITY  
OWNER OCCUPANCY PROGRAM**

Prior to its dissolution, the Redevelopment Agency provided single-family residential units it owned to low-to-moderate income property owners, providing the financing to them through Housing Disposition Agreements; under this program, 42 dwelling units were developed which are restricted by long-term affordability covenants to low income households at affordable housing cots. Subsequent to the dissolution of the Redevelopment Agency, the Housing Authority, as Housing Successor Agency, became the owner of these assets and continued the program. Each of these incorporated long-term affordability covenants into the Agreements and recorded the covenants to maintain their affordability for low-to-moderate income households.

The following Housing Disposition Agreements were approved during Fiscal Year 2011-12. All were approved by the Housing Authority with concurrence from the City Council.

<b>DATE APPROVED</b>	<b>ADDRESS</b>	<b>BUYER</b>
5/22/12	25368 Durango Loop	Alpen and Dewi Sagala
5/22/12	25458 Sonora Loop	Yossimar and Blanca Pineda
6/12/12	25530 Portola Loop	Robin Escobar and Mark Boyer
6/12/12	24966 Court Street	Jesus A. & Maria A. Leyva

**REDEVELOPMENT AGENCY/HOUSING AUTHORITY  
NEW CONSTRUCTION PROGRAM**

Prior to its dissolution, the City Council and Redevelopment Agency provided financial assistance to developers to encourage and cause the construction and development of low-to-moderate income housing units. After the dissolution of the Redevelopment Agency, this program was continued by the City Council and the Housing Authority, as Housing Successor Agency to the Redevelopment Agency.

During Fiscal Year 2011-12, three (3) actions were taken pursuant to this program. These actions were:

<b>ACTING ENTITY</b>	<b>DATE</b>	<b>ACTION</b>
City Council/ Redevelopment Agency	12/13/11	Approval of letter to County of San Bernardino in support of potential affordable senior housing project under a Disposition and Development Agreement to be negotiated with Corporation for Better Housing (West side of Poplar Street, approximately 5.5 acres)
City Council/ Housing Authority	5/8/12	Approved a DDA (Disposition Development Agreement) between the Loma Linda Housing Authority and 10846 Poplar Street L.P. pertaining to a disposition by lease and development of 50 very-low and low-income senior rental units on approximately 2.5 acres on the west side of Poplar Street north of Van Leuven Street and south of San Timoteo Creek
City Council	5/22/12	Approved the issuance by the City of bonds to finance the construction and development of 49 senior rental units restricted to low income and very low income households at affordable rent, plus one manager's unit, known as Loma Linda Terrace located at 10846 Poplar Street

**REDEVELOPMENT AGENCY/HOUSING AUTHORITY  
OWNER OCCUPIED COVENANT INVENTORY**

Prior to its dissolution, the Redevelopment Agency obtained long-term affordability covenants for low income owner-occupied units. These covenants were recorded to ensure the units would continue as low-to-moderate income units for the original owners as well as subsequent owners.

With the dissolution of the Redevelopment Agency, the Housing Authority, as Housing Successor Entity, became the beneficiary of these covenants.

The inventory of owner-occupied covenants as of June 30, 2012 can be found in Attachment C.

## **REDEVELOPMENT AGENCY/HOUSING AUTHORITY RENTER COVENANT INVENTORY**

Prior to its dissolution, the Redevelopment Agency obtained long-term affordability covenants for very low income and low income households at affordable rent. These covenants were recorded to ensure the units would continue as income-restricted and rent restricted units for the renters as well as subsequent renters.

With the dissolution of the Redevelopment Agency, the Housing Authority, as Housing Successor Entity, became the beneficiary of these covenants.

The inventory of renter-occupied covenants as of June 30, 2012 can be found in Attachment D.

## **ATTACHMENT A**

### **SECTION 34312.3 CALIFORNIA HEALTH AND SAFETY CODE**

34312.3. (a) Subject to the requirements of this section and of Article 5 (commencing with Section 34350), an authority may do any of the following:

- (1) Issue revenue bonds for the purpose of financing the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing.
- (2) Make or undertake commitments to make construction loans and mortgage loans to finance the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing.
- (3) Purchase or undertake, directly or indirectly through lending institutions, commitments to purchase, construction loans, and mortgage loans originated in accordance with a financing agreement with the authority to finance the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing or make loans to lending institutions under terms and conditions which, in addition to other provisions determined by the authority, shall require the lending institutions to use the net proceeds of the loans for the making, directly or indirectly, of construction loans or mortgage loans to finance the acquisition, construction, rehabilitation, refinancing, or development of multifamily rental housing.

(b) An authority may develop, rehabilitate, or finance housing projects or participate in the development, rehabilitation, or financing of housing projects; or purchase, sell, lease, own, operate, or manage housing projects so assisted, subject to all of the requirements of this section.

So long as the proceeds of any sale, lease, or other disposition of real property, net of the cost of sale, are to be used directly to assist a housing project pursuant to this section for persons of low income, and the funds in any trust fund established pursuant to subdivision (f) are used directly to assist housing units for persons of very low income, an authority may, after a public hearing, sell, lease, or otherwise dispose of the real property without complying with any provision of law concerning disposition of surplus property, including, but not limited to, Sections 34315.5 and 34315.7.

An authority may convey surplus lands it acquires from another public agency to a nonprofit or private developer for development of single-family homes where the development will provide for home ownership for persons and families of low or moderate income, as defined in Section 50093. This conveyance shall be after a public hearing. With the exception of subdivisions (b), (c), and (d) of Section 34315.7, the conveyance need not comply with any law concerning the disposition of surplus properties, including, but not limited to, Section 34315.5 or subdivision (a) of Section 34315.7. The proceeds of any sale or other disposition of surplus land, net of the cost

of sale, shall be used to assist a housing project pursuant to this section for persons of low income.

(c) (1) (A) Not less than 20 percent of all units in housing projects assisted by an authority pursuant to this section shall be available for occupancy on a priority basis to persons of low income. In the case of housing projects located within a targeted area, as defined by Section 103(b)(12)(A) of Title 26 of the United States Code, not less than 15 percent of all units in those housing projects assisted pursuant to this section shall be for occupancy on a priority basis by persons of low income.

(B) If the sponsor elects to establish a base rent for units reserved for lower income households, the base rents shall be adjusted for household size, as determined pursuant to Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f), or its successor, for a family of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, and five persons in the case of a four-bedroom unit.

(2) (A) Not less than one-half of the units required to be available for occupancy pursuant to paragraph (1) and financed with any bonds issued on or after January 1, 1986, shall be occupied by, or made available to, very low income households, as defined by Section 50105.

(B) The rental payments for those units paid by the persons occupying the units (excluding any supplemental rental assistance from the state, the federal government, or any other public agency to those persons or on behalf of those units) shall not exceed the amount derived by multiplying 30 percent times 50 percent of the median adjusted gross income for the area, adjusted for family size, as determined pursuant to Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f), or its successor, for a family of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, and five persons in the case of a four-bedroom unit.

(3) Any indebtedness incurred pursuant to a mortgage loan financed under the terms of this chapter shall be subject to acceleration and the balance owing declared immediately due and payable upon any sale of an owner-occupied residence to a purchaser who does not meet the required qualifications for borrowers as established by the authority.

(4) The authority shall require the owners of housing projects assisted pursuant to this section to accept as tenants, on the same basis as all other prospective tenants, in the units reserved for very low income households, any very low income households who are recipients of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937 (42 U.S.C. Sec. 1437f), or its successor. The authority shall not permit a selection criteria to be applied to Section 8 certificate holders that is any more burdensome than the criteria applied to all other prospective tenants.

(5) No resident in housing units assisted pursuant to this section shall be denied continued occupancy or ownership because, after admission, the resident's family income increases to

exceed the eligibility level. However, the authority shall ensure that percentage requirements of this section shall continue to be met by providing the next available unit or units to persons of low income or by taking other actions to satisfy the percentage requirements of this section.

(6) In determining whether the percentage requirements of subdivision (c) have been achieved, the following terms and conditions shall be applied:

(A) The requirement that 20 percent or 15 percent, as the case may be, of the housing units assisted by an authority pursuant to this section shall be available on a priority basis to, or occupied by, households whose adjusted gross income does not exceed the applicable limits prescribed by subdivision (c) shall apply to the aggregate number of units assisted by an authority pursuant to this section.

(B) This section applies only to housing units first assisted after January 1, 1983, and the percentage requirements of subdivision (c) shall be complied with by January 1, 1986, and on January 1 of each even-numbered year thereafter.

(C) The percentage requirements of subdivision (c) shall be achieved within each of the following categories: (1) rental housing developments; (2) homeownership developments; and (3) rehabilitation financing. Housing units provided by rehabilitation financing shall not be counted within either of the first two categories.

(d) Units required to be reserved for occupancy by subdivision (c) and financed with the proceeds of bonds issued on or after January 1, 1986, shall remain occupied by, or made available to, those persons until the bonds are retired.

(e) Multifamily rental housing financed pursuant to this section shall not be subject to the requirements of subparagraph (B) of paragraph (1) and paragraph (2) of subdivision (c), and the requirements of subdivision (d), if all of the following requirements are fulfilled:

(1) The housing authority offers each tenant a homeownership opportunity when the bonds are retired.

(2) A special trust fund or account which is funded with bond issuance proceeds or developer contributions, or both, is established no later than the time that the multifamily rental housing is first occupied. The initial funding of the account shall be no less than 5 percent of the face value of the bonds issued for the multifamily rental housing project. Upon repayment of the bonds, these funds, and all interest accruing thereon, less any amounts necessary to pay outstanding claims, shall be used to assist housing units for persons of very low income.

(3) The requirements of subparagraph (A) of paragraph (1) and subparagraph (A) of paragraph (2) of subdivision (c) shall remain in effect for the periods required by Section 103(b)(12)(B) of Title 26 of the United States Code.

(f) It is the intent of the Legislature, and the Legislature declares, that housing authorities are the local entities with primary responsibility for providing housing for low-income and very low

income households within their jurisdictions. However, recognizing that housing projects only for low-income households cannot be adequately assisted or developed with currently available funds, and that excess funds from housing projects assisted pursuant to this section can be utilized to further assist in the provision of housing for lower income households, it is the intent of the Legislature that the authorization of this section is to be used to enhance and supplement the traditional housing authority role of providing housing only for low-income households.

## ATTACHMENT B

### TEXT OF EMAIL RECEIVED FROM MARIO ANGEL, DIVISION OF HOUSING POLICY DEVELOPMENT CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

From: Mario Angel <MANGEL@hcd.ca.gov>  
To: 'comadvis000@aol.com' <comadvis000@aol.com>  
Subject: Comment Record #36780 Housing Authorities  
Date: Tue, Aug 7, 2012 3:21 pm

Thank you for your inquiry on housing authority annual reporting requirement. The Department does not have forms or format for housing activity reports. The statutory provisions of Health and Safety Code pertaining to reporting requirements are contained in sections 34328, 34328.1.

Health and Safety Code sections 34312.3, 34312.4, and 34312.5 notes the activities a housing authority may do.

It is suggested that housing authorities submit a report of their activities based on the statutory provisions contained in Health and Safety Code sections 34312.3, 34312.4, and 34312.5.

- (1) HCD last produced a statewide report in 1991 and thereafter stopped requesting annual data from housing authorities (via a questionnaire).
- (2) Most housing authorities stopped reporting data to HCD many years ago.
- (3) The Housing Policy Division (HPD) has not had the necessary resources to create reporting forms and/or a database system to annually collect and report information from Housing Authorities.
- (4) The Department is not aware of any Housing Authority being penalized for not filing an annual report with HCD.

Health & Safety Code (excerpts): Housing Authority reporting

34328. At least once a year, an authority shall file with the clerk of the respective city or county and with the Department of Housing and Community Development a report of its activities for the preceding year. This report shall contain information adequate for the city, county, or department to determine that the requirements of Section 34312.3 have been met for any activity undertaken pursuant to that section. An authority shall make either directly or through any national, regional, or state housing association or organization of which it may be a member, recommendations with reference to additional legislation or other action which it deems necessary to carry out the purposes of this chapter, to the respective legislative bodies having jurisdiction thereof.

34328.1. (a) Every housing authority shall file on the first day of October of each year with the Department of Housing and Community Development a complete report of its activities during the previous fiscal year, with recommendations for needed legislation to carry on properly a program of housing and community development in this state.

(b) The authority shall provide the Department of Housing and Community Development funds as requested by the department to reimburse the department for the cost of processing the report required by this section.

Mario Angel  
Division of Housing Policy Development  
California Department of Housing and Community Development  
1800 3rd Street  
P.O. Box 952053  
Sacramento CA 94252-2053  
(916) 445-3485  
FAX (916) 327-2643

**ATTACHMENT C  
OWNER OCCUPIED COVENANT INVENTORY**

STREET	NUMBER	TOTAL UNITS	NUMBER OF SUBSIDIZED UNITS BY BEDROOM SIZE												DATE OF RECORDATION OF COVENANTS	EXPIRATION DATE OF COVENANT
			1 BDRM			2 BDRMS			3 BDRMS			4+ BDRMS				
			VERY LOW	LOW	MOD	VERY LOW	LOW	MOD	VERY LOW	LOW	MOD	VERY LOW	LOW	MOD		
Cabrillo Loop	10914	1								x					6/6/2002	6/6/2032
Cabrillo Loop	10916	1								x					6/4/2002	6/4/2032
Cabrillo Loop	10918	1								x					6/7/2002	6/7/2032
Cabrillo Loop	10926	1								x					5/29/2002	5/29/2032
Cabrillo Loop	10934	1								x					5/30/2002	5/30/2032
Cabrillo Loop	10934	1								x					8/27/2010	8/27/2055
Cabrillo Loop	10938	1								x					7/9/2002	7/9/2032
Cabrillo Loop	10938	1								x					5/22/2008	5/22/2053
Cabrillo Loop	10942	1								x					7/8/2002	7/8/2032
Cabrillo Loop	10942	1								x					10/2/2009	10/2/2054
Cabrillo Loop	10946	1								x					6/11/2002	6/11/2032
Cabrillo Loop	10946	1								x					2/15/2007	2/15/2052
Cabrillo Loop	10958	1					x								8/14/2001	8/14/2031
Cabrillo Loop	10958	1					x								11/2/2005	11/2/2050
Court Street	24966	1								x					1/29/2007	1/29/2052
Durango Loop	25368	1								x					4/29/2002	4/29/2032
Durango Loop	25370	1								x					4/26/2002	4/26/2032
Durango Loop	25372	1								x					4/19/2002	4/19/2032

NUMBER OF SUBSIDIZED UNITS BY BEDROOM SIZE															
			1 BDRM		2 BDRMS			3 BDRMS			4+ BDRMS				
Durango Loop	25384	1								x				4/25/2002	4/25/2032
Durango Loop	25384	1								x				7/1/2011	7/1/2056
Durango Loop	25388	1								x				4/19/2002	4/19/2032
Durango Loop	25388	1								x				1/15/2010	1/15/2055
Durango Loop	25392	1								x				4/19/2002	4/19/2032
Durango Loop	25392	1								x				2/5/2009	2/5/2054
Durango Loop	25396	1								x				4/26/2002	4/26/2032
Durango Loop	25400	1								x				4/25/2002	4/25/2032
Durango Loop	25400	1								x				4/25/2004	4/25/2032
Durango Loop	25408	1								x				4/19/2002	4/19/2032
Durango Loop	25408	1								x				10/28/2005	10/28/2050
Durango Loop	25412	1								x				4/29/2002	4/29/2032
Durango Loop	25414	1								x				4/26/2002	4/26/2032
Durango Loop	25416	1								x				6/6/2002	6/6/2032
Lind Avenue	10599	1								x				12/7/2006	12/7/2052
Lind Avenue	10605	1								x				3/29/2007	3/29/2052
Lind Avenue	10655	1								x				6/6/2008	6/6/2053
Portola Loop	25502	1								x				3/21/2001	3/21/2031
Portola Loop	25502	1								x				12/1/2006	12/1/2041
Portola Loop	25518	1								x				3/8/2001	3/8/2031
Portola Loop	25526	1								x				3/21/2001	3/21/2031
Portola Loop	25530	1					x							3/8/2001	3/8/2032

NUMBER OF SUBSIDIZED UNITS BY BEDROOM SIZE														
			1 BDRM			2 BDRMS			3 BDRMS			4+ BDRMS		
Portola Loop	25546	1				x							6/5/2001	6/5/2031
Portola Loop	25546	1				x							1/6/2005	1/6/2050
Prospect Avenue	25575	1				x							5/30/2001	5/30/2031
Prospect Avenue	25575	1				x							8/1/2005	8/1/2050
Prospect Avenue	25577	1				x							5/9/2001	5/9/2031
Prospect Avenue	25581	1				x							5/9/2001	5/9/2031
Prospect Avenue	25613	1				x							1/31/2002	1/31/2032
Prospect Avenue	25615	1				x							11/30/2001	11/30/2031
Prospect Avenue	25615	1				x							2/11/2005	2/11/2050
Prospect Avenue	25615	1				x							2/15/2007	2/15/2052
Prospect Avenue	25637	1				x							4/8/2002	4/8/2032
Prospect Avenue	25639	1				x							3/12/2002	3/12/2032
Prospect Avenue	25639	1				x							7/1/2009	7/1/2054
Sonora Loop	25430	1							x				4/8/2002	4/8/2032
Sonora Loop	25434	1							x				4/26/2002	4/26/2032
Sonora Loop	25438	1							x				4/8/2002	4/8/2032
Sonora Loop	25450	1							x				3/29/2002	3/29/2032
Sonora Loop	25450	1							x				1/3/2011	1/3/2056
Sonora Loop	25454	1							x				3/9/2002	3/9/2032
Sonora Loop	25454	1							x				10/22/2009	10/22/2054
Sonora Loop	25458	1							x				3/29/2002	3/29/2032
Sonora Loop	25458	1							x				12/24/2007	12/24/2052

NUMBER OF SUBSIDIZED UNITS BY BEDROOM SIZE																
			1 BDRM			2 BDRMS			3 BDRMS			4+ BDRMS				
Sonora Loop	25470	1								x					4/8/2002	4/8/2032
Sonora Loop	25474	1								x					3/29/2002	3/29/2032
Sonora Loop	25474	1								x					7/1/2009	7/1/2054
Sonora Loop	25478	1								x					4/8/2002	4/8/2032
Sonora Loop	25478	1								x					5/19/2009	5/19/2054
Van Leuven Street	25256	1					x								10/31/2001	10/31/2031
Van Leuven Street	25564	1								x					6/6/2008	6/6/2053

**ATTACHMENT D  
RENTER OCCUPIED COVENANT INVENTORY**

NUMBER OF SUBSIDIZED UNITS BY BEDROOM SIZE																
STREET	NUMBER	TOTAL UNITS	1BDRM			2 BDRMS			3 BDRMS			4+ BDRMS			DATE OF RECORDATION OF COVENANTS	EXPIRATION DATE OF COVENANT
			VERY LOW	LOW	MOD											
Poplar	10777	44	5	1		17	3		10	1		6			10/2/2008	10/2/2100
Poplar	10799	120				36	24		36	23					12/8/2009	12/8/2074
Cole Street	25421	24				17	3	4							5/30/2008	5/30/2068
Poplar Street	10875	4				4									11/14/2008	11/14/2068