



## INFORMATIONAL REPORT

**DATE ISSUED:** January 4, 2018

**REPORT NO:** HCR18-010

**ATTENTION:** Chair and Members of the San Diego Housing Commission  
For the Agenda of January 12, 2018

**SUBJECT:** San Diego Municipal Code Section 98.0301 Seven-Day Advance Notice Requirement  
First-Year Status Report

**COUNCIL DISTRICT:** Citywide

**NO ACTION IS REQUIRED ON THE PART OF THE SAN DIEGO HOUSING COMMISSION**

### **SUMMARY**

On November 15, 2016, the San Diego City Council (City Council) adopted amendments to Section 98.0301 of the San Diego Municipal Code (Municipal Code), Ordinance O-20746, giving additional authority to the San Diego Housing Commission (Housing Commission) Board of Commissioners and the President & Chief Executive Officer (CEO), by a vote of 6-0.

With the adoption of these Municipal Code amendments, the City Council also directed the Housing Commission to report to the Housing Authority of the City of San Diego (Housing Authority) on Housing Commission Board of Commissioners' (Board) actions in the first year under the Municipal Code amendments, which took effect on December 31, 2016, that no longer require Housing Authority action.

Among the amendments was the addition of Section 98.0301(e)(4), which stated that members of the Housing Authority must receive a notice seven days prior to any action of the Housing Commission Board concerning the following matters:

1. The approval of any proposed acquisition, sale, or lease of real property for a term in excess of five years; and
2. Approval of any development project, rehabilitation loan commitment, or contract for the acquisition of goods or services, involving an expenditure of more than \$1,000,000.

On October 3, 2017, the City Council amended Municipal Code Section 98.0301(e)(4) to allow shorter advance notice of no less than 24 hours in certain circumstances for these matters.

Housing Commission Board actions on these matters become final seven days after the actions are taken, unless two or more members of the City Council, sitting as the Housing Authority, request to review the actions.

Housing Authority members requested to review only two Housing Commission Board actions (Report HCR17-005) in calendar year 2017, the first year under the amended Municipal Code Section 98.0301. That request was later rescinded.

## **DISCUSSION**

In calendar year 2017, a total of 204 staff-recommended actions were presented to the Housing Commission Board, of which 65 required seven-day advance notice to the members of the Housing Authority and one required advance notice of no later than 24 hours before Housing Commission action.

All of the staff-recommended actions were approved by the Housing Commission Board except for Recommendation No. 2 in staff report HCR17-005, which would have authorized the payment of relocation benefits to the low-income tenants of Gateway Inn, 701 East San Ysidro Boulevard, in an amount to which they would have been entitled if the Gateway Inn had been determined to be a Single-Room Occupancy hotel, even though the Housing Commission has no legal obligation to make such payments. On January 13, 2017, the Housing Commission Board declined to approve this staff recommendation. On January 19, 2017, City Councilmembers David Alvarez and Georgette Gomez, as members of the Housing Authority, requested to review the actions of the Housing Commission Board in staff report HCR17-005 regarding the Gateway Inn. Councilmembers Alvarez and Gomez subsequently rescinded their request, after the owner of the Gateway Inn agreed to pay relocation benefits to Gateway Inn tenants.

Housing Authority members did not request to review any other Housing Commission Board actions in calendar year 2017.

On October 3, 2017, the City Council adopted Ordinance O-20861, which amended Municipal Code Section 98.0301(e)(4) to allow shorter advance notice to the Housing Authority in certain circumstances. With this amendment, the Municipal Code requires the Housing Commission to provide seven days advance notice, unless the Housing Commission President & CEO determines that it is necessary to place an action on a Housing Commission agenda fewer than seven days before a Housing Commission meeting. In these circumstances, the Housing Commission President & CEO shall provide the notification at the time that determination is made, no later than the time the agenda is posted, and under no circumstances later than 24 hours in advance of the meeting.

The Housing Commission Board held a special meeting on November 17, 2017, in addition to its regular meeting on the same date. One staff report with four recommended actions, HCR17-093 Additional Loan Recommendation for Twain Veterans Apartments, was presented to the Housing Commission Board at the special meeting, and one of the recommended actions required advance notice to the Housing Authority. Advance notice was provided to Housing Authority members no later than 24 hours in advance of the meeting, pursuant to Municipal Code section 98.0301(e)(4). No Housing Authority members requested to review the Housing Commission Board's actions.

The Housing Commission continues to submit the following matters to the Housing Authority, as required by San Diego Municipal Code Section 98.0301(d)(9):

- The Housing Commission's annual budget;
- Bond issuances and actions related to Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearings;
- Memoranda of Understanding between recognized employee organizations and the Housing Commission;
- Adoption or amendment of any Housing Commission policy; and

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- Any other matters that are determined to be advisory only by City Council or Housing Authority resolution.

Respectfully submitted,

*Scott Marshall*

Scott Marshall  
Vice President  
Communications & Government Relations Division

Approved by,

*Jeff Davis*

Jeff Davis  
Executive Vice President & Chief of Staff  
San Diego Housing Commission

Hard copies are available for review during business hours at the security information desk in the main lobby and at the fifth floor reception desk at the San Diego Housing Commission offices at 1122 Broadway, San Diego, CA 92101 and at the Office of the San Diego City Clerk, 202 C Street, San Diego, CA 92101. You may also review complete docket materials in the "Public Meetings" section of the San Diego Housing Commission website at [www.sdhc.org](http://www.sdhc.org).