

SAN DIEGO HOUSING COMMISSION

RESOLUTION NO. HC-1935

ADOPTED ON February 4, 2022

A RESOLUTION TO APPROVE FORWARDING TO THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO PROPOSED ACTION REGARDING AN ADMINISTRATIVE REGULATION REGARDING RETENTION OF REAL ESTATE BROKERS AND OPERATING PROCEDURES FOR BROKERS, PURSUANT TO SAN DIEGO MUNICIPAL CODE 98.0301(e)(2)(A), AND RELATED ACTIONS

WHEREAS, San Diego Housing Commission (Housing Commission) Policy PO-RED-374.02, “Policy for Acquisition and or Purchase of Real Estate,” authorizes the Housing Commission to contract or cooperate with brokers for property acquisitions and to create Administrative Regulations to implement the policy; and

WHEREAS, the Housing Authority of the City of San Diego (Housing Authority) approved the policy on March 24, 2009 (Report No. HAR09-016; Resolution No. HA-1410); and

WHEREAS, the Housing Authority approved revisions to the policy, including renumbering it as Policy PO-RED-374.02, on November 15, 2016 (Report No. HAR16-029; Resolution No. HA-1705) to comply with current federal, state, local laws and/or current Housing Commission practice and as a result of the amendment to San Diego Municipal Code section 98.0301, which the City Council approved October 18, 2016 (Agenda Item No. 330) and November 15, 2016 (Agenda Item No. 63; Ordinance No. O-20746); and

WHEREAS, On November 12, 2021, the Housing Commission Board of Commissioners (Board) approved a partial-year contract with Marcus & Millichap to provide on-call real estate broker services to the Housing Commission, as described in Report No. HCR21-106. On a motion by Commissioner Eugene “Mitch” Mitchell, seconded by Vice Chair Ryan Clumpner and passed

4-0, the Housing Commission Board also directed Housing Commission staff to return to the Housing Commission Board with an action that makes the practices set forth within the Marcus & Millichap agreement a requirement for all future Housing Commission real estate acquisition transactions. The Housing Commission Board's November 12, 2021, action occurred pursuant to San Diego Municipal Code section 98.0301(e)(4)(A)(ii), pursuant to which the Housing Commission provided Housing Authority members seven-day advance notice of the Housing Commission's hearing of the matter.

WHEREAS, after the Housing Commission Board's approval and direction to staff, City Council President Sean Elo-Rivera requested that the new requirements for future Housing Commission real estate acquisition transactions be presented to the Housing Authority for action;

WHEREAS, the proposed Administrative Regulation is attached to Report No. HCR22-013, which Housing Commission staff presented to the Housing Commission Board for consideration on February 4, 2022; and

WHEREAS, the Housing Commission Board on February 4, 2022, approved the proposed Administrative Regulation with three exceptions and action to forward the Administrative Regulation to the Housing Authority for further action. The exceptions the Housing Commission Board approved are: There will be no dual agency; the Housing Commission will seek recommendations from other governmental entities that have worked with the broker, three if possible; and there will be a desk review/peer review of the appraisal the Housing Commission obtains independently for any property acquisition; NOW THEREFORE,

BE IT RESOLVED, by the Housing Commission Board that pursuant to the provisions of


San Diego Municipal Code Section 98.0301(e)(2)(A), the proposed Administrative Regulation regarding Retention of Real Estate Brokers and Operating Procedures for Brokers is forwarded to the Housing Authority of the City of San Diego for action.

THIS ACTION WILL BECOME FINAL ON February 11, 2022, subject to the provisions of San Diego Municipal Code Section 98.0301(e)(1). If the action doesn't become final, this resolution will be replaced by a resolution so indicating.

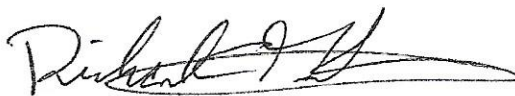
APPROVED as to form:

By /s/ Charles B. Christensen  
Charles B. Christensen  
General Counsel

I certify that the foregoing actions in this Resolution were approved by the San Diego Housing Commission Board of Commissioners at its meeting on February 4, 2022.

By:   
Scott Marshall  
Vice President, Communications &  
Government Relations

Approved: February 4, 2022

  
Richard C. Gentry  
President & Chief Executive Officer  
San Diego Housing Commission



Passed and adopted by the San Diego Housing Commission on February 4, 2022, and finalized on February 11, 2022, pursuant to the provisions of San Diego Municipal Code Section 98.0301(e)(1), by the following vote:


	<b>Yeas</b>	<b>Nays</b>	<b>Excused</b>	<b>Not Present</b>
Stefanie Benvenuto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ryan Clumpner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johanna Hester	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kellee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eugene "Mitch" Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Melinda Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHENTICATED BY:**

**Richard C. Gentry**

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 President & Chief Executive Officer of the  
 San Diego Housing Commission

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 1935 passed and adopted by the San Diego Housing Commission on February 4, 2022, and finalized on February 11, 2022.

By:   
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**Scott Marshall**  
 Secretary of the San Diego Housing Commission