

**POLICY**

Subject: **SAN DIEGO HOUSING COMMISSION CREATION: MUNICIPAL CODE SECTION 98.0301**

Number: **PO000.001**

Effective Date: 12/5/78

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**SAN DIEGO MUNICIPAL CODE CHAPTER IX**

**Article 8 Housing**

**Division 3 San Diego Housing Commission**

**§ 98.0301 San Diego Housing Commission**

- (a) **Creation of Commission:** There is hereby created a Commission to act as a Housing Commission under the Housing Authority Law of the State of California. The name of the Commission shall be the San Diego Housing Commission. The San Diego Housing Commission is granted all rights, powers and duties of a Housing Authority pursuant to the provisions of the California Health and Safety Code except those expressly retained by the Housing Authority of The City of San Diego in this section.
  
- (b) **Definitions:** As used in this article, the following definitions apply:
  - (1) "City" shall mean the City of San Diego;
  - (2) "City Council" shall mean the City Council of the City of San Diego;
  - (3) "Commission" shall mean the San Diego Housing Commission, a public agency created pursuant to State Health and Safety Code;
  - (4) "Housing Authority" shall mean the Housing Authority of the City of San Diego, a state agency created pursuant to section 34200 et seq. of the State Health and Safety Code;
  - (5) "Mayor" shall mean the Mayor of the City of San Diego;
  - (6) "Member" shall mean a member of the San Diego Housing Commission;
  - (7) "Person of low income" shall mean a group or family which lacks the amount of income which is necessary as determined by the Housing Authority to enable it without financial assistance to live in decent, safe, sanitary dwellings without overcrowding.
  
- (c) **Investigatory and Advisory Functions of the Commission:** The investigatory and advisory functions of the San Diego Housing Commission shall include, but not necessarily be limited to, the following:
  - (1) Investigate living, dwelling and housing conditions in the City of San Diego and the means and methods of improving such conditions;
  - (2) Determine where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income.
  - (3) Engage in research, studies and experiments on the subject of housing.
  - (4) Make recommendations to the Housing Authority for changes or revisions in policies of the Housing Authority.
  - (5) Review and recommend revisions to personnel policies and procedures.

Approved by:

Elizabeth C. Morris, Chief Executive Officer

Date

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- (6) Review and recommend action on annual administrative and operating budgets.
  - (7) Perform such other functions as may be delegated from time to time to the Commission by the Housing Authority.
  - (8) Review and make recommendations on all matters to come before the Housing Authority prior to their action, except emergency matters and matters which the Commission, by resolution, excludes from Commission review and recommendation.
- (d) **Administrative Functions of the Commission:** The administrative functions of the Commission shall include the following:
- (1) Approve plans and specifications, authorize advertisements for bids and proposals, accept and reject bids and proposals, and approve expenditures for goods, services, public works, land clearances, loans, grants, claims, leases and other interests in real property, and other contracts and agreements; however, the programs, projects or activities for such expenditures shall have been previously approved by the Housing Authority, or the expenditures shall be for items included in budgets previously approved by the Housing Authority.
  - (2) Approve submission of applications for funds where such applications do not constitute a binding agreement to accept such funds, if awarded; and approve contracts for the receipt of such funds if the program, project or activity for which such funds are received has been previously approved by the Housing Authority.
  - (3) Approve guidelines for the administration of programs previously approved and funded by Housing Authority.
  - (4) Approve agreements assigning the rights and obligations of a party to a contract with the Housing Authority, to a new party.
  - (5) Approve conflict of interest codes prior to adoption by the Housing Authority.
  - (6) Approve lease forms, grievance procedures, occupancy policies, rent and utility schedules, tenant council agreements and other HUD-required documents for the administration of public housing and rent subsidy programs.
  - (7) Act upon such other matters as the Housing Authority may from time to time delegate by resolution to the Commission.
  - (8) Notwithstanding Section 98.0301(d)(1) through (7), the actions of the Housing Commission upon the following administrative matters shall be advisory only:
    - (i) Approval of any proposed acquisition, sale, or lease of real property for a term in excess of five (5) years;
    - (ii) Approval of any development project or rehabilitation loan commitment involving the expenditure of more than \$250,000 by the Housing Commission;
    - (iii) Approval of any contract for acquisition of goods or services (other than a construction contract for a development project) involving the expenditure of more than \$100,000 by the Housing Commission;
    - (iv) The establishment or approval of any major new policy relating to the method of operations of the Housing Commission.

The recommendation of the Housing Commission on these matters shall be referred for final action at the next available agenda of the Housing Authority. By resolution passed by majority vote, the City Council may, at any time, add, delete or otherwise modify the items on which the Housing Commission is advisory.

Notwithstanding anything to the contrary in Section 98.0301(d)(8), in circumstances where it is not feasible to obtain review and approval by the Housing Authority on or before the established deadline, the Executive Director shall have the authority to execute documents required to be executed by the

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United States Department of Housing and Urban Development ("HUD") or other agencies in a timely manner in order to meet any deadlines imposed by those agencies. In addition, the Executive Director shall have the authority, without prior Housing Authority approval, to prepare and submit applications for funding in support of programs consistent with the Housing Commission's approved mission and goals.

(e) **Finality of Actions:**

- (1) All actions of the Commission taken pursuant to Section 98.0301(d) shall be final seven (7) days after action by the Commission, except for actions of the Commission for which a review by the Housing Authority has been requested pursuant to Section 98.0301(e) and except for those actions which require final action by the Housing Authority pursuant to Section (d)(1)(8).
- (2) One or more of the persons set forth below, in the manner set forth below, may elect to refer a matter to the Housing Authority for final action, within seven (7) days after the date of the action:
  - a. The Commission, by motion.
  - b. The Executive Director of the Housing Authority, by notifying the Chairperson of the Commission.
  - c. Three (3) members of the City Council or the City Manager, by written notice to the Executive Director.
- (3) If a matter is referred to the Housing Authority for final action, the Executive Director shall promptly set the matter on the next available agenda of the Housing Authority, and the action taken by the Commission shall be advisory.

(f) **Appointment of Commission Members.** The Commission shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the City Council. Four members shall constitute a quorum and the affirmative vote of four members shall be necessary for any action by the Commission.

- (1) Two (2) commissioners appointed pursuant to this section shall be tenants of housing authority units. At least one (1) commissioner so appointed shall be over 62 years of age.
- (2) The term of office of each member shall be four (4) years, except that the terms of office of the two (2) members who are tenants of Housing Authority units shall be two (2) years and as set forth in Section 34272 of the Health and Safety Code of the State of California.
- (3) Vacancies occurring during a term shall be filled for the unexpired term by the Mayor with the approval of the City Council. A member shall hold office until his successor has been appointed and qualified.
- (4) Each member shall receive as compensation the sum of Fifty Dollars (\$50.00) for each Commission meeting attended; provided that the total compensation for each member shall not exceed One Hundred Dollars (\$100.00) in any one month. In addition, each member shall receive necessary travel and subsistence expenses incurred in the discharge of his duties. Any member may waive compensation by filing a written waiver of compensation form with the Executive Director.
- (5) For inefficiency, neglect of duty, or misconduct in office, a member may be removed upon the affirmative vote of a majority of the members of the City Council.

(g) **Organization of the Commission:** At its first meeting the Commission shall determine the time, place and frequency of its meetings. The Commission may adopt rules of procedure for the conduct of its business and may do any other thing necessary or proper to carry out its functions.

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- (h) **Indemnification of Members:** To the fullest extent that Commission would itself be permitted by law, and to the extent that insurance and other resources available to Commission are inadequate, City shall indemnify members of the Commission, including former members, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any threatened, pending or completed action or proceeding, whether civil or administrative. Expenses shall include, without limitation, attorney's fees and any expenses of establishing a right to indemnification.

City shall, where indemnification is warranted as provided above, advance expenses incurred by a member in defending any such proceeding, before final disposition thereof, on receipt by City of an undertaking on behalf of that member that the advance will be repaid unless it is ultimately determined that the member is entitled to be indemnified by City for those expenses.

*(Old Section 98.29, added 12/3/68 by O-9925 N.S.)*

*(Amended 10/21/69 by O-10160 N.S.)*

*(Amended 4/21/70 by O-10272 N.S.)*

*(Amended 3/24/76 by O-11817 N.S.)*

*(Amended 3/20/78 by O-12319 N.S.)*

*(Amended 12/5/78 by O-12515 N.S., title changed to **San Diego Housing Commission**)*

*(Amended 8/6/84 by O-16256 N.S.)*

*(Amended and renumbered 9/30/85 by O-16511 N.S.)*

*(Amended 10/6/86 by O-16721 N.S.)*

*(Amended 9-8-87 by O-16935 N.S.)*

*(Amended 1-31-94 by O-18030 N.S.)*

*(Amended 4-25-94 by O-18062 N.S.)*