

HOUSING AUTHORITY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER HA- 1968

DATE OF FINAL PASSAGE December 13, 2022

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO APPROVING DELEGATION OF AUTHORITY TO PROTECT AND DEFEND THE AFFORDABLE HOUSING PRODUCED BY THE NORTH CITY FUTURE URBANIZATION AREA INCLUSIONARY HOUSING PROGRAM AND ANY LITIGATION ARISING FROM THE PROGRAM TO THE SAN DIEGO HOUSING COMMISSION AND TO GENERAL COUNSEL OF THE SAN DIEGO HOUSING COMMISSION.

WHEREAS, the Housing Authority of the City of San Diego (Housing Authority) created the North City Future Urbanization Area Inclusionary Housing Program (Program) which required developers in that area to build and set aside rental and for-sale affordable housing units as part of their developments; and

WHEREAS, the Housing Authority delegated some administrative authority for the Program to the San Diego Housing Commission (Housing Commission) which included authority to execute and record documents to preserve the affordability of the housing units built through the Program. Those documents are executed in the name of the Housing Authority as beneficiary; and

WHEREAS, the Housing Commission typically administers affordable housing programs on its own behalf or is delegated complete administration of programs on behalf of the Housing Authority, but the Housing Commission does not currently have authority to protect the affordable housing units or defend the Housing Authority in litigation arising from the Program; and

WHEREAS, the Housing Commission administers the Program and has the expertise to defend the Housing Authority, and the Housing Authority wishes to authorize the Housing Commission and its General Counsel to protect and defend the affordable housing produced by the Program and defend the Housing Authority in any litigation arising out of the Program; and

WHEREAS, Nationstar Mortgage, LLC filed a complaint naming the Housing Authority, among others, as defendant alleging causes of action for equitable subrogation and declaratory relief regarding a property subject to the Program in the case *Nationstar Mortgage LLC v. Housing Authority of the City of San Diego, et al.*, 37-2022-00042847-CU-OR-CTL (Litigation); and

WHEREAS, the Housing Authority wishes to delegate and authorize the Housing Commission and its General Counsel to defend the Housing Authority in the Litigation; and

WHEREAS, Housing Commission staff determined this activity is not a project as defined by the California Environmental Quality Act (CEQA) section 21065 and CEQA Guidelines section 15378(b)(5); and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by Housing Commission staff, and verified by the Housing Commission's General Counsel, with the understanding that this information is sufficient to allow for a proper and complete analysis of this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Housing Authority of the City of San Diego, that the San Diego Housing Commission and its General Counsel are authorized to protect the affordability of all affordable rental or for-sale housing units produced by the Program and defend the Housing Authority in any litigation arising out of the Program.

BE IT FURTHER RESOLVED, that the Housing Authority designates and authorizes the Housing Commission and its General Counsel to defend the Housing Authority in the case *Nationstar Mortgage LLC v. Housing Authority of the City of San Diego, et al.*, 37-2022-00042847-CU-OR-CTL.

BE IT FURTHER RESOLVED, that the Housing Commission staff will notify the Housing Authority and the San Diego City Attorney's Office about any litigation filed by or against the Housing Authority under the Program, provide quarterly updates regarding all pending litigation, and notify about any subsequent amendments or modifications to the Program and other required documents, including amendments, including amendments to any documents.

APPROVED: MARA W. ELLIOTT, General Counsel

By /s/ Hilda R. Mendoza
Hilda R. Mendoza
Deputy General Counsel

HRM:nja:cm
11/22/2022
12/15/2022 Rev. Copy
Or. Dept: SDHC
Doc. No. 3148713_2

Passed and adopted by the Housing Authority of the City of San Diego on December 13, 2022, by the following vote:

	Yeas	Nays	Excused	Not Present
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

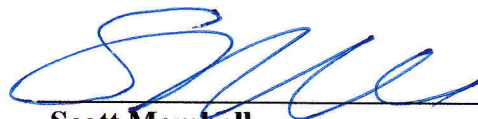
AUTHENTICATED BY:

Jeff Davis

Interim Executive Director of the Housing Authority
of the City of San Diego, California

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. **1968** passed and adopted by the Housing Authority of the City of San Diego,
California on December 13, 2022.

By:



Scott Marshall

Deputy Secretary of the Housing Authority
of the City of San Diego, California