

Housing and Community Development Department Measure A1 Oversight Committee

DATE 2/27/2025

TIME 10:00 A.M.

Chair: Gloria Bruce

Vice-Chair: Randi DeHollander

Committee Members:

Gloria Bruce, Randi DeHollander, David Denton, Jeffrey Dixon, Lisa Fitts,
Lynda Foster, Daniel Gregg, Jason Gumataotao,
Mimi Rohr, Nick Pilch, Donna Murphy, Janelle Cameron

Members of the Public:

Location: 224 W Winton Ave, Room 160, Hayward, CA 94544

Approved:

Summary/Action Minutes

1. Call to Order and Roll Call of Committee Members – Gloria Bruce, Chairperson, East Bay Housing Organizations

Meeting began at 10:00 a.m.

- Chairperson Bruce called the meeting to order at 10:11 a.m. and requested Ms. Hester call the roll.
- Of the 12 seated members, 7 were present at roll call.

Committee Members in Attendance

- Gloria Bruce, Chairperson
- Lynda Foster
- Jason Gumataotao
- Mimi Rohr
- Randi DeHollander, Vice Chair (Joined during Item No.2)
- Lisa Fitts
- David Denton
- Nick Pilch

Committee Members Not in Attendance:

- Jeffery Dixon
- Daniel Greg
- Donna Murphy
- Janelle Cameron

Alameda County Staff Members Participating

- Jennifer Pearce, Deputy Director, HCD
- John Lo, Housing Deputy Director, HCD
- Aaron Tiedemann, Housing Specialist, HCD
- Stefani Katz, Housing Specialist, HCD
- Toni Emmerson, Housing Specialist, HCD
- Pauline Blackwell, Housing Specialist, HCD
- Katie Alducin, Housing Specialist, HCD
- Caitlyn Gulyas, Deputy County Counsel, Office of County Counsel
- Teresa Hester, Housing Specialist, HCD

2. Review and Consider Approval of the 12/10/24 Meeting Minutes – Chair Bruce, East Bay Housing Organizations

Action Item

Discussion: Chair Bruce asked the Committee if they have any question or comments on the December 10, 2024 Minutes upon review.

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Public Comment:

- None

Mr. Pilch motioned to adopt the December 10, 2024 minutes. Ms. Foster seconded the motion.

Gloria Bruce, Chairperson	<u> X </u> yea, <u> </u> nay, <u> </u> abstain
Randi DeHollander, Vice Chair	<u> </u> yea, <u> </u> nay, <u> </u> abstain
David Denton	<u> X </u> yea, <u> </u> nay, <u> </u> abstain
Jeffery Dixon	<u> </u> yea, <u> </u> nay, <u> </u> abstain
Lisa Fitts	<u> X </u> yea, <u> </u> nay, <u> </u> abstain
Lynda Foster	<u> X </u> yea, <u> </u> nay, <u> </u> abstain
Daniel Gregg	<u> </u> yea, <u> </u> nay, <u> </u> abstain
Jason Gumataotao	<u> X </u> yea, <u> </u> nay, <u> </u> abstain
Donna Murphy	<u> </u> yea, <u> </u> nay, <u> </u> abstain
Mimi Rohr	<u> X </u> yea, <u> </u> nay, <u> </u> abstain
Nick Pilch	<u> </u> yea, <u> </u> nay, <u> X </u> abstain
Janelle Cameron	<u> </u> yea, <u> </u> nay, <u> </u> abstain

Total: 6 yea, 0 nay and 1 abstain

The motion passes

3. Low-Income Housing Tax Credit Overview – Anjanette Scott, HCD

Informational Item

Vice Chair DeHollander joined at 10:24 AM.

- Ms. Scott presented on low-income housing tax credit overview.
- Vice Chair DeHollander joined the seated Committee members.
- Discussion: Mr. Pilch asked for clarification on tax credits and funding for developers. Ms. Scott explained that developers apply for tax credits, not direct funding to finance

projects. Nonprofits often sell tax credits to companies with taxable income who can utilize them. Tax credit proceeds from the equity of the project and must be used for qualified costs. Mr. Denton asked for clarification about the regulatory restrictions and project finance. Ms. Scott responded, regulatory agreements typically last 55 years, even after the initial investor leaves. States like California can extend the IRS's 15-year restriction. Chair Bruce added that tax credit equity is a significant funding source (50-60% or more) but is usually supplemented by city, county and conventional loans. Mr. Lo added regulatory restrictions are recorded against the property with the County recorder. Mr. Denton Shared an example of which the regulatory restriction made by the local authorities did not record against the fee interest to the property but rather to the partnership. Mr. Lo explained that some HUD contracts bind the contract partner. Ms. Fitts asked for clarification why affordable housing is structured with a leasehold. Ms. Scott replied that leaseholds are used when a public entity wants to retain control of the land. They lease the property under a long-term lease (75-99 years). Mr. Pilch asked if there has ever been a problem with a lease holder unable to maintain operable and the jurisdiction that owns property takes over? Ms. Scott replies she has never witness this happen. Though she has seen properties fail that have had to go through the foreclosure process. Chair Bruce added that Nonprofit developers are more likely to maintain affordability long-term due to partnerships with public jurisdiction. Counties receive as-built financial Pro Forms showing where money was spent upon project completion. Mr. Denton asked for clarification on Auditing & Hard cost contingencies. Ms. Scott responded that the audits of construction costs are required by the state tax credit program. The cost certification is done by someone who specializes in audits of construction projects. Hard cost contingencies are funds set aside to mitigate risks in construction.

Public Comment:

- None

4. Berkeley Way- John Lo, HCD

Informational Item

Discussion: Mr. Lo presented on Berkeley Way, including the memo provided by HCD staff reviewing the contingency budget of the project. Committee members were provided the original and 1st amendment of the project loan agreement and regulatory agreement. The documents are also posted on the [HCD website](#).

- Discussion: Mr. Denton asked for better understanding about Mixed-use projects. Mr. Lo responded through covenants and restrictions in contracts and security interests specify divisions (e.g., common area maintenance). Mr. Denton asked if 3 separate projects imply 3 separate developers fees and how is it ensured that funds are being used for qualifying costs? Mr. Lo responded that best to his knowledge, yes, there would be separate developers' fees per project. And the County reviews draw for county-funded portions. Audited final cost

certification by an independent accountant. Mr. Denton then requested clarification on the Oversight Committee's duties. Chair Bruce responded

- Annually review expenditures and report to the board of supervisors whether proceeds were spent according to the ballot measure.

Mr. Denton asked how can the Committee ensure expenditures are being spent correctly? Mr. Lo answered by regular reports from HCD staff and document requests. Vice Chair DeHollander asked for clarification on how deep does the Committee have to go to ensure that affordable housing is being provided according to the ballot measure? Chair Bruce asked County Counsel for clarification on the wording as it does not seem to be specific. Ms. Gulyas responded that language is vague, giving the Committee leeway in oversight. From a legal standpoint the committee is discharging its duties sufficiently. Chair Bruce asked the County staff if any report that has been shared to the Committee has gotten feedback as not enough information? Ms. Pearce responded no instance of public or Supervisors saying annual report isn't enough. Mr. Denton asked for some information on Berkeley Way. Mr. Lo shared that Berkeley Way did have some cost savings, funds returned to the county.

Public Comments:

- None

5. Update on Alameda County HCD News- Jennifer Pearce, Deputy Director, Alameda County Community Development Agency (CDA)

Informational Item

Mr. Tiedemann presented the Just Cause Ordinance.

- Discussion: Vice Chair DeHollander asked for clarification on Single Family Home exemption. Mr. Tiedeman answered the single-family home exemption applies only to the owner of the property, not the property manager. If a single-family home is owned by an owner who owns five or more properties, it is covered under the ordinance. Mr. Denton asked for clarification on the Nonprofit exemption. Mr. Tiedemann shared that the nonprofit exemption reflects State law. Nonprofits include various housing types with special cases where just cause may not be a one-size fits all approach. Nonprofits include dormitories, churches and special needs populations. Ms. Pearce added The Board of Supervisors was disinclined to expand just cause much beyond State law apart from the single-family home exemption. Ms. Foster asked for clarification on the owner/family member move-in. Mr. Tiedemann shared that tenants evicted for a no-fault eviction in a covered unit are due 2 months of relocation assistance. This is regardless of whether the unit returns to market. The goal of the clause is to prevent abuse of just cause, so the unit must be offered to re-rent to the tenant if it comes back on the market after an owner

move-in. Mr. Pilch shared his understanding for the housing age and single-family home. Mr. Tiedemann answered that housing less than 15 years old mirrors state law. The only substantial expansion of covered units was the single-family homes owned by certain property owners. Chair Bruce shared her opinions and views in her experience about the exemption laws.

Ms. Katz presented on the Outreach and Communications RFP.

- Discussion: None

Ms. Alducin presented on the Impediments to Fair Housing.

- Discussion: Mr. Denton asked if staff has any recommendations for the County Supervisors Ms. Pearce and Ms. Alducin confirmed that HCD staff is working on this report and will be presenting it to the Board of Supervisors next month.

Public Comments: None

6. Update on Measure A1 News- Jennifer Pearce, Deputy Director, Alameda County Community Development Agency (CDA)

Informational Item

Ms. Katz provided an update on Annual Report 4.

- Discussion:

Ms. Emmerson presented on the Emerging Developer Predevelopment RFP.

- Discussion: Chair Bruce asked for clarification on innovation opportunity fund. Ms. Emmerson clarified that 7 million was available, 12 applications were received, and 11 organizations were awarded. Not all organizations received the full amount requested. The innovation opportunity fund is 7 million of the 10 million total.

Ms. Blackwell presented on the Tax-Defaulted Property RFP.

- Discussion: None

Public Comments: None

7. Future Agenda Items- Chair Bruce

Informational Item

Discussion: Chair Bruce discussed the intent of this item is for Committee members to suggest future items and request staff to bring additional detail on specific items to upcoming meetings.

- Chair Bruce added that next meeting will include an update on the Livermore apartment project. Vice Chair DeHollander reminded Committee member to send specific questions for Eden Housing Developer to Ms. Hester before the

April meeting. Mr. Denton requested an update on the controversy surrounding the Livermore project. Vice Chair DeHollander shared that the city of Livermore leveraged HUD money in the early 2000s to develop a project on that parcel for affordable housing. There is a group of people that would not like that project developed in downtown Livermore, and they have been suing and counter suing.
But the project has been approved.

Public Comments: None

8. Public Comment for Items not on Agenda – Chair Bruce Informational Item

Public Comments: None

9. Elect Chair and Vice Chair for Calendar Year 2025 – Chair Bruce, East Bay Housing Organizations

Action Item

Discussion: The Committee by-laws state the Committee chair and vice chair are elected at the first meeting of each calendar year. The role of the chair is to preside over Committee meetings, consult with HCD staff on meeting agendas and represent the Committee to the Board of Supervisors when they hear annual reports. Vice Chair provides support and fulfills duties in the absence of the Chair.

On the presentation, HCD staff has provided a summary of Chair duties and Vice Chair duties in the absence of the Chair.

- Discussion:

Public Comment: None

Ms. Foster motioned to nominate Randi DeHollander as Chair and Jason Gumataotao as Vice Chair. Ms. Fitts seconded the motion.

Gloria Bruce, Chairperson	<input checked="" type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
Randi DeHollander, Vice Chair	<input checked="" type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
David Denton	<input type="checkbox"/> yea, <input checked="" type="checkbox"/> nay, <input type="checkbox"/> abstain
Jeffery Dixon	<input type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
Lisa Fitts	<input checked="" type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
Lynda Foster	<input checked="" type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
Daniel Gregg	<input type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
Jason Gumataotao	<input checked="" type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
Donna Murphy	<input type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain
Mimi Rohr	<input checked="" type="checkbox"/> yea, <input type="checkbox"/> nay, <input type="checkbox"/> abstain

Nick Pilch
Janelle Cameron

 X yea, nay, abstain
 yea, nay, abstain

Total: 7 yea, 1 nay and 0 abstain
The motion passes

Adjournment at 11:45AM