

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Jacky Morales-Ferrand  
Julia H. Cooper

**SUBJECT:** SEE BELOW

**DATE:** November 28, 2016

Approved

D. D. SyL

Date

12/2/16

## INFORMATION

**SUBJECT: REPORT ON ACTIVITIES UNDERTAKEN BY THE DIRECTOR OF HOUSING AND THE DIRECTOR OF FINANCE UNDER THE DELEGATION OF AUTHORITY ORDINANCE FOR THE PERIOD OF JULY 1, 2016 THROUGH SEPTEMBER 30, 2016**

### EXECUTIVE SUMMARY

This memorandum details actions taken under the delegation of authority to the Director of Housing and the Director of Finance for the first quarter of FY 2016-17 (July 1, 2016 through September 30, 2016). During this reporting period, the Director of Housing approved the modification of terms for two miscellaneous actions pertaining to multifamily projects. These transactions are listed in Attachment A.

In addition, the Director of Housing approved eight homebuyer loans totaling \$240,000. The Director of Housing did not approve any Housing Trust Fund grants or rehabilitation loans during this quarter. The Director of Finance did not hold any TEFRA hearings during this period. These activities are summarized in Attachment B.

### BACKGROUND

On September 4, 1990, the City Council adopted Ordinance No. 23589, which delegated to the Director of Housing certain specified authorities in the administration of the City's comprehensive affordable housing program (the "Delegation of Authority" or "DOA"). On May 23, 2000, the DOA was amended by Ordinance No. 26127 to clarify certain sections and to add several other provisions. On June 25, 2002, the DOA was further amended by Ordinance No. 26657 to add several provisions delegating additional authority to the Director of Housing, the Director of Finance, and the City Manager. Subsequently, the City Manager delegated to the Director of Housing the contract authority granted to the City Manager. Effective July 26, 2007, the DOA was further amended by Ordinance No. 28067 to modify certain provisions in order to streamline the Housing Department's process of making and adjusting loans and grants.

The DOA is codified in Chapter 5.06 of the Municipal Code. This memorandum reports on activities undertaken pursuant to the Administration's delegated authority for the period of July 1, 2016 through September 30, 2016.

### **ANALYSIS**

The DOA authorizes the Director of Housing: to develop and implement additional guidelines for housing programs; to adjust terms on housing loans and grants; to change the funding sources of a loan; to convert loans to grants; to loan or to grant Housing and Homeless funds, Predevelopment funds, and Housing Rehabilitation Program funds; to negotiate and to execute grant agreements necessary to implement Council-approved programs adopted in the Annual Action Plan of the Consolidated Plan; to provide management for, and/or dispose of, properties acquired through direct purchase, foreclosure or deed-in-lieu proceedings; to formalize the City Council's policies and procedures regarding housing loan defaults; to apply for federal or State funding; to determine, within defined parameters, various terms and conditions of loans and grants previously approved by the City Council; to make adjustments, within defined parameters, to loans and grants previously approved by the City Council; and to make other technical changes.

Further, the DOA delegates jointly to the Director of Housing and Director of Finance certain authority related to the City's issuance of tax-exempt, private activity bonds to finance the development of affordable housing projects. The DOA also delegates to the Director of Finance the authority to hold Tax Equity and Fiscal Responsibility Act (TEFRA) hearings on the City's proposed issuance of tax-exempt bonds to finance affordable housing projects.

Attached are charts that detail the actions taken under the DOA during the period of July 1, 2016 through September 30, 2016.

### **COORDINATION**

Preparation of this report has been coordinated with the Office of the City Attorney.

/s/  
JULIA H. COOPER  
Director of Finance

/s/  
JACKY MORALES-FERRAND  
Director of Housing

For more information, contact Jacky Morales-Ferrand, Director of Housing, at (408) 535-3855.

Attachments A & B

ATTACHMENT A

ACTIONS TAKEN BY THE DIRECTOR OF HOUSING  
1st Quarter 2016 – 2017 (Jul. – Sep. 2016)

#	Date	Action	Muni Code Citation
1	8/10/16	Approved the following business terms to an affiliate of Charities Housing for The Met South Apartments for a predevelopment loan in the amount of \$500,000.: <ul style="list-style-type: none"><li>• Simple interest rate of 4%</li><li>• A repayment guarantee from Charities Housing</li><li>• All principal and interest due in 36 months</li></ul>	5.06.335
2	9/6/16	Approved specific business terms for a conditional grant in the amount of \$3,017,000 to Housing for Independent People (HIP) for the Vermont House rehabilitation. The property consists of 17 bedrooms for rehabilitation. Sixteen (16) units will be leased to homeless veterans holding conditional VASH vouchers through the Housing Authority of Santa Clara County.	5.06.335

**ATTACHMENT B**

**ACTIONS TAKEN BY THE DIRECTOR OF HOUSING  
1st Quarter 2016 – 2017 (Jul. – Sep. 2016)**

***Single Family Rehabilitation and Improvement Loans and Grants approved by the Director of Housing***

There were no Rehabilitation Loans or Grants approved by the Director of Housing during this quarter.

***Homebuyer Loans approved by the Director of Housing***

<b>HOMEBUYER LOANS</b>	<b>NUMBER</b>	<b>AMOUNT</b>
BEGIN – Loan Program	8	\$240,000
Neighborhood Stabilization Program 2 (HOME Funds)	0	\$0
<b>TOTAL</b>	<b>8</b>	<b>\$240,000</b>

***Housing Trust Fund Grants approved by the Director of Housing***

There were no Housing Trust Fund Grants during this quarter.

***TEFRA Hearings held by the Director of Finance***

There were no TEFRA Hearings during this quarter.