



# Meeting Book - Joint Meeting of the Boards of Commissioners of Fresno Housing

January 23, 2024

5:00 P.M.

1260 Fulton Street - Second Floor

Fresno, CA., 93721

Mosaic Conference Room



## Joint Meeting of the Boards of Commissioners of Fresno Housing

### 1. Call to Order

### 2. Approval of the Agenda as Posted

The Boards of Commissioners may add an item to this agenda if, upon a two-thirds vote, the Boards of Commissioners find that there is a need for immediate action on the matter and the need came to the attention of the Authority after the posting of this agenda.

### 3. Public Comment and Presentations

This is an opportunity for the members of the public to address the Boards of Commissioners on any matter within the subject matter jurisdiction of the Boards of Commissioners that is not listed on the agenda. The public will have an opportunity to speak on each specific item of business. Comments must be delivered in person or via teleconference when prompted by the chair and must pertain to the specific item of business being heard by the Boards. At the start of your presentation, please state your name and the topic you wish to speak on that is not on the agenda. Presentations are limited to a total of three (3) minutes per speaker.

### 4. Potential Conflicts of Interest

Any Commissioner who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter. (Gov. Code section 87105)

### 5. Governance Matters

#### a. CEO's Report - Presented by Tyrone Roderick Williams

CEO's Report

5

#### b. Commissioner's Report

### 6. Consent Agenda

All Consent Agenda items are considered to be routine action items and will be enacted in one motion unless pulled by any member of the Boards of Commissioners or the public. There will be no separate discussion of these items unless requested, in which event the item will be removed from the Consent Agenda and considered following approval of the Consent Agenda.

#### a. Governance: Consideration of the Minutes of December 12, 2023

Approval of the minutes of the Board Meeting

12.12.23- Joint Board Minutes

12

#### b. Consideration of the Workplace Violence Prevention and Response Policy

Board Memo - Workplace Violence Prevention and Response Policy

17

Workplace Violence Prevention and Response Policy

19

City Resolution - Workplace Violence Prevention and Response Policy

24

County Resolution - Workplace Violence Prevention and Response Policy

25

#### c. Consideration of the Workers Compensation Policy

Board Memo - Workers Compensation Policy

26

Workers Compensation Policy

27

City Resolution - Workers Compensation Policy

31

County Resolution - Workers Compensation Policy	32
d. Consideration of the Blood Donation Policy	
Board Memo - Blood Donor Policy	33
Board Memo - Blood Donor Policy	34
Blood Donor Policy	35
City Resolution - Blood Donor Policy	36
County Resolution - Blood Donor Policy	37
e. Consideration of the Smoking and Tobacco Use Policy	
Board Memo - Smoking and Tobacco Use Policy	38
Smoking and Tobacco Use Policy	39
City Resolution - Smoking and Tobacco Use Policy	41
County Resolution - Smoking and Tobacco Use Policy	42
6F.pdf	43
f. Consideration of Submission of Application to the City of Fresno Affordable Housing Development Notice of Funding Availability (NOFA) for Parkside Inn Phase I	
HACF Memo City NOFA - AHD funding applications Parkside Inn	45
HACF Reso City AHD App for Parkside Inn	47
g. Consideration of Submission of Application to the City of Fresno Affordable Housing Development Notice of Funding Availability (NOFA) for Avalon Commons Phase II	
HACF Memo City NOFA - Avalon II	49
HACF Reso City NOFA - Avalon II	51
h. Consideration of Submission of Application to the City of Fresno Affordable Housing Development Notice of Funding Availability (NOFA) for the North Fulton Project	
HACF Memo North Fulton Site COF Affordable Housing Development	53
HACF Reso North Fulton Site COF Affordable Housing Development	55
i. Consideration of Submission of a California Tax Credit Allocation Committee Application for Parkside Inn Phase I	
HACF Memo Parkside Inn TCAC App	57
HACF Reso Parkside Inn TCAC Application	60
j. Consideration of Agency Disposition Policies	
HACF Memo Agency Disposition Policy	62
HACF Reso County Agency Disposition Policy	63
HACF Reso City Agency Disposition Policy	64
Exhibit A - PH Disposition Policy - Fresno Housing Authority 2024	65
Exhibit B - Non-PH Disposition Policy - Fresno Housing Authority 2024	73
k. Approval of the 2024 Salary Scale for Represented and Unrepresented Employees	
Board Memo - 2024 Salary Schedule	82

2024 Salary Schedule	83
City Resolution 2024 Salary Schedule	86
County Resolution 2024 Salary Schedule	87
7. Information Item	
a. 2024 Mixed Finance Budget Overview	
Memo 2024 Mixed Finance Budgets	88
2024 Mixed Finance Budgets PowerPoint	89
b. Development Update	
Memo Real Estate Update	99
8. CLOSED SESSION	
a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION	
Title: CEO	
9. Action	
a. Consideration of the Submission of the Section 8 Management Assessment Program (SEMAP) City	
2023 SEMAP Ratings Board Certification Memo (City)	100
2023 SEMAP Ratings Power Point	103
b. Consideration of the Submission of the Section 8 Management Assessment Program (SEMAP) County	
2023 SEMAP Ratings Board Certification Memo (County)	114
c. Consideration of Sale of Monte Vista Apartments to SilverCrest, Inc. and Related Actions	
HACF Memo Monte Vista DOT Release & Land Sale	117
Resolution regarding sale of Monte Vista Terrace, (Financing, Regulatory Agreement)	119
Exhibit A - Regulatory Agreement - Monte Vista Terrace	126
d. Consideration of Adjustment to CEO Compensation	
10. Adjournment	

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# EXECUTIVE DIRECTOR'S REPORT

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**TO:** Boards of Commissioners

Fresno Housing Authority

**FROM:** Tyrone Roderick Williams

Chief Executive Officer

**SUBJECT:** CEO's REPORT

**DATE:** January 12, 2024

**BOARD MEETING:** January 23, 2024

**AGENDA ITEM:** 5a

**AUTHOR:** Various Staff

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## Executive Summary

The Boards of the Fresno Housing Authority have established four strategic goals as: Place, People, Public, and Partnership. In addition, the following have been outlined as the management goals: Sustainability, Structure, and Strategic Outreach. The following report demonstrates the efforts of the Executive Leadership and Staff to progress toward the realization of these goals.

## PLACE

### Overview

Fresno Housing seeks to develop and expand the availability of quality affordable housing options throughout the City and County of Fresno by growing and preserving appropriate residential assets and increasing housing opportunities for low-income residents.

The matrix below outlines the Development Pipeline and status of each project.

## Development Project Overview

Name of Property	Status/Type	Address	Total Units	Percent Complete
Esperanza Commons ( <i>fka Mendota Farm Labor</i> )	Under Construction	241 Tuft Street Mendota, CA	60	98%
Corazón del Valle Commons ( <i>fka Huron RAD</i> )	Under Construction HCD HOME Awarded CPF Funds Awarded	Fresno and 12 <sup>th</sup> Street Huron, CA	61	100%
The Arthur @ Blackstone ( <i>fka Blackstone/Simpson</i> )	Under Construction	3039 N Blackstone Avenue Fresno, CA	41	99%
Promesa Commons ( <i>fka Sun Lodge/Day's Inn</i> )	Under Construction	1101 N. Parkway Drive Fresno, CA	64	98%
Citrus Commons ( <i>fka Citrus Gardens</i> )	Stabilization	201 Citrus & 451 10 <sup>th</sup> St. Orange Cove, CA	30	100%
Avalon Commons Phase I ( <i>fka Chestnut/Alluvial</i> )	Under Construction	7521 N. Chestnut Ave. Fresno, CA	60	25%
La Joya Commons Phase I ( <i>fka Firebaugh Family</i> )	Under Construction	1501 Clyde Fannon Road Firebaugh, CA	68	8%
Manzanilla Commons ( <i>fka Step Up on 99/Motel 99</i> )	Under Construction	1240 & 1280 Crystal Ave Fresno, CA	63	5%
Heritage Estates ( <i>fka Florence &amp; Plumas</i> )	Pre-Development Pending City of Fresno PLHA and FHS Award	Southwest Fresno-TBD	33	N/A
Cordillera Commons Phase I ( <i>fka San Joaquin Commons</i> )	Pre-Development	Corner of West Colorado Avenue & 5th Street, San Joaquin, CA 93660	51	N/A
Parkside Inn/Golden State Triage	Pre-Development Pending City of Fresno Application Pending CTCAC Application	1415 W. Olive Avenue, Fresno	39	N/A

North Fulton Development	Pre-Development IIG-C Contingent Award Pending City of Fresno Application	1302 Fulton Street, Fresno	TBD	N/A
Avalon Commons Phase II ( <i>fka Chestnut/Alluvial</i> )	Pre-Development City of Fresno LHTF Awarded Pending City of Fresno Application	7521 N. Chestnut Ave. Fresno, CA	45	N/A
La Joya Commons Phase II ( <i>fka Firebaugh Family</i> )	Pre-Development	1501 Clyde Fannon Road Firebaugh, CA	TBD	N/A
California Avenue Neighborhood	Pre-Development Planning CNI Awarded	Southwest Fresno - TBD	TBD	N/A

## Project Highlights

The Arthur at Blackstone is in the final stages of construction and a Grand Opening Ceremony is scheduled for February 8, 2024.

## PUBLIC

### Overview

Fresno Housing seeks to build support for housing as a key component of vibrant, sustainable communities through public information, engagement, and advocacy that promotes affordable housing and supports the advancement of Fresno’s low-income residents.

Efforts are ongoing and we will report on those items as outcomes are achieved.

## PARTNERSHIP

### Overview

Fresno Housing seeks to collaborate to strengthen its ability to address the challenges facing Fresno communities.

Fresno Housing is exploring several partnerships in the course of pre-development activities.

Project	Organization	Role
The Arthur @ Blackstone ( <i>fka Blackstone/Simpson</i> )	Fresno County Department of Behavioral Health	Partner in application to the No Place Like Home program to provide housing and services to homeless populations

Avalon Commons Phase I ( <i>fka</i> <i>Chestnut/Allwoial</i> )	Fresno County Department of Behavioral Health	Partner in application to the No Place Like Home program to provide housing and services to homeless populations
Project Homekey	City of Fresno Turning Point Fresno County	Partner in application to the Homekey program and operational funding to provide housing to populations most vulnerable to COVID-19

## MANAGEMENT GOALS

The goals of management include our efforts to stabilize, focus, and extend activities to meet the mandate of our mission through good decision-making related to Sustainability (staffing, finances, effectiveness, evaluation, technology, facilities); Structure (governance); and Strategic Outreach (communications, image, visibility, public affairs, policy).

### Sustainability

Build and maintain an innovative, engaged, visible, and sustainable organization, committed to its mission of providing housing for low-income populations.

Efforts are ongoing and we will report on those items as outcomes are achieved.

### Human Resources

In the month of November, we conducted five Sexual Harassment Prevention workshops for employees and two AB 1825 workshops for Supervisors and Managers. We will be continuing this effort in the month of December as a focus on developing an understanding of the legal framework, and the Agency policy and creating an inclusive environment where all employees are respected and valued.

The safety focus for December is Workplace Safety and Security. Maintaining a safe and secure workplace contributes to a positive work environment. It also helps the Agency comply with Cal OSHA regulations. Additionally, focusing on safety and security can lead to increased efficiency, reduced downtime, and improved overall business performance.

The Human Resources department is in varying stages of conducting recruitment for the job titles noted below. Over the last month, **26** interviews have been conducted.

<u>Working Title</u>	<u>Internal/External</u>	<u>Vacancies</u>	<u>Department</u>
Construction Compliance Coordinator	Both	1	Real Estate Development

Fiscal Services Coordinator	Both	1	Accounting/Finance
Maintenance Specialist	Internal	2	Property Management
Maintenance Technician	Both	2	Property Management
Property Specialist II	Both	2	Property Management
Property Specialist I	Both	1	Property Management
Real Estate Development Manager	Both	1	Real Estate Development

The Human Resources department is proud to announce the following **new hire and promotion**.

Type	Date of Hire	Name	Title	Department
New Hire	11/20/2023	Carrie Laney	Program Coordinator	Strategic Initiatives
Promotion	11/27/2023	Anna Anaya	Community Coordinator	Property Management

## Structure

Maintain a committed, active, community-based Board of Commissioners.

Efforts are ongoing and we will report on those items as outcomes are achieved.

## Strategic Outreach

Heighten agency visibility, facilitate community dialogue about housing solutions; and build support for the agency and quality affordable housing.

Efforts are ongoing and we will report on those items as outcomes are achieved.

# Property Management

## Executive Summary

FRESNO HOUSING PORTFOLIO - MANAGED ASSETS, 03/01/2023-03/31/2023			
	Total No. of Units	Total Vacant	Current Occupancy
CITY OF FRESNO			
City of Fresno	1184	32	96.53%
COUNTY OF FRESNO			
County of Fresno	1222	53	95.41%
COUNTY OF FRESNO - SEASONAL			
Seasonal Properties	191	145	25.56%
Hold/In Construction	218	109	45.87%

Property Management staff worked hard to meet the December 31, 2023 deadline for CTCAC, which required that all projects in the CTCAC portfolio create and maintain an electronic copy of the resident file for all households at the property.

Rosie Corrales and Brittany Wiley graciously agreed to dress up as Santa and Ms. Claus for the children at El Puente.



The property Management staff is hard at work leasing up Citrus Commons, Corazon de Valle, The Arthur, Promesa Commons, and Esperanza Commons.

## **Resident Empowerment**

### **Cal Fresh Healthy Living Program**

As part of the Fresno County Public Health initiative to improve healthy eating and increase physical activity for families. The Cal Fresh program will offer sessions at multiple properties across the county on how to reach your health goals, eat smart and spend less, health challenges, and solutions. Their focus will start in rural communities in January the following Fresno Housing sites are scheduled:

Mt. View Apartments (Orange Cove) – January 4<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup> at 1:00pm

Oak Grove Commons (Parlier) January 2<sup>nd</sup>, 9<sup>th</sup>, 16, and 23<sup>rd</sup> at 1:00pm

### **Breast and Cervical Health Awareness**

The California Health Collaborative will be hosting breast and cervical health awareness as part of their Every Woman Counts (EWC) initiative to provide resources and information on free comprehensive education on early detection services. Classes in January will be offered at the following locations:

Cueva de Oso (Selma) - January 10<sup>th</sup> at 11:00 am

Monarch @ Chinatown – January 17<sup>th</sup> at 10:00am

Parc Grove Commons – January 23<sup>rd</sup>, 9:30 am

Blossom Trail (Sanger) - January 24<sup>th</sup> at 10:00 am

Yosemite Village – January 24<sup>th</sup> at 1:00 am

### **Dr. Martin Luther King Workshops**

19 Fresno Housing Properties will be celebrating Martin Luther King Day. The celebrations will educate residents on the legacy of Martin Luther King. Residents will also enjoy some trivia and community engagement activities.

## **Finance and Accounting**

The accounting staff has started the process of closing the books for the fiscal year 2023. The audit was kicked off with CohnReznick, LLP, and Novogradac & Co LLP's auditors to complete the financial and compliance review for the fiscal year 2023. Audits and tax returns for the limited partnerships (mixed-finance properties) are due in the month of February and March. Fresno Housing is also required to submit an unaudited Financial Data Schedule to HUD by February 28, 2024.

## **Innovation Technology and Information Systems**

Efforts are ongoing and we will report on those items as outcomes are achieved.

**Minutes of the Joint Meeting**  
**of the Boards of Commissioners of the**  
**HOUSING AUTHORITIES OF THE CITY AND COUNTY OF FRESNO**

**Tuesday, December 12, 2023**

**5:00 P.M.**

The Boards of Commissioners of the Housing Authorities of the City and County of Fresno met in a regular joint session on Tuesday, December 12, 2023, at 1260 Fulton St., Fresno, CA. The public was able to join in person and via teleconference.

1. The regular joint meeting was called to order at 5:03 p.m. by Board Vice Chair, Commissioner S. Williams of the Board of Commissioners of the Housing Authority of the City of Fresno. Roll call was taken and the Commissioners present and absent were as follows:

PRESENT:     Adrian Jones, Chair  
                  Sharon Williams, Vice Chair  
                  Areli Rios  
                  Paul Idsvoog  
                  Ruby Yanez  
                  Emogene Nelson

ABSENT:     Isaiah Green

The regular joint meeting was called to order at 5:03 p.m. by Board Chair, Commissioner Catalano, of the Board of Commissioners of the Housing Authority of Fresno County. Roll call was taken and the Commissioners present and absent were as follows:

PRESENT:     Cary Catalano, Chair  
                  Valori Gallaher  
                  Kyle Chaney  
                  Sophia Ramos  
                  Amadeo Garcia  
                  Joey Fuentes

Also, in attendance were the following: Ken Price, Baker Manock, and Jensen - General Counsel

2. APPROVAL OF AGENDA AS POSTED (OR AMENDED)

**COUNTY MOTION:** *Commissioner Fuentes moved, seconded by Commissioner Gallaher to approve the agenda as posted.*

**MOTION PASSED:** 6 – 0

**CITY MOTION:** *Commissioner Yanez moved, seconded by Commissioner Williams to approve the agenda as posted.*

**MOTION PASSED:** 6– 0

There was no public comment.

3. PUBLIC COMMENT AND PRESENTATIONS

There was no public comment.

4. POTENTIAL CONFLICTS OF INTEREST

There were no conflicts of interest.

5. GOVERNANCE MATTERS

- a. CEO’s Report – Presented by Tammy Townsend, Deputy Executive Director on behalf of Tyrone Roderick Williams, CEO.

In addition to the written report, Tammy shared:

- A holiday/update video from Mr. Williams was shown.
- Gallery walk for Board Members and the public
- Ms. Townsend shared that we have been asked to present on the strategic plan process at the Housing Is conference in the Spring.
- Marc’ Bady was named Top 40 Under 40
- Met with the Police Chief and his Deputy. There were several Fresno Housing updates shared. Police Chief suggested Fresno Housing and the FPD maintain a close working relationship going forward.

- Welcome home event was hosted in Orange Cove as the residents moved back into the property after the units were remodeled.
- The first Ed Corp. board meeting was hosted and Allysun Walker will be providing an update later in tonight's meeting.
- Annette Lazzareschi was honored as she is retiring from the Agency after 25 years of service.

There was no public comment.

b. Commissioners' report - Presented by Chair Cary Catalano

- Chair Catalano and Commissioner Ramos thanked the staff for a job well done on the gallery walk and the strategic plan.

c. Election of City Commission Chair and Vice Chair

***CITY MOTION:*** A motion was presented to approve Commissioner Jones as the Chair and Commissioner Williams as the Vice Chair of the City Board. Commissioner Idsvoog moved, seconded by Commissioner Yanez to approve the agenda as posted.

***MOTION PASSED:*** 6– 0

6. CONSENT AGENDA

- a. Governance: Consideration of the Minutes for the Joint Regular Board Meeting on November 14, 2023.  
*Approval of the minutes of the Board Meeting*
- b. Consideration of the Payroll Taxes and Other Deductions from Pay Policy
- c. Consideration of the Pay Period Policy
- d. Consideration of the Reasonable Accommodation Policy
- e. Consideration of the Return-To-Work Policy
- f. Consideration of the Government Claims Act Policy
- g. Approval to Execute Updated NPLH Authorizing Resolutions-The Villages at Broadway
- h. Approval to Execute Updated NPLH Authorizing Resolutions-The Villages at Paragon (fka Plaza Terrace)
- i. Approval to enter into a Disposition and Development Agreement and Accept the City of Fresno Housing Successor Agency and Permanent Local Housing Allocation Funds for the Heritage Estates Development

*Joint Board Meeting  
Action Minutes: 12.12.23 Minutes  
Adopted:*

- j. Authorization to Apply for Funding from the Rural Energy for America Program (REAP)

**COUNTY MOTION:** *Commissioner Chaney moved, seconded by Commissioner Ramos to approve the amended consent agenda.*

**MOTION PASSED:** 6 – 0

**CITY MOTION:** *Commissioner Williams moved, seconded by Commissioner Rios to approve the amended consent agenda.*

**MOTION PASSED:** 6 – 0

## 7. INFORMATION ITEM

- a. Housing Choice Voucher (HCV) Update

Brandy Woodard, Chief of Housing Choice Programs and Initiatives presented on this item

- b. Development Update

Michael Duarte, Chief Real Estate Officer, presented on this item

- c. Presentation on the Launch of the New Fresno Housing Foundation

Allysunn Walker, Walker Community Ventures, presented on this item

**Public Comment:** Mr. Eric Payne, Executive Director of the Central Valley Urban Institute, shared his excitement about the relaunch of the Ed Corp. programs. Mr. Payne would like to be assured that the human capital that it will take to make sure this foundation is a success will receive proper investment and be diverse. Mr. Payne believes there should be a youth seat as well as the possibility of community benefit partners being on the board as well.

## 8. ACTION

- a. Adopt the 2024 Agency Budget

Crystal Cox, Finance Manager, and Nicole Diaz, Director of Finance & Accounting presented on this item

*Joint Board Meeting*

*Action Minutes: 12.12.23 Minutes*

*Adopted:*

***COUNTY MOTION:** Commissioner Fuentes moved, seconded by Commissioner Gallaher to approve the amended consent agenda.*

***MOTION PASSED:** 6 – 0*

***CITY MOTION:** Commissioner Rios moved, seconded by Commissioner Yanez to approve the amended consent agenda.*

***MOTION PASSED:** 6 – 0*

**Public Comment:** Mr. Eric Payne, Executive Director of the Central Valley Urban Institute shared his thoughts on the budget presentation. Mr. Payne discussed the expectation to see a broader engagement strategy with the residents and assess what their needs are. Mr. Payne expressed disappointment however, Chair Catalano did respond to Mr. Payne’s concerns and assured him that there is still work to do, but suggested that once in a while Mr. Payne show appreciation for the efforts that have been made and welcomed his continued partnership. Ms. Townsend shared that the process takes time and should not be rushed and expressed that the goal is to consider the value of public engagement in creating the strategic plan and managing the budget.

Commissioner Gallaher and Commissioner Rios shared some last thoughts regarding the budget and the current programs that are in place for our residents. Chair Jones thanked the finance team for their efforts in getting the 2024 budget that was presented to the board finalized.

## 9. ADJOURNMENT

There being no further business to be considered by the Boards of Commissioners for the Housing Authorities of the City and County of Fresno, the meeting was adjourned at approximately 6:30 p.m.

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Tyrone Roderick Williams, Secretary to the Boards of Commissioners

*Joint Board Meeting  
Action Minutes: 12.12.23 Minutes  
Adopted:*

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 1/23/2024  
**AGENDA ITEM:** 6 b  
**SUBJECT:** Consideration of the Workplace Violence Prevention and Response Policy

**AUTHOR:** Jeff Cardell  
**DEPARTMENT:** Human Resources  
**MEMO DATE:** 1/17/2024

## Executive Summary

The purpose of this memo is to ask the Boards of Commissioners to approve revision of the Workplace Violence Prevention and Response Policy that was last approved by the Boards in December 2014. This policy is being updated to ensure compliance with applicable provisions of Senate Bill 553, provide gender neutral language, delete unnecessary or outdated language as well as other minor edits.

## Recommendation

It is recommended that the Boards of Commissioners approve and adopt the revised Workplace Violence Prevention and Response Policy.

## Fiscal Impact

There is no immediate fiscal impact associated with adoption of the Workplace Violence Prevention and Response Policy.

## Background Information

As part of the continuing effort to ensure the Agency's Personnel Policies remain current, the Workplace Violence Prevention and Response has been revised in collaboration with Senior Leaders and labor partners. As noted above this policy is being revised to:

1. Deleted the Introduction section, replace gender specific with gender neutral language and add a definitions section.
2. Include a detailed Procedures section that addresses training, hazard assessments reporting of incidents and subsequent investigations as well as restraining orders.
3. Include a section that indicates the policy will be provided to the Management and Staff of other Agencies that work on Fresno Housing property or lease space in the same building in which Fresno Housing staff work to implement a coordinated effort in maintaining a workplace free of violence or threats of violence to the greatest extent possible.

## FRESNO HOUSING

4. Include a section that allows, employees authorized by the Chief of the Department or their designee, to use pepper spray when consistent with the training provided.

## Workplace Violence Prevention and Response Policy

### Purpose

Fresno Housing (the “Agency”) is dedicated to the safety and security of the Agency's employees, visitors, and guests by preventing, detecting, and immediately addressing threats and occurrences of workplace violence. The purpose of this policy is to affirmatively express the Agency’s intent to maintain a work environment that is free of violence, provide a framework that will help prevent workplace violence and mechanisms for responding to workplace violence events. In addition, this policy has been developed to comply with California Labor Code Section 6401.9

### Definitions

A. There are four types of workplace violence:

1. Type I: The offender has no legitimate business relationship to the workplace and usually enters the affected workplace to commit a robbery or other criminal act.
2. Type II: The offender is either the recipient, or the object, of a service provided by the affected workplace or the victim, e.g., the assailant is a current or former client, customer or visitor.
3. Type III: The offender has some employment-related involvement with the affected workplace. Usually this involves an assault by a current or former employee, supervisor or manager
4. Type IV: The offender does not work at the Agency but has or is known to have a personal relationship with an employee. Usually this involves a current/former spouse; a relative or friend; or a significant other who has a dispute with an employee of the affected workplace.

B. Violence for purposes of this policy is defined as:

1. Verbal Violence – Oral statement(s) that involve threats of harm or intimidation.
2. Physical Violence –Includes, but is not limited to, assault, battery, stalking, and/or property damage or destruction that is deliberately caused.
3. Written or Electronic Violence – Written or electronic threats including emails, texts, posts, letters, notes, plans and/or drawings, describing, detailing, warning or expressing violence.

C. Violent Acts for purposes of this policy are defined as, but are not limited to, the following:

1. Physically contacting another person in a hostile manner including, but not limited to, striking, punching, slapping, grabbing, pinching and/or spitting, except for justifiable self-defense.
2. Fighting and/or challenging another person to fight.
3. Engaging in dangerous and/or threatening horseplay.
4. Physically or verbally threatening physical, psychological or economic harm to another person, and/or any action or conduct that implies the threat of bodily harm, including written or electronic violence.
5. Stalking – Willfully and repeatedly following or harassing another person and making a credible threat of violence with the intent to place that person in reasonable fear for their safety, or the safety of their immediate family.
6. Credible Threat of Violence – a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family and that serves no legitimate interest.
7. Unlawful Violence – is any assault or battery or stalking as prohibited by Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

## Policy

Violence or threats of violence by any person on Agency property will not be tolerated. Violations of this policy will lead to disciplinary action, up to and including dismissal. The Agency, in appropriate circumstances, will seek restraining orders or the arrest and prosecution of the offending person. Threats of violence will be addressed, regardless of whether made in person, over the phone, in writing or through e-mail.

Prohibited conduct under this Workplace Violence Prevention and Response Policy includes, but is not limited to,:

1. Engaging in violence, violent acts, and or threats of violence, such as, threatening, endangering, intimidating, coercing, harassing, assaulting and/or other similar unwanted behavior towards another employee, a resident, client or another person in connection with Agency employment, except for justifiable self-defense.
2. Damaging Agency, employee, or public property (excluding vehicle and equipment accidents).
3. Possessing on Agency property, in Agency vehicles, and/or in other Agency equipment a weapon, which is defined as a firearm, any deadly weapon, or any other object used willfully to perform physical harm or violence.

Removal from Property & Follow-up Action - Any person who makes threats of violence, exhibits threatening behavior, or engages in violent acts (orally or physically) on Agency property shall be removed from the premises as quickly as safety permits, and shall remain off Agency property pending the outcome of an investigation by the Human Resources Department or designee.

The Agency will respond appropriately to such threats, behavior, or acts. When necessary, Agency staff will be directed to safely evacuate or shelter in place by a supervisor or manager who will provide such instruction orally or through digital messaging. This response may include, but is not limited to suspension and/or termination of any business relationship, reassignment of job duties, suspension and/or termination of employment, and/or criminal prosecution of the person or persons involved.

Interaction with Other Policies - No existing Agency policy, practice, or procedure shall be interpreted to prohibit decisions designed to take action as outlined above, or to prevent threats, violent acts, or life-threatening situations from occurring.

Employee Responsibilities - All Agency personnel are responsible for notifying their immediate supervisor, the Human Resources Manager or a member of management of any threats that they have received or have been told that another person has witnessed or received. Even without an actual threat, Agency personnel should also report any behavior they have witnessed in the workplace or while working which is threatening or violent in nature. Employees are responsible for making a report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person who was threatened or was the focus of the threatening behavior.

Interaction with other Agencies: This policy will be provided to the Management and Staff of other Agencies that work on Fresno Housing property or lease space in the same building in which Fresno Housing staff work to implemented an effective and coordinated effort to prevent, detect and maintain a workplace free of violence or threats of violence to the greatest extent possible.

## Procedures

- A. Except for employees whose responsibilities require them to provide service to a person who is violent, threatening, or harassing, any employee who believes she or he is the victim of any violent, threatening, or harassing conduct, or is a witness to such conduct should immediately:
1. Retreat when possible and reasonably assist others in moving to a safe location; and,
  2. Notify the Police Department or security personnel if there is imminent danger. Call 911 if necessary; and,
  3. Report the incident to their supervisor or manager as soon as possible. If the supervisor or manager cannot be contacted, notify Human Resources when practical and possible.

B. All employees should be alert to their surroundings and persons whose actions or presence appears to be of suspicious nature not typically expected. If employees have reasonable doubts and concerns for their safety they should avoid the situation if possible and quickly but quietly notify a supervisor, and/or follow other applicable security procedures for the worksite.

C. Agency employees who are not required nor specifically trained and equipped should not attempt to confront a violent person.

D. No one who initiates a complaint or reports an incident under this policy will be subject to retaliation.

E. Any employee who makes a report under this policy, which the employee knows or should know is false, shall be subject to corrective action.

F. Any report of violent behavior by an Agency employee will be thoroughly investigated. Any corrective action taken will be in accordance with the Agency's Disciplinary Procedures or the applicable provisions of the Memorandum of Understanding. The results of the investigation will be provided to the reporting party and others who have a right to know.

G. In those incidents where there is a possible violation of the law, the incident will be reported to the Police Department for criminal investigation.

H. Restraining Orders: If an employee has a restraining order against another employee or is a protected person or restrained person as a result of a restraining order that involves a Agency workplace, the employee must report it to their supervisor who shall notify Human Resources and the Department Director or designee. Copies of the restraining orders with proof of service should be retained by the employee to assist the Police Department in the event a violation occurs in the workplace or at a worksite.

I. Hazard Assessment: Each department is responsible for performing workplace violence hazard assessments in collaboration with Human Resources periodically to identify unsafe conditions and work practices as well as employee reports and concerns. Following the assessment, it is the responsibility of the Department Director to ensure that remedial steps, if necessary, are taken to ensure the safety and security of employees and Agency property.

J. Access Control Procedures: Each department will develop and implement department specific access control procedures as appropriate to the work area.

K. Training: All employees will be provided with a copy of this document when adopted and revised. They will also be provided with training at time of hire, on an annual basis and when a new or previously unrecognized workplace violence hazard has been identified.

L. Annual Review: In order to ensure the effectiveness of this policy it will be reviewed at least annually, when a deficiency is observed or becomes apparent and after a workplace violence incident.

### Pepper Spray

- A. On a case-by-case basis, the Chief of the Department or designee may authorize the possession of pepper spray for an employee, following a recommendation from the respective Department Director, which includes a justification that identifies why such authorization is appropriate.
- B. Employees authorized to use Pepper Spray must participate in training on personal safety and proper use of pepper spray. Employees must participate in periodic training updates.
- C. Use of Pepper Spray, by authorized employees, is only permitted when consistent with training provided.

### Responsibility

Every employee, officer, and commissioner is required to abide by the provisions set forth in this policy and is responsible for implementing equal employment practices within each respective area. The Human Resources Department is responsible for overall compliance and will maintain personnel records in compliance with applicable laws and regulations. The Chief Executive Officer or designee is responsible for the administration, interpretation, and application of this policy and procedure. The Boards of Commissioners are responsible for policy adoptions and revisions.

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO**

**RESOLUTION TO APPROVE THE WORKPLACE VIOLENCE PREVENTION AND  
RESPONSE POLICY**

**WHEREAS, the Board of Commissioners approved the Workplace Violence Policy in December 2014; and**

**WHEREAS, the Policy is being revised to include a detailed procedures section that addresses training, hazard assessments reporting of incidents and subsequent investigations as well as restraining orders; and**

**WHEREAS, the Policy is being revised to provide gender neutral language and delete unnecessary or outdated language;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Workplace Violence Prevention and Response Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote,  
to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Tyrone Roderick Williams, Secretary of the Board of Commissioners

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE COUNTY OF FRESNO**

**RESOLUTION TO APPROVE THE WORKPLACE VIOLENCE PREVENTION AND  
RESPONSE POLICY**

**WHEREAS, the Board of Commissioners approved the Workplace Violence Policy in December 2014; and**

**WHEREAS, the Policy is being revised to include a detailed procedures section that addresses training, hazard assessments reporting of incidents and subsequent investigations as well as restraining orders; and**

**WHEREAS, the Policy is being revised to provide gender neutral language and delete unnecessary or outdated language;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Workplace Violence Prevention and Response Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote,  
to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Tyrone Roderick Williams, Secretary of the Board of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 1/23/2024  
**AGENDA ITEM:** 6 c  
**SUBJECT:** Consideration of the Workers Compensation Policy

**AUTHOR:** Jeff Cardell  
**DEPARTMENT:** Human Resources  
**MEMO DATE:** 1/12/2024

## Executive Summary

The purpose of this memo is to ask the Boards of Commissioners to approve revision of the Workers Compensation Policy that was last approved by the Boards in May 2011. This policy is being updated to remove the Introduction, Definitions, Recovery and Rehabilitation sections as well as Appendix A, which provides reporting procedures that are included in the policy. Revision of this policy also consolidates several sections and clarifies that an employee who regularly works out of state may be required to be covered by the Workers Compensation laws of another state.

## Recommendation

It is recommended that the Boards of Commissioners approve and adopt the revised Workers Compensation Policy.

## Fiscal Impact

There is no immediate fiscal impact associated with adoption of the Workers Compensation Policy.

## Background Information

As part of the continuing effort to ensure the Agency's Personnel Policies remain current, the Workers Compensation Policy has been revised in collaboration with Senior Leaders and labor partners. As noted above this policy is being revised to:

1. Delete the Introduction, Definitions, Recovery and Rehabilitation sections as well as Appendix A and consolidate other sections of the policy.
2. Clarify that employees who regularly work out of state may be required to be covered by the Workers Compensation laws of another state.
3. Clarify that a Third-Party Administrator is responsible for processing employee Workers Compensation claims and determines benefits for accepted claims.

## Workers Compensation Policy

### Policy

All employees of Fresno Housing are covered under the Worker's Compensation laws of the State of California, unless an employee works remotely and is required to be covered by the Worker's Compensation laws in a different state. Fresno Housing is self-insured for Worker's Compensation claims in the State of California and participates in a self-insurance risk pool. The risk pool contracts with a Third-Party Administrator that is responsible for processing the Agency's Worker's Compensation claims. If a claim is accepted, the Third-Party Administrator determines the benefits, including payments, that will be provided to the employee.

The purpose of this Policy is to guide employees and supervisors through the workers' compensation process to ensure compliance with State regulations set forth in the California Labor Codes.

### Reporting Employee Injury/Illness Claims

- a. Employees are required to report all work-related injuries or illnesses immediately (or as soon as possible) to their immediate supervisor and Cariva Care, unless life or limb threatening in which case 911 is to be called for assistance.
- b. Supervisors are responsible for reporting the injuries or illnesses to the Human Resources immediately upon notice of the injury or illness, complete the Agency Incident Report form on SharePoint and thoroughly investigate to prevent similar events from occurring.
- c. Human Resources will report the injury to the third-party administrator for processing. This is to be accomplished within five days of the date of injury.
- d. Unless a Pre-Designation of Personal Physician form has been submitted and approved prior to injury or illness, an injured or ill employee is required to receive medical treatment at medical facility designated by Fresno Housing.

### Compensation and Leave

- a. On the day of the injury/ illness, the employee will be compensated for a full day of regular pay regardless of when the injury or illness occurred (e.g., if an employee is injured 3 hours into his/ her shift, the remaining 6 hours will be compensated as regular time. If an employee is injured 8 hours into his/ her shift, the remaining 1 hour will be compensated as regular time. Both examples assume a 9-hour workday.)
- b. To receive pay for all subsequent doctors' appointments, the employee will need to request sick leave if doctor's appointment is scheduled during working hours.

- 
- c. Per the Labor Code for the State of California, the first three calendar days are considered a waiting period, before temporary disability is paid, unless the employee is hospitalized, then the three-day waiting period is waived. Employees may use sick time to receive compensation prior to the start of the temporary disability compensation.
  - d. If an employee is off more than 3 calendars days, they will be placed on a leave of absence with an effective date retroactive to the date of injury or illness. If a leave of absence occurs, the three-day waiting period is waived and any sick time used will be credited back to an employee's account.
  - e. Employees receiving Workers' Compensation payments are limited to a combination of payments equal to 100% of the employee's regular gross pay. Overlapping payments in excess of regular gross pay must be returned and equivalent leave hours charged will be restored.
  - f. Employees are entitled to industrial leave when they are temporarily disabled as determined by a physician or health care provider certification. An employee is who temporarily disabled may request one of the following:
    - g. To go on unpaid (leave without pay) and receive no supplemental payment from the Fresno Housing Authority while receiving Workers' Compensation benefit payments.
    - h. To have accrued sick time charged for an amount, which when added to the weekly benefit payment above, equals their gross pay. If/ when accrued sick time has been exhausted; election to charge vacation time is expected.
    - i. To have accrued sick time charged for an amount, which when added to the weekly benefit payment above, equals their gross pay. If/ when accrued sick time has been exhausted; election to go on unpaid leave and not have time charged from vacation.

## **Worker's Compensation Benefits**

- a. **Medical treatment:** All medical treatment necessary to cure or relieve the effects of a work-related injury or illness will be paid by either the employer or insurance company providing coverage. The benefits may include medical treatment, surgery, prescriptions, physical restoration, X-rays, laboratory services and all other necessary and / or reasonable care ordered by the treating doctor(s).
- b. **Temporary disability payments:** Provides partial income replacement if an employee is unable to work in a full capacity, and when the approved physician verifies that an employee cannot work because of work-related illness or injury.
- c. **Permanent disability payments:** Provided when an injury or illness results in a permanent impairment that reduces the injured worker's ability to compete in the open labor market.
- d. **Supplemental Job Displacement Benefits or Vocational Rehabilitation:** This benefit is paid when it is unlikely that the worker will be able to return to the job previously held prior to the injury and employer does not have other work available to permanently accommodate.

- 
- e. **Death Benefit:** This benefit is paid to qualified surviving dependents of a worker who dies from a work-related illness or injury.

## **Employee Responsibility**

Every employee must take personal responsibility and ownership for safety. When an employee is injured, they have a right to seek medical treatment. If the employee declines medical treatment, and the supervisor strongly feels that medical treatment is necessary, the supervisor may direct the employee to seek medical treatment.

Employees on workers compensation are responsible for keeping their supervisor and Human Resources informed of their work status. All disability documentation from the treating Physician noting the employees' dates absent from work, restrictions (if any) and estimated return date must be provided to the immediate supervisor and to Human Resources.

Fresno Housing supports the right of every employee to file a workers' compensation claim when a work-related injury or illness occurs. Filing of a legitimate workers' compensation claim is expected of all employees and not to be used as grounds for disciplinary actions against an employee. claim.

**SUPERVISOR'S REPORT OF EMPLOYEE INJURY OR ILLNESS**

1. GENERAL INFORMATION			PLEASE PRINT – COMPLETE THIS AS SOON AS POSSIBLE		
EMPLOYEE NAME	DATE AND TIME OF INJURY	<input type="checkbox"/> AM			
		<input type="checkbox"/> PM			
HA NAME	DEPARTMENT	JOB TITLE			
EXACT LOCATION WHERE INJURY OCCURRED		WITNESSES			
2. DESCRIPTION OF INJURY OR ILLNESS					
TYPE OF INJURY OR ILLNESS (SPRAIN, CUT, BURN, ETC...)				PARTS OF BODY INJURED	
3. DESCRIPTION OF INCIDENT					
WHAT HAPPENED?					
WHY DID IT HAPPEN?					
4. CAUSE OF INJURY OR ILLNESS			FIND OUT WHAT FACTORS CAUSED THE INJURY		
WHAT UNSAFE ACTS CAUSED THE INJURY OR ILLNESS?					
DESCRIBE ANY UNSAFE PHYSICAL CONDITION THAT CONTRIBUTED TO THE INJURY OR ILLNESS?					
DESCRIBE ANY SAFETY PROCEDURES THAT WERE NOT FOLLOWED					
5. PREVENTATIVE/CORRECTION ACTION TAKEN ALL INVESTIGATIONS SHOULD INVOLVE CORRECTIVE ACTION					
WHAT ACTIONS CAN BE TAKEN TO PREVENT A SIMILAR INJURY OR ILLNESS?					
WHAT ACTIONS HAVE BEEN DONE SO FAR TO PREVENT A RECURRENCE?					
IS IT POSSIBLE THIS INJURY DID NOT OCCUR AT WORK? PROVIDE DETAILS					

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO**

**RESOLUTION TO APPROVE THE WORKERS COMPENSATION POLICY**

**WHEREAS, the Board of Commissioners approved the Workers Compensation Policy in May 2011; and**

**WHEREAS, the Workers Compensation Policy is revised to consolidate related sections, delete unnecessary sections and clarify employees working out of state may be required to be covered by the Workers Compensation laws of another state;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Workers Compensation Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote, to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Tyrone Roderick Williams, Secretary of the Board of Commissioners

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE COUNTY OF FRESNO**

**RESOLUTION TO APPROVE THE WORKERS COMPENSATION POLICY**

**WHEREAS, the Board of Commissioners approved the Workers Compensation Policy in May 2011; and**

**WHEREAS, the Workers Compensation Policy is revised to consolidate related sections, delete unnecessary sections and clarify employees working out of state may be required to be covered by the Workers Compensation laws of another state;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Workers Compensation Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote, to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Tyrone Roderick Williams, Secretary of the Board of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 1/23/2024  
**AGENDA ITEM:** 6 d  
**SUBJECT:** Consideration of the Blood Donor Policy

**AUTHOR:** Jeff Cardell  
**DEPARTMENT:** Human Resources  
**MEMO DATE:** 1/12/2024

## Executive Summary

The purpose of this memo is to ask the Boards of Commissioners to approve revision of the Blood Donor Policy that was last approved by the Boards in September 2015. This policy is being revised to delete the introduction section, eliminate the need for an employee to provide verification of their donation as well as other minor edits.

## Recommendation

It is recommended that the Boards of Commissioners approve and adopt the revised Blood Donation Policy.

## Fiscal Impact

There is no immediate fiscal impact associated with adoption of the Blood Donation Policy.

## Background Information

As part of the continuing effort to ensure the Agency's Personnel Policies remain current, the Blood Donation Policy has been revised in collaboration with Senior Leaders and labor partners. As noted above this policy is being revised to:

1. Delete the Introduction section and the need to provide donation verification to receive up to two hours of compensated time off.

# BOARD MEMO



**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 1/23/2024  
**AGENDA ITEM:** 6 d  
**SUBJECT:** Consideration of the Blood Donor Policy

**AUTHOR:** Jeff Cardell  
Director of Human Resources  
**DEPARTMENT:** Human Resources  
**MEMO DATE:** 1/12/2024

## Executive Summary

The purpose of this memo is to ask the Boards of Commissioners to approve revision of the Blood Donor Policy that was last approved by the Boards in September 2015. This policy is being revised to delete the introduction section, eliminate the need for an employee to provide verification of their donation as well as other minor edits.

## Recommendation

It is recommended that the Boards of Commissioners approve and adopt the revised Blood Donation Policy.

## Fiscal Impact

There is no immediate fiscal impact associated with adoption of the Blood Donation Policy.

## Background Information

As part of the continuing effort to ensure the Agency’s Personnel Policies remain current, the Blood Donation Policy has been revised in collaboration with Senior Leaders and labor partners. As noted above this policy is being revised to:

- 1. Delete the Introduction section and the need to provide donation verification to receive up to two hours of compensated time off.

## Blood Donor Policy

### Purpose

The purpose of the Blood Donor Policy is to provide reasonable time away from work for employees who wish to donate blood and assist our community's efforts to provide a safe and adequate blood supply.

### Policy

It is the policy of the Fresno Housing to support the participation of employees in donating blood, plasma, platelets and other blood products to certified donations centers, including certified mobile facilities. Those who donate blood during working hours, at on-site Agency blood drive in conjunction with the Central California Blood Center, are granted up to two (2) hours of compensated time each year. With prior supervisor approval, employees may be allowed to participate in off-site donation facilities and may use leave time for these purposes. Time taken to donate blood is not considered time worked for purposes of computing overtime pay for non-exempt employees.

### Responsibility

Each and every employee and officer is required to abide by the provisions set forth in the Blood Donor policy. Each employee is responsible for providing advanced reasonable notice for donation time to receive up to two (2) hours of compensation. The Human Resources department is responsible for overall compliance. The Executive Director or their designee is responsible for the administration, interpretation, and application of this Policy. The Boards of Commissioners are responsible for policy adoptions and revisions.

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE**

**HOUSING AUTHORITY OF THE CITY OF FRESNO**

**RESOLUTION TO APPROVE THE BLOOD DONOR POLICY**

**WHEREAS, the Board of Commissioners approved the Blood Donor Policy in September 2015; and**

**WHEREAS, the Blood Donor Policy is revised to delete the introduction section and eliminate the need for an employee to provide verification of their donation;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Blood Donor Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote, to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Tyrone Roderick Williams, Secretary of the Board of Commissioners

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE COUNTY OF FRESNO  
RESOLUTION TO APPROVE THE BLOOD DONOR POLICY**

**WHEREAS, the Board of Commissioners approved the Blood Donor Policy in September 2015; and**

**WHEREAS, the Blood Donor Policy is revised to delete the introduction section and eliminate the need for an employee to provide verification of their donation;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Blood Donor Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote, to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Tyrone Roderick Williams, Secretary of the Board of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 1/23/2024  
**AGENDA ITEM:** 6 e  
**SUBJECT:** Consideration of the Smoking and Tobacco Use Policy

**AUTHOR:** Jeff Cardell  
**DEPARTMENT:** Human Resources  
**MEMO DATE:** 1/12/2024

## Executive Summary

The purpose of this memo is to ask the Boards of Commissioners to approve revision of the Smoking and Tobacco Use Policy that was last approved by the Boards in January 2016. This policy is being revised to update the restriction associated with smoking and tobacco use in proximity to an enclosed place of Agency employment, delete unnecessary or outdated language and make other minor edits.

## Recommendation

It is recommended that the Boards of Commissioners approve and adopt the revised Smoking and Tobacco Use Policy.

## Fiscal Impact

There is no immediate fiscal impact associated with adoption of the Smoking and Tobacco Use Policy.

## Background Information

As part of the continuing effort to ensure the Agency's Personnel Policies remain current, the Smoking and Tobacco Use Policy has been revised in collaboration with Senior Leaders and labor partners. As noted above this policy is being revised to:

1. Deleted the Introduction section and the reference to the applicable laws.
2. Update the language to indicate that smoking and tobacco use is restricted within twenty feet of an enclosed place of Agency employment rather than being restricted to certain areas.

## Smoking and Tobacco Use Policy

### Purpose

The purpose of the Smoking and Tobacco Use Policy is to ensure compliance with applicable laws rules and regulations as well as foster the health and safety of all employees and visitors while in an enclosed place of Agency employment. It is not intended to totally prohibit smoking/tobacco use on Agency properties, but does restrict smoking/tobacco use in and within twenty feet of an enclosed place of Agency employment.

### Policy

In keeping with the commitment to provide a work environment free of safety and health hazards, smoking/tobacco use is not permitted in the workplace.

The prohibition on smoking and tobacco use is intended to include, but is not limited to, the use of chewing tobacco; the inhaling, exhaling, burning or carrying of any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or form. Further, smoking includes the use of electronic smoking devices, "e-cigarettes," vapor producing devices, etc.

Smoking/tobacco use is prohibited in the following areas:

- inside all Agency buildings, rented, leased, or owned;
- lobbies, lounges, waiting areas;
- elevators;
- stairwells;
- restrooms;
- garage and storage areas;
- areas where chemicals are used;
- designated areas where an occupational safety or health hazard might exist;

within 20 feet of outside entrances/exits to public buildings;

- Agency vehicles;
- any other work areas.

Employees who wish to smoke and/or use tobacco must limit these activities to break and meal periods and smoking/tobacco use must not interfere with the employee's overall work productivity or performance. Smoking/tobacco use is permitted in designated outdoor areas only.

Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers and the public with regard to the Smoking and Tobacco Use Policy.

Employees who violate this policy will be subject to disciplinary action up to and including termination.

### Responsibility

Board Approved: January 23, 2024

Each and every employee and officer is required to abide by the provisions of this policy. The Executive Director or their designee is responsible for the administration, interpretation, and application of this Policy. The Boards of Commissioners are responsible for policy adoptions and revisions.

### Applicable Laws

- California Government Code Section 7596
- California Government Code Section 7597
- California Labor Code Section 6404.5
- California Code of Regulations Section 5148 (8 CCR 5148).

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO**

**RESOLUTION TO APPROVE THE SMOKING AND TOBACCO USE POLICY**

**WHEREAS, the Board of Commissioners approved the Smoking and Tobacco Use Policy in January 2016; and**

**WHEREAS, the Smoking and Tobacco Use Policy is revised to delete unnecessary language and update the restriction of smoking and tobacco use in proximity to an enclosed place of Agency employment;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Smoking and Tobacco Use Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote, to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Tyrone Roderick Williams, Secretary of the Board of Commissioners

**RESOLUTION No. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE COUNTY OF FRESNO**

**RESOLUTION TO APPROVE THE SMOKING AND TOBACCO USE POLICY**

**WHEREAS, the Board of Commissioners approved the Smoking and Tobacco Use Policy in January 2016; and**

**WHEREAS, the Smoking and Tobacco Use Policy is revised to delete unnecessary language and update the restriction of smoking and tobacco use in proximity to an enclosed place of Agency employment;**

**NOW, THEREFORE, BE IT RESOLVED THAT the governing body of the above agency does hereby approve the Smoking and Tobacco Use Policy.**

**PASSED AND ADOPTED THIS 23rd day of January, 2024, by the following vote, to wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Tyrone Roderick Williams, Secretary of the Board of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners **AUTHOR:** Jaciee Berber  
**FROM:** Tyrone Roderick Williams, CEO **DEPARTMENT:** Assistant Project Manager  
**MEETING DATE:** 01/23/2024 **DEPARTMENT:** Real Estate Development  
**AGENDA ITEM:** 6f **MEMO DATE:** 01/17/2024  
**SUBJECT:** Consideration of Submission of Application to the City of Fresno Affordable Housing Development NOFA for the Adaptive Reuse and Financing of the Parkside Inn Phase I Project

## Executive Summary

The purpose of this Board Memo is to request certain approvals from the Boards of Commissions related to the adaptive reuse, and potential financing of the Parkside Inn Phase I development. Parkside Inn Phase I will consist of major rehabilitation and redesign to create 27 apartment units of permanent housing at the former Parkside Inn motel located at 1415 W. Olive Ave, Fresno, CA (APN: 449-270-56T). The requested action under this Board memo includes authorization to submit a funding application in response to the City of Fresno's Affordable Housing Development NOFA. If awarded, the funding would further support the redevelopment efforts in helping to leverage additional funding needed for the development.

On December 29, 2023, the City of Fresno's Planning and Development Department issued a Notice of Funding Availability for development of Affordable Rental Housing Development to serve households whose incomes range between 30% and 60% of Area Median Income. The total funding amount available is \$14,818,763, sourced from any of the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), HOME Investment Partnerships American Rescue Plan (HOME-ARP), State of California Permanent Local Housing Allocation (PLHA), or others. The application deadline is set for January 29, 2024. Staff plans to submit an application for a funding amount up to \$4,000,000. It is possible the City of Fresno may award more or less than the amount of funds requested.

## Recommendation

It is recommended that the Boards of Commissioners of Fresno Housing adopt the attached resolution approving the necessary actions to submit a funding application to the City of Fresno for the Parkside Inn project and authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, and Michael Duarte, Chief Real Estate Officer,

## FRESNO HOUSING

and/or their designee to negotiate and execute documents in connection with the approved actions.

1. Authorize the submission of an application to the City of Fresno Affordable Housing Development (AHD) NOFA for the Parkside Inn I project, located at 1415 W Olive Ave, Fresno, CA (APN: 449-270-56T)
2. Authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer and/or their designees to negotiate and execute documents on behalf of the Housing Authority of the City of Fresno; and
3. Provide for other matters related thereto.

### Fiscal Impact

No fiscal impact at this time.

### Background Information

#### Golden State Triage

The Parkside Inn (aka Golden State Triage) site (APN: 449-270-56T) is a motel site located at 1415 W Olive Ave, Fresno, CA that is currently operated as a transitional housing facility by Turning Point of Central California. The HACF is planning to develop this site as a multiphased project. Phase I would entail the adaptive reuse of the existing Parkway Inn motel which would convert the existing 48 motel rooms to 27 units (26 special needs, and 1 manager's unit) that would include a range of Studio, 1-Bedroom, and 2 Bedroom units with affordability level from 30%-60% AMI. Phase II would include the New Construction of up to 30 units and a proposed new Community Center. The project would also have additional landscaping and outdoor community spaces. As of this memo, the project has secured funding from the HCD HomeKey program in the amount of approximately \$3.8 million. Additional gap financing is needed to fund the project to bring this project into fruition

# BOARD MEMO

**TO:** Boards of Commissioners **AUTHOR:** Jaciee Berber  
**FROM:** Tyrone Roderick Williams, CEO **DEPARTMENT:** Assistant Project Manager  
**MEETING DATE:** 01/23/2024 **DEPARTMENT:** Real Estate Development  
**AGENDA ITEM:** 6f **MEMO DATE:** 01/17/2024  
**SUBJECT:** Consideration of Submission of Application to the City of Fresno Affordable Housing Development NOFA for the Adaptive Reuse and Financing of the Parkside Inn Phase I Project

## Executive Summary

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On December 29, 2023, the City of Fresno's Planning and Development Department issued a Notice of Funding Availability for development of Affordable Rental Housing Development to serve households whose incomes range between 30% and 60% of Area Median Income. The total funding amount available is \$14,818,763, sourced from any of the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), HOME Investment Partnerships American Rescue Plan (HOME-ARP), State of California Permanent Local Housing Allocation (PLHA), or others. The application deadline is set for January 29, 2024. Staff plans to submit an application for a funding amount up to \$4,000,000. It is possible the City of Fresno may award more or less than the amount of funds requested.

## Recommendation

It is recommended that the Boards of Commissioners of Fresno Housing adopt the attached resolution approving the necessary actions to submit a funding application to the City of Fresno for the Parkside Inn project and authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, and Michael Duarte, Chief Real Estate Officer,

## FRESNO HOUSING

and/or their designee to negotiate and execute documents in connection with the approved actions.

1. Authorize the submission of an application to the City of Fresno Affordable Housing Development (AHD) NOFA for the Parkside Inn I project, located at 1415 W Olive Ave, Fresno, CA (APN: 449-270-56T)
2. Authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer and/or their designees to negotiate and execute documents on behalf of the Housing Authority of the City of Fresno; and
3. Provide for other matters related thereto.

### Fiscal Impact

No fiscal impact at this time.

### Background Information

#### Golden State Triage

The Parkside Inn (aka Golden State Triage) site (APN: 449-270-56T) is a motel site located at 1415 W Olive Ave, Fresno, CA that is currently operated as a transitional housing facility by Turning Point of Central California. The HACF is planning to develop this site as a multiphased project. Phase I would entail the adaptive reuse of the existing Parkway Inn motel which would convert the existing 48 motel rooms to 27 units (26 special needs, and 1 manager's unit) that would include a range of Studio, 1-Bedroom, and 2 Bedroom units with affordability level from 30%-60% AMI. Phase II would include the New Construction of up to 30 units and a proposed new Community Center. The project would also have additional landscaping and outdoor community spaces. As of this memo, the project has secured funding from the HCD HomeKey program in the amount of approximately \$3.8 million. Additional gap financing is needed to fund the project to bring this project into fruition

RESOLUTION NO. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF THE

HOUSING AUTHORITY OF THE CITY OF FRESNO, CALIFORNIA

RESOLUTION AUTHORIZING THE SUBMISSION OF A CITY OF FRESNO FUNDING APPLICATION FOR THE PARKSIDE INN PHASE I DEVELOPMENT (APN 449-270-56T)

WHEREAS, the Housing Authority of the City of Fresno, California (“the Agency”) seeks to expand the development and availability of long-term housing for low and moderate income households residing in Fresno County, California (“the County”); and

WHEREAS, the Agency is currently in a partnership with Turning Point of California to operate the Golden State Triage Center (aka Parkside Inn I), located at 1415 W. Olive Ave, Fresno, CA as a transitional housing facility and would like to rehabilitate the property into permanent housing; and

WHEREAS, the Agency has secured HCD HomeKey funds as means of gap financing for the project and anticipates additional funding shall be necessary as part of the financing plan; and

WHEREAS, the City of Fresno has issued a Notice of Funding Availability on December 29, 2023 for funding of new construction of affordable rental housing available through a mixture of funding sourced from any of the following programs: HOME Investment Partnerships (HOME), Community Development Block Grant (CDBG), HOME Investment Partnerships American Rescue Plan (HOME-ARP), State of California Permanent Local Housing Allocation (PLHA), or others; and

WHEREAS, the Agency desires to submit a funding application to the City of Fresno to request up to \$4,000,000 to help facilitate the Parkside Inn Phase I development; actual potential award may be more or less than requested; and

WHEREAS, Parkside Inn Phase I is envisioned to be adaptive reuse with major rehabilitation of the existing property to create 27 units for permanent housing; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno, CA hereby authorizes the necessary actions needed to submit an application to the City of Fresno for the Parkside Inn Phase I development in response to the Affordable Housing Development Notice of Funding Availability, and authorize Tyrone Roderick Williams, the Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/ or their designee, to negotiate and execute documents in connection with the approved actions.

**PASSED AND ADOPTED THIS 23rd DAY OF JANUARY 2024. I, the undersigned, herby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

**Tyrone Roderick Williams, Secretary of the Boards of Commissioners**

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 01/23/2024  
**AGENDA ITEM:** 6g  
**SUBJECT:** Consideration of Submission of Application to the City of Fresno Affordable Housing Development NOFA for Avalon Commons Phase II

**AUTHOR:** Lela Schwartz  
**DEPARTMENT:** Real Estate Development  
**MEMO DATE:** 01/16/2024

## Executive Summary

The purpose of this Board Memo is to request certain approvals from the Boards of Commissioners related to the development, construction, and potential financing of the Avalon Commons Phase II project. Phase II will add an additional 45 units of affordable housing on the property located at 7521 N. Chestnut Ave, Fresno, CA (APN: 404-071-50, portion). Avalon Commons Phase I project that is currently under construction and consists of 60 units. The requested action under this Board memo includes authorization to submit a funding application for the Project in response to the City of Fresno's 2024-2025 Affordable Housing Development NOFA.

On December 29, 2023, the City of Fresno's Planning and Development Department issued a Notice of Funding Availability for new construction of Multi-Family or Single-Family Affordable Housing to serve households whose incomes range between 30% and 60% of Area Median Income. The total funding amount available is up to \$14,818,763, with sources including HOME Investment Partnerships (HOME) Program, Community Housing Development Organization (CHDO), Community Development Block Grant (CDBG), HOME Investment Partnerships American Rescue Plan (HOME-ARP), and State of California Permanent Local Housing Allocation (PLHA).

Staff plans to submit an application for Avalon Commons Phase II for a funding amount up to \$5,000,000. Staff will continue to evaluate the project and will return to the Boards regarding future financing applications. It is possible the City of Fresno may award more or less than the amount of funds requested.

## Recommendation

It is recommended that the Boards of Commissioners of Fresno Housing adopt the attached resolution approving the necessary actions to submit a funding application to the City of Fresno for Avalon Commons Phase II and authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, and Michael Duarte, Chief Real Estate Officer, and/or their designee to negotiate and execute documents in connection with the approved actions.

1. Authorize the submission of an application to the City of Fresno's Affordable Housing Development NOFA for the Avalon Commons Phase II project, located at 7521 N. Chestnut Ave, Fresno, CA (APN: 404-071-50)
2. Authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer and/or their designees to

## FRESNO HOUSING

- negotiate and execute documents on behalf of the Housing Authority of the City of Fresno;  
and
3. Provide for other matters related thereto.

### Fiscal Impact

No fiscal impact at this time.

### Background Information

Avalon Commons II is the second phase of the Avalon Commons project on a portion of 7.1 acres of land located at 7521 N. Chestnut Ave, Fresno, CA (APN: 404-071-50). The property was acquired by the Housing Authority of the City of Fresno, California in December 2020 for \$2,800,000 and has a Phase I development of 60 units underway. The current Phase II site plan envisions a 45-unit development with 12 one-bedroom units, 17 two-bedroom units, and 16 three-bedroom units.

RESOLUTION NO. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF THE

HOUSING AUTHORITY OF THE CITY OF FRESNO, CALIFORNIA

**RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CITY OF FRESNO'S 2024-2025 AFFORDABLE HOUSING DEVELOPMENT NOTICE OF FUNDING AVAILABILITY FOR A PROPOSED PROJECT AT 7521 N CHESTNUT AVE, FRESNO, CALIFORNIA (APN 404-071-50)**

WHEREAS, the Housing Authority of the City of Fresno, California ("the Agency") seeks to expand the development and availability of long-term housing for low- and moderate-income households residing in Fresno County, California ("the County"); and

WHEREAS, the Agency seeks to move forward with the development of Phase II of the Avalon Commons project, located at 7521 N Chestnut Ave, Fresno, CA 93721 (APN 404-071-50, portion) consisting of 45 units; and

WHEREAS, the City of Fresno issued a Notice of Funding Availability on December 29, 2023 for funding of affordable rental and single-family housing, which includes funding from the HOME Investment Partnerships (HOME) Program, Community Housing Development Organization (CHDO), Community Development Block Grant (CDBG), HOME Investment Partnerships American Rescue Plan (HOME-ARP), and State of California Permanent Local Housing Allocation (PLHA); and

WHEREAS, the Agency desires to submit a funding application to the City of Fresno requesting up to \$5,000,000 to facilitate the development of Avalon Commons Phase II, 7521 N. Chestnut Avenue, Fresno, California; actual potential award may be more or less than amount requested; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno, CA hereby authorizes the actions necessary to submit an application to the City of Fresno for the 2024-2025 Affordable Housing Development Notice of Funding Availability, and authorizes Tyrone Roderick Williams, the Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/or their designee, to negotiate and execute documents in connection with the approved actions.

PASSED AND ADOPTED THIS 23<sup>rd</sup> DAY OF JANUARY, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tyrone Roderick Williams, Secretary of the Boards of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners **AUTHOR:** Eduardo Rodriguez  
**FROM:** Tyrone Roderick Williams, CEO **DEPARTMENT:** Community Development Analyst  
**MEETING DATE:** January 23, 2024 **MEMO DATE:** January 16, 2024  
**AGENDA ITEM:** 6h  
**SUBJECT:** Consideration of Submission of Application to the City of Fresno Affordable Housing Development NOFA for the development of the North Fulton Site

## Executive Summary

The purpose of this Board Memo is to request certain approvals from the board of Commissioners related to the new development property currently known as North Fulton (“the Site”). The subject property is located on the east side of Fulton Street between Merced Street and Tuolumne Street (a portion of APNs 466-153-14, 466-153-15, and/or 466-153-18) in downtown Fresno, CA, and includes an existing vacant building. The proposed site (phase I) could accommodate approximately 100 units of multifamily affordable housing and aligns with the Board’s goals to provide infill housing and revitalize neighborhoods while expanding the Agency’s footprint in downtown Fresno.

On December 29, 2023, the City of Fresno’s Planning and Development Department issued a Notice of Funding Availability for new construction of Multi-Family or Single-Family Affordable Housing to serve households whose incomes range between 30% and 60% of Area Median Income. The total funding amount available is up to \$14,818,763, with sources including HOME Investment Partnerships (HOME) Program, Community Housing Development Organization (CHDO), Community Development Block Grant (CDBG), HOME Investment Partnerships American Rescue Plan (HOME-ARP), and State of California Permanent Local Housing Allocation (PLHA).

Staff plans to submit an application for the North Fulton site for a funding amount up to \$5,000,000. Staff will continue to evaluate the project and will return to the Boards regarding future financing applications. It is possible the City of Fresno may award more or less than the amount of funds requested. The potential award of City funding does not obligate or commit FH to move forward with the development.

## Recommendation

It is recommended that the Board of Commissioners of the Housing Authority of the City of Fresno, CA adopt the attached resolution approving the necessary actions needed to move forward with a funding application submission for the North Fulton project (Phase I) (portion or APN 466-153-14, 466-153-15, and/or 466-153-18) and authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Officer, Michael Duarte, Chief Real Estate Officer, and/or their designee, to negotiate and execute documents in connection with the approved actions.

### Approval Items

1. Authorize the undertaking of all actions necessary to secure financing for the project, and assemble various financing sources, which may include, but are not limited to (a) submission

## FRESNO HOUSING

- of application to the City of Fresno’s Planning and Development Department – Housing and Community Development Division (HCCD) the Affordable Housing Development NOFA, (b) 9% California Tax Credit Allocation Committee Application (CTCAC), and (c) other grants, operating subsidies, and/or private loans, and such other sources identified by the CEO.
2. Authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/or their designee to negotiate and execute documents on behalf of the Housing Authority of the City of Fresno, CA; and
  3. Provide for Other matters related thereto.

### Fiscal Impact

No fiscal impact at this time.

### Background Information

The North Fulton project (APNs: 466-153-14, 466-153-15, and 466-153-18) is a proposed affordable housing development located at 1302 Fulton Street in downtown Fresno (phase I), directly across from Fresno Housing’s Central Office building. The property area is 1.73 acres, consisting of three contiguous parcels: 0.52, 0.55, and 0.66–acre parcels which include an approximately 22,000 square feet existing vacant building setback on the corner of Fulton Street and Merced Street. All subject parcels are currently zoned DTC-Downtown Core, which allows for a variety of mixed uses, including residential housing.

### Past Board Action

- March 2023 - Ratification of the Purchase Sale Agreement and final approval for the acquisition along with a commitment of \$2,800,000 from the Housing Relinquished Fund Corporation (HRFC) for the purchase and acquisition of the Site

RESOLUTION NO. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF THE

HOUSING AUTHORITY OF THE CITY OF FRESNO, CALIFORNIA

**RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CITY OF FRESNO'S 2024-2025 AFFORDABLE HOUSING DEVELOPMENT NOTICE OF FUNDING AVAILABILITY FOR THE NORTH FULTON PROJECT IN DOWNTOWN FRESNO**

**WHEREAS**, the Housing Authority of the City of Fresno, California ("the Agency") seeks to expand the development and availability of long-term housing for low and moderate-income households residing in Fresno County, California ("the County"); and

**WHEREAS**, the Agency is exploring a partnership with the City of Fresno to develop several properties located in Downtown Fresno, including the Fresno Housing Central Office site (APN 466-206-56T) and adjacent property (APNs: 466-153-14, 466-153-15, & 466-153-18); and

**WHEREAS**, it is anticipated that the proposed phase I development may consist of 60-100 residential units, and gap financing will be necessary as part of the financing plan; and

**WHEREAS**, the City of Fresno has issued a Notice of Funding Availability on December 29, 2023 for funding of new construction of affordable rental housing available through Affordable Housing Development Notice of Funding Availability (NOFA); and

**WHEREAS**, the Agency desires to submit a funding application to the City of Fresno to request up to \$5,000,000 to help facilitate the Downtown Fresno rental housing development; the actual potential award may be more or less than the amount requested;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno, CA hereby authorizes the necessary actions needed to submit an application to the City of Fresno for the North Fulton project in response to Affordable Housing Development Notice of Funding Availability, and authorize Tyrone Roderick Williams, the Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/or their designee, to negotiate and execute documents in connection with the approved actions:

1. Authorize the undertaking of all actions necessary to secure financing for the Project, and assemble various financing sources, which may include, but are not limited to (a) submission of an application to the California Tax Credit Allocation Committee (b) submission of an Affordable Housing Program (AHP) application to the Federal Home Loan Bank of San Francisco, (c) submission of an application for City of Fresno's

Affordable Housing Development Notice of Funding Availability (NOFA) funds in an amount up to \$5,000,000, (d) submission of an application to California Department of Housing and Community Development funding programs, and (e) other grants, operating subsidies and/or private loans and such other sources identified by the Chief Executive Officer.

3. Authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/or their designee to execute documents on behalf of the Housing Authority of Fresno County, CA; and
4. Provide for other matters related thereto.

PASSED AND ADOPTED THIS 23<sup>RD</sup> DAY OF JANUARY 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tyrone Roderick Williams, Secretary of the Boards of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 01/23/2024  
**AGENDA ITEM:** 6i  
**SUBJECT:** Authorization for Funding Application to the California Tax Credit Allocation Committee – Parkside Inn Phase I

**AUTHOR:** Jaciee Berber  
**DEPARTMENT:** Real Estate Development  
**MEMO DATE:** 01/17/2024

## Executive Summary

The purpose of this Board memo is to request certain approvals from the Boards of Commissioners related to the adaptive reuse of a housing development known as Parkside Inn Phase I (the “Property”). The subject Property is located at 1415 W Olive Ave, Fresno, California. Staff is requesting authorization to apply for various potential funding sources, notably a Low-Income Housing Tax Credit (LIHTC) application to the California Tax Credit Allocation Committee (CTCAC). LIHTC financing will enable the property to be repositioned and preserve the property and further secure its continued affordability.

In December, 2020, the Boards approved acquisition of the property under the Department of Housing and Community Development’s (HCD) Homekey 1 program. The property is currently operated as a transitional shelter, with plans for conversion into permanent affordable housing. As part of the next phase in the Parkside Inn development process, it is necessary for the Boards of Commissioners of Fresno Housing to adopt the attached board resolution that will allow for a list of significant actions to take place in order to facilitate the development. In order to fully finance the project, it is necessary to submit a funding application to the California Tax Credit Allocation Committee (CTCAC) for an allocation of 9% Low-Income Housing Tax Credits (LIHTC).

## Recommendation

It is recommended that the Boards of Commissioners of Fresno Housing adopt the attached resolutions approving the necessary actions needed to move forward with funding application submissions for the Parkside Inn Phase I project, and authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/or their designee, to negotiate and execute documents in connection with the approved actions.

1. Authorize the Housing Authority of the City of Fresno to enter into a Memorandum of Understanding with Silvercrest, Inc. to codevelop the project.

## FRESNO HOUSING

2. Authorize the Housing Authority of the City of Fresno to enter into a Partnership Agreement with Silvercrest, Inc., wherein the Authority would act as the Administrative General Partner (AGP) and Silvercrest, Inc. would act as the Managing General Partner (MGP); and to execute such documents as are necessary for such purposes.
3. Authorize the undertaking of all actions necessary to secure financing for the Project, and assemble various financing sources, which may include, but are not limited to: (a) submission of an application to the California Tax Credit Allocation Committee (b) submission of an application for California Housing Finance Agency (CalHFA) funding, (d) submission of an Affordable Housing Program (AHP) application to the Federal Home Loan Bank of San Francisco, (e) submission of an application for City of Fresno HOME/PLHA/LHTF/ARP funds, and (f) other grants, operating subsidies and/or private loans and such other sources identified by the Chief Executive Officer.
4. Authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, or their designees to execute documents on behalf of the Housing Authority of the City of Fresno, CA; and in the name of the Administrative General Partner, on its own behalf; and as administrative general partner of the Partnership; and
5. Provide for other matters related thereto.

### Fiscal Impact

The \$2,000 CTCAC application fee and other due diligence are budgeted from the current approved predevelopment budget. Predevelopment financing would be necessary until the close of construction/permanent financing should the TCAC application be successful. All predevelopment funds are expected to be fully reimbursed once the permanent financing close occurs.

### Background Information

The Parkside Inn site (APN: 44927056) is currently operating as a City supported homeless transitional housing site funded by the State of California Department of Housing and Community Development's Homekey program. The HACF is planning to develop this site as a multi-phased project. Phase I would entail the adaptive reuse of the existing Parkway Inn motel which would convert the existing 48 motel rooms to 27 units (26 special needs, and 1 manager's unit) that would include a range of Studio, 1-Bedroom, and 2 Bedroom units with affordability level from 30%-60%. AMI. Phase II would include the New Construction of up to 30 units and a proposed Community Center. The project would also have additional landscaping and outdoor community spaces.

#### Past Board Action

- July 25 ,2023 – Award of General Contractor/Construction Manager (GCCM) Contract

## FRESNO HOUSING

- July 25, 2023 – Authorization for Funding Application to the California Tax Credit Allocation Committee
- June 27, 2023 – Approval to Submit an Application for Funding to the City of Fresno Affordable Housing Development NOFA
- June 27, 2023 Authorization to Apply for HCD’s 2023 Super NOFA
- March 28, 2023 – Approval to Submit Application for Funding from the City of Fresno’s Local Housing Trust Fund for Development and Financing
- November 17, 2020 – Resolution approving the assignment to and authorization by Silvercrest, Inc., for the acquisition of real property located at 1415 W. Olive Ave, Fresno, CA 93728 (APN: 449-270-56) from Akshar, Inc. and execution of documents from the California Department of Housing and Community Development; Entrance into a grant agreement with Enterprise Community Partners, Inc.
- October 27, 2020 – Resolution approving acceptance of a grand award from the City of Fresno for the operation and provision of services to hotels during the provision of interim housing
- September 9, 2020 – Parkside Inn HCD Resolution update
- August 25, 2020 – Parkside Inn HCD Resolution & Resolution authorizing approval and ratification to enter into a purchase and sale agreement with
- Akshar, Inc., for real property located at 1415 W Olive Ave, Fresno, CA 93728 (APN:449-270-56)

RESOLUTION NO. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO, CA

RESOLUTION AUTHORIZING THE SUBMISSION OF A 9% LOW INCOME HOUSING  
TAX CREDIT (“LIHTC”) APPLICATION FOR THE DEVELOPMENT OF PARKSIDE  
INN PHASE I, 27 UNITS OF AFFORDABLE SPECIAL NEEDS HOUSING  
LOCATED AT 1415 W OLIVE AVE (APN 449-270-32) IN FRESNO, CA

WHEREAS, the Housing Authority of the City of Fresno, CA (“the Authority”) seeks to expand the development and availability of long-term housing for low and moderate income households residing in the City of Fresno, California; and,

WHEREAS, the Authority is authorized, among other things, to enter into partnership agreements and to make loans to partnerships to finance, plan, undertake, construct, acquire and operate housing projects; and,

WHEREAS, the Authority desires to facilitate the redevelopment of real property located at 1415 W Olive Ave, Fresno, CA, 93728 (APN 449-270-32) and the improvements located thereon into a 27-unit apartment complex (collectively, the Property); and,

WHEREAS, the project’s financing structure calls for the submission of a 9% LIHTC application to facilitate the development;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno, CA hereby authorizes Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/ or their designee, to negotiate and execute documents in connection with the approved actions.

1. Authorize the undertaking of all actions necessary to develop the Project, and assemble various financing sources, which may include, but are not limited to: (a) submission of an application to the California Tax Credit Allocation Committee for 9% LIHTC, (b) submission of an Affordable Housing Program (AHP) application to the Federal Home Loan Bank of San Francisco, (c) submission of an application for City of Fresno HOME/ PLHA/ LHTF/ ARP funds, and (d) grants, operating subsidies and/ or private loans and such other sources identified by the Chief Executive Officer.
2. Facilitate the HCD Homekey funds awarded in 2020 in the amount of approximately \$3.8M to be leveraged as part of the project financing; and
3. Authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/ or their

designees to execute documents on behalf of the Housing Authority of the City of Fresno, CA; and in the name of the Administrative General Partner, on its own behalf; and as administrative general partner of the Partnership; and

4. Provide for other matters related thereto.

PASSED AND ADOPTED THIS 23rd DAY OF January, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tyrone Roderick Williams, Secretary of the Boards of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 01/23/2024  
**AGENDA ITEM:** 6j  
**SUBJECT:** Consideration of Agency Disposition Policies

**AUTHOR:** Michael Duarte  
**DEPARTMENT:** Real Estate Development  
**MEMO DATE:** 01/17/2024

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## Executive Summary

The purpose of this memo is to request that the Boards of Commissioners approve the Agency Disposition Policies for Public Housing and non-Public Housing. There are two separate policies as the Public Housing assets require certain program specific federal and/or HUD processes and approvals.

## Recommendation

It is recommended that the Boards of Commissioners approve and adopt the Agency Disposition Policies for Public Housing and non-Public Housing.

## Fiscal Impact

There is no immediate fiscal impact associated with the adoption of the Agency Disposition Policies.

## Background Information

Through the course of the Agency's 2023 review by the Department of Housing and Urban Development ("HUD"), HUD noted as a concern that the Agency did not have a Disposition Policy. The HUD recommended action was for the Agency to create a Disposition Policy, as the Agency has listed properties to be disposed of in its Annual Plan. Staff worked with Agency counsel at Ballard Spahr and Baker, Manock & Jensen to draft the proposed Public Housing and non-Public Housing Disposition Policies. The HUD recommendation was provided to ensure the Agency had a policy and transparent process to dispose of Public Housing Assets. However, the recommendation was not a result of any finding or defect in past practices.

RESOLUTION NO. \_\_\_\_\_

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF FRESNO COUNTY, CA**

**RESOLUTION TO APPROVE THE AGENCY PUBLIC HOUSING AND NON-PUBLIC  
HOUSING DISPOSITION POLICIES**

WHEREAS, the Department of Housing and Urban Development (“HUD”) requested that the Housing Authority of Fresno County, CA (the “Agency”) adopt a Disposition Policy during their 2023 review of Agency programs; and,

WHEREAS, Staff has worked with Agency counsel at Ballard Spahr and Baker, Manock & Jensen to draft the requested Public Housing and non-Public Housing Disposition Policies; and,

WHEREAS, the Public Housing Disposition Policy has been drafted in accordance with HUD’s Section 18 and 24 CFR Part 970 as well as Financial Management, PHAs Resource 02- Disposition of Assets and applicable federal and state laws;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of Fresno County, California does hereby approve the Agency Public Housing and non-Public Housing Disposition Policies.

PASSED AND ADOPTED THIS 23<sup>rd</sup> DAY OF January, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tyrone Roderick Williams, Secretary of the Boards of Commissioners

RESOLUTION NO. \_\_\_\_\_

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO, CA**

**RESOLUTION TO APPROVE THE AGENCY PUBLIC HOUSING AND NON-PUBLIC  
HOUSING DISPOSITION POLICIES**

WHEREAS, the Department of Housing and Urban Development (“HUD”) requested that the Housing Authority of the City of Fresno, CA (the “Agency”) adopt a Disposition Policy during their 2023 review of Agency programs; and,

WHEREAS, Staff has worked with Agency counsel at Ballard Spahr and Baker, Manock & Jensen to draft the requested Public Housing and Non-Public Housing Disposition Policies; and,

WHEREAS, the Public Housing Disposition Policy has been drafted in accordance with HUD’s Section 18 and 24 CFR Part 970 as well as Financial Management, PHAs Resource 02- Disposition of Assets;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno, California does hereby approve the Agency Public Housing and non-Public Housing Disposition Policies.

PASSED AND ADOPTED THIS 23<sup>rd</sup> DAY OF January, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Tyrone Roderick Williams, Secretary of the Boards of Commissioners

*FRESNO HOUSING AUTHORITY*

***POLICY FOR THE DISPOSITION  
OF PUBLIC HOUSING  
DEVELOPMENTS***



*1331 Fulton Street  
Fresno, CA 93721*

January 23, 2024

3395915v1 / 18621.0001

*DISPOSITION POLICY*

**Table of Contents**

1. Policy on Disposition of Public Housing Developments
  - Overview
  - a. Definitions
  - b. Regulatory Authority
  - c. Bases for Disposition
  - d. Timing of Disposition
  - e. Terms of Disposition
  - f. Procurement Process
  - g. Resident Relocation
  - h. Appeals
  - i. Record Retention of Dispositions
  
2. Applicable Statutes and Regulations

DRAFT

# 1. POLICY ON DISPOSITION OF PUBLIC HOUSING DEVELOPMENTS

## OVERVIEW

Under certain limited circumstances, the Housing Authority of the City of Fresno, California and the Housing Authority of Fresno County, California in their sole discretion, may elect to dispose of certain land and/or structures comprising all or a part of a Public Housing Project. This document defines the policies to be followed in connection with the disposition of Public Housing Developments that are subject to an ACC by Fresno Housing. Policies governing the disposition of other types of real property owned by Fresno Housing are subject to that certain Policy on Disposition of Non-Public Housing Developments.

### A. DEFINITIONS

“**1937 Act**” means the United States Housing Act of 1937 (42 U.S.C. § 1437, *et seq.*), as amended.

“**Annual Contributions Contract**” or “**ACC**” means the written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

“**Disposition**” or “**to dispose**” means the conveyance or other transfer by the Fresno Housing, by sale or other transaction, of any interest in any real estate owned by Fresno Housing, subject to certain exceptions. Disposition shall include conveyances in fee title as well as leases for over one-year, but does not include the leasing of individual units in a Public Housing Development as part of normal operation of the Public Housing Development for public housing purposes. Disposition does not include easements, rights-of-way, and transfers of utility systems incident to the normal operation of the development for public housing purposes.

“**Fresno Housing**” means the Housing Authority of the City of Fresno and the Housing Authority of Fresno County, singularly or collectively.

“**HUD**” means the federal Department of Housing and Urban Development.

“**Public Housing Agency**” or “**PHA**” means any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

“**Public Housing Development**” means low-income housing and all necessary appurtenances thereto owned by a PHA that are subject to ACC, including but not limited to dwelling units, community center facilities, offices, and vacant land that may support or be a part of the Public Housing Development.

## **B. STATUTORY AND REGULATORY AUTHORITY**

The disposition of Public Housing Developments owned by a PHA is subject to Section 18 the 1937 Act and Part 970 of title 24 of the Code of Federal Regulations (attached). In order for the Fresno Housing to dispose of Public Housing Development, Fresno Housing must satisfy certain requirements, as more fully described in the attached regulations. In particular, Fresno Housing must obtain prior written approval from HUD by showing that retention of the Public Housing Development is not in the best interests of the residents or the PHA due to at least one of the following reasons: (a) adverse conditions in the surrounding area (b) disposition would allow the acquisition, development or rehabilitation of other properties, or (c) the PHA's determination that the disposition is appropriate for reasons that are consistent with the goals of the PHA and the PHA plans and are otherwise consistent with the 1937 Act.

For dispositions that are combined with a Rental Assistance Demonstration (RAD) conversion, the PHA must follow the processes and guidance set forth in the RAD Final Implementation Notice Revision 4 (H-2019-09 PIH-2019-23 (HA)), as amended from time to time (the "RAD Notice"). RAD/Section 18 blends are primarily processed by HUD's Office of Recapitalization and are subject to RAD requirements and processes related to Financing Plan submission requirements, underwriting, DOT releases, terms of the disposition (e.g., treatment of proceeds), and placement of a long-term use agreement at the Covered Project. Notwithstanding processing by the Office of Recapitalization, in addition to RAD requirements, the PHA must also comply with Section 18 submission requirements.

In addition, the disposition of a housing project developed, rehabilitated or financed by a housing authority is governed by California Housing Authorities Law found in the California Health and Safety Code Sections 34200, *et seq.*<sup>1</sup> Under these provisions, Fresno Housing may dispose of housing projects, after a public hearing, so long as the proceeds from the sale, lease, or other disposition, net of the cost of sale and retiring any outstanding obligations owed to HUD for the original development or modernization of the Public Housing Development, are to be used directly to assist another housing project for persons of low income.

## **C. BASES FOR DISPOSITION**

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<sup>1</sup> The Surplus Land Act (Gov. Code §§ 54220 *et seq.*) also applies to the disposition of land owned by California local agencies, including housing authorities. (Gov. Code § 54221(a)(1).) However, the Surplus Land Act also provides that "no provision of this article shall be applied when it conflicts with any other provision of statutory law." (Gov. Code § 54226.) Because the disposition provisions of California Health and Safety Code section 34312.3 conflict with the disposition provisions of the Surplus Land Act, FRESNO HOUSING has determined that the provisions of California Housing Authorities Law supersedes the requirements of the Surplus Land Act.

The determination to dispose of a Public Housing Development is solely at Fresno Housing's discretion. Disposition of Fresno Housing Public Housing Developments may be considered when either one of the following conditions are present:

1. Retention is not in the best interests of the residents and the disposition will allow for the development of other offsite properties that will be more efficiently or effectively operated as low-income housing projects based on either:
  - (a) The conditions in the area surrounding the Public Housing Development adversely affect the health or safety of the residents based on documented environmental conditions that Fresno Housing cannot cure or mitigate in a cost-effective manner; or
  - (b) The conditions in the surrounding area adversely affect the feasible operation of the development by Fresno Housing by a demonstrated lack of demand for units notwithstanding Fresno Housing's due diligence in marketing.
2. Fresno Housing has otherwise determined that disposition is appropriate for reasons that are in the best interests of the residents and the Fresno Housing, consistent with Fresno Housing's goals and plans and otherwise consistent with the 1937 Act. Examples of such determinations include:
  - (a) Unit obsolescence
  - (b) Scattered Site Units
  - (c) Converting a portion of the units to RAD

#### **D. TIMING OF DISPOSITION**

In the event that Fresno Housing determines to dispose of a Public Housing Development pursuant to this policy, Fresno Housing shall determine the timing of the disposition. Timing of a disposition is further dependent on the ability of the Review Panel (as described below in Section 2.B.) to consider the disposition, inclusion of a description of the disposition in the PHA Annual Plan, any offers from an eligible resident organization, consultation with local officials, HUD approval, holding a public hearing compliant with the Brown Act (Cal. Gov. Code §§ 54950, *et seq.*), and scheduling the settlement.

For Public Housing Developments, the first step is for Fresno Housing to include a description of the property to be disposed of and the proposed procedure for disposal in its HUD Annual Plan. Once the HUD Annual Plan is submitted, Fresno Housing can then apply to HUD for approval to sell a property with a Public Housing Development. Applications can be submitted on the HUD website at [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/centers/sac/demo\\_dispo](https://www.hud.gov/program_offices/public_indian_housing/centers/sac/demo_dispo). HUD approval is not required for the conveyance of Fresno Housing real property that is not part of a Public Housing Development.

Fresno Housing may not take any action to dispose of a Public Housing Development or a portion of a Public Housing Development without obtaining HUD approval. HUD funds

may not be used to pay for the cost to dispose of a Public Housing Development or a portion of a Public Housing Development, unless HUD approval has been obtained. Until Fresno Housing receives HUD approval, Fresno Housing shall continue to meet its ACC obligations to maintain and operate the property as housing for low-income families. However, Fresno Housing may engage in planning activities, analysis, or consultations without seeking HUD approval. Planning activities may include project viability studies, capital planning, or comprehensive occupancy planning. Fresno Housing must continue to provide full housing services to all residents that remain in the development. Fresno Housing should not re-rent these units at turnover while HUD is considering its application for disposition. However, Fresno Housing's operating subsidy eligibility will continue to be calculated as stated in 24 CFR part 990.

#### **E. TERMS OF DISPOSITION**

For Fresno Housing real property with a Public Housing Development, so long as the net proceeds are directly used to provide housing to low and moderate income persons and families, then the Fresno Housing may dispose of the property to any valid purchaser for value after a public hearing. Fresno Housing shall identify the terms of each disposition. These terms shall include but are not limited to:

1. Any third party making a request to purchase or lease a Public Housing Development to be disposed of, including an eligible resident organization (a "Requestor") shall submit to Fresno Housing a development packet for review, which shall include as applicable:
  - Sources and uses budget;
  - Construction schedule;
  - Project description;
  - Financial commitment letters;
  - Verification of Tax Credit awards;
  - Site plan, one showing elevation,
  - Evidence of site control of any other parcels necessary for the project;
  - Letters of support from the City or County of Fresno; and
  - Letters of support from community organizations
2. The Requestor shall pay at settlement the fair market value for the subject property or nominal consideration to the extent commensurate benefit is provided and a determination is made by the applicable Fresno Housing Board of Commissioners to convey the property for nominal consideration; and
3. The Requestor shall pay at settlement the cost of resident relocation as determined by Fresno Housing except if the relocation is due to a RAD transfer; and
4. The Requestor shall pay at settlement all transactional costs associated with the disposition as determined by Fresno Housing; and

5. The Requestor shall comply with all reasonable requirements of Fresno Housing, including, any restrictions on future use of the subject property; and
6. The Requestor shall subject to Fresno Housing's reversionary interest if applicable; and
7. The Requestor shall pay all outstanding liens on the requested property; and
8. The Requestor shall comply with Fresno Housing's Section 3 Compliance Program.

Notwithstanding the above, Fresno Housing may waive any or all of these terms if Fresno Housing determines that the public good would be served by such waiver.

#### **F. PROCUREMENT PROCESS**

Fresno Housing may elect to enter into non-competitive negotiations for property disposition in the following instances:

- Fresno Housing intends to dispose of property to its own affiliate organization(s) for purposes of land banking, developing affordable housing or developing other community or commercial facilities;
- Fresno Housing has received a formal request for disposition from the City or County of Fresno and/or other government agency(s); or,
- Fresno Housing has received a formal request for disposition from an established Fresno-based non-profit organization. Such requests must have support by the City or County of Fresno as part of neighborhood revitalization efforts.

However, in each instance, Fresno Housing must still seek HUD approval for the disposition.

The Fresno Housing Chair may establish an *ad hoc* internal review committee of five members, consisting of relevant Fresno Housing staff and no more than 2 members of either Fresno Housing City or County Commissioners, which will meet as needed to review disposition requests. In all other instances, Fresno Housing shall use competitive procurement procedures to dispose of property.

#### **G. RESIDENT RELOCATION**

Residents impacted by property disposition activities shall be relocated in accordance with 24 CFR Part 970.21 (subject to certain exceptions described therein) and Fresno Housing's relocation policy. Further, the Requestor shall agree to reimburse Fresno Housing all

relocation costs at settlement. The Requestor shall demonstrate the availability of relocation assistance in the following way:

- (a) By placing a reasonable amount in a bank or other escrow account with an organization acceptable to Fresno Housing; or
- (b) By providing Fresno Housing with evidence of the availability of an irrevocable, unconditional letter of credit equal to the full amount of relocation assistance prior to the disposition closing. At the disposition closing the original letter of credit must be produced.

## **H. APPEALS**

- A) Requestors/Applicants  
Requestors shall have no right to appeal the decision of Fresno Housing. The Fresno Housing decision is final.
- B) Resident Council  
Fresno Housing shall remain compliant to the regulations regarding consultation and opportunity to purchase for residents as defined in 24 CFR.970.9.

## **I. RECORD RETENTION OF DISPOSITIONS**

(a) After HUD approval of disposition of all or part of a Public Housing Development, Fresno Housing shall provide information on the following:

- (1) Actual completion of each demolition contract by entering the appropriate information into HUD's applicable data system, or providing the information by another method HUD may require, within a week of making the final payment to the demolition contractor, or expending the last remaining funds if funded by force account;
- (2) Execution of sales or lease contracts by entering the appropriate information into HUD's applicable data system, or providing the information by another method HUD may require, within a week of execution;
- (3) Fresno Housing's use of the proceeds of sale by providing a financial statement showing how the funds were expended by item and dollar amount;
- (4) Amounts expended for closing costs and relocation expenses, by providing a financial statement showing this information for each property sold; and
- (5) Such other information as HUD may from time to time require.

*FRESNO HOUSING AUTHORITY*

***DISPOSITION POLICY FOR  
NON-PUBLIC HOUSING  
PROPERTY***

**FRESNO VIBRANT**  
COMMUNITIES  
QUALITY HOUSING ENGAGED  
HOUSING RESIDENTS

**DRAFT**

*1331 Fulton Street  
Fresno, CA 93721*

January 23, 2024

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*DISPOSITION POLICY  
For  
NON-PUBLIC  
HOUSING PROPERTY*

**Table of Contents**

1. Policy on Property Disposition (Non-Public Housing Property)
  - Overview
  - A. Definition of Disposition
  - B. Regulatory Authority
  - C. Bases for Disposition
  - D. Timing of Disposition
  - E. Determination of Exempt Surplus Land
  - F. Notice of Availability
  - G. Negotiating the Terms of Disposition
  - H. Procurement Process
  - I. Resident Relocation
  - J. Appeals
  - K. Record Retention of Dispositions

# 1. POLICY ON PROPERTY DISPOSITION (NON-PUBLIC HOUSING PROPERTY)

## OVERVIEW

Under certain circumstances, the Housing Authority of the City of Fresno, California and the Housing Authority of Fresno County, California (each and collectively, “FHA”), in its sole discretion, may elect to dispose of certain of its real property which does not contain a Public Housing Development (as described by Section 18 of the United States Housing Act of 1937 and Part 970 of title 24 of the Code of Federal Regulations).<sup>1</sup> This document defines the policies and procedures to be followed in connection with the disposition of ***non-public housing*** land and/or structures (e.g., commercial property, office buildings, etc.) by FHA pursuant to the Surplus Land Act (“SLA”) and other California law.

### A. DEFINITIONS

“Disposition” or “to dispose” means the conveyance or other transfer by the FHA, by sale, lease or similar transaction, of any interest in any real estate owned by FHA, subject to certain exceptions.

“Exempt Surplus Land” means land which is no longer necessary for FHA’s use, which also meets any of the following exemptions under the SLA<sup>2</sup> :

- (i) *Land that is not suitable for residential development:*
  - (a) Land that is sold to an owner of contiguous land which is either: less than 5,000 square feet in area; or has no record access and is less than 10,000 square feet in area and is not contiguous to state- or local agency-owned land that is used for open space or low- or moderate-income housing.
  - (b) Land that is a former street, right-of-way, or easement, and is conveyed to an owner of adjacent property.
  - (c) Land that is subject to valid legal restrictions not imposed by the local agency that would make housing prohibited (not simply a non-residential zoned parcel).
- (ii) *Land dedicated to other public uses:*

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<sup>1</sup> For disposition of public housing developments, please see FHA’s separate “Policy for the Disposition of Public Housing Developments.”

<sup>2</sup> Gov. Code § 54221.

(a) Land that is exchanged for another property necessary for the agency's use.

(b) Land that is transferred to another local, state, tribe or federal agency, for their use.

(c) Land that was granted by the state to the local agency in trust.

“HCD” means the California Department of Housing and Community Development.

“Lease” does not include a lease of land on which no development or demolition will occur or which has a term that is less than five (5) years (including any extensions, amendments or options).

“SLA” means the California Surplus Land Act found in California Government Code sections 54220 *et seq.*

“Surplus Land” means land which is no longer necessary for FHA's use.

## **B. REGULATORY AUTHORITY**

The disposition of all real property (other than public housing developments) owned by FHA is governed by the SLA and California Housing Authority Law.<sup>3</sup> Though there are procedures for disposition under California Housing Authority Law, the Legislature has specifically stated that housing authorities are “local agencies” subject to SLA.<sup>4</sup> Under the SLA, FHA is required to declare land it owns in fee title as Surplus Land or Exempt Surplus Land and follow a specified notice procedure prior to disposing of non-exempt Surplus Land.

## **C. BASES FOR DISPOSITION**

The determination to dispose of a property is solely at FHA's discretion. Disposition of FHA properties may be considered when the real property is no longer necessary for FHA's use. Examples of when a property is no longer necessary for FHA's use include, but are not limited to, the following:

1. Real property that includes commercial or industrial activities, unless FHA's Board of Commissioners take action at a public meeting to declare that the use of such property will either (i) directly further the express purpose of FHA work or operations; or (ii) be expressly authorized by the FHA's governing statute;
2. Real property that is in excess of FHA's foreseeable needs; and/or

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<sup>3</sup> Health & Saf. Code §§ 34200, *et seq.*

<sup>4</sup> See Health & Saf. Code § 34320 [“No law concerning the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically so states.”]

3. Real property that no longer fulfills FHA's mission.

#### **D. TIMING OF DISPOSITION**

In the event that FHA determines to dispose of property pursuant to this Policy, FHA shall determine the timing of the disposition. Timing of a disposition is further dependent on the ability of the Review Panel, if applicable, to consider the disposition request, notices to eligible entities and to HCD, and the scheduling of settlement.

#### **E. DETERMINATION OF SURPLUS OR EXEMPT SURPLUS LAND**

Before taking any action towards disposition of FHA surplus real property, the Board of Commissioners for either the City or the County, as appropriate, must declare that land either Surplus Land or Exempt Surplus Land at a regular public meeting, supported by written findings.

For Exempt Surplus Land, FHA shall send a copy of the resolution with written findings of an exemption to HCD at least 30 days before a sale or lease of the land. Other than notice to HCD, Exempt Surplus Land does not need to comply with the NOA process identified in Section 1.F. below.

#### **F. NOTICE OF AVAILABILITY**

Prior to disposing of the Surplus Land or participating in negotiations to dispose of that property with a prospective transferee, FHA must issue a written notice of availability ("NOA"). Notwithstanding the foregoing, the FHA may commission appraisals, conduct due diligence prior to disposition, engage in discussions with brokers or real estate agents not representing a potential buyer, conduct studies to determine value or best use of land, issue a request for qualifications, develop marketing materials, or engage in discussions conducted exclusively among local agency employees and elected officials prior to issuing an NOA.

The NOA Form and cover letter are prescribed by HCD and available on the HCD website.

If the property will be sold for affordable housing purposes, the NOA must be sent to HCD, developers who have notified HCD of their interest ("Housing Sponsors"), and local school districts with jurisdiction over the area. If the property is intended to be sold for open space purposes, it must also be provided to the City and County parks and recreation departments, any regional park authority with jurisdiction over the area and to the State Natural Resources Agency.

A list of Housing Sponsors is available on the HCD website. Housing Sponsors have 60 days to respond to the NOA with a proposal for developing the Surplus Land. FHA may not issue a request for proposals for the during this time.

## **G. NEGOTIATING THE TERMS OF DISPOSITION**

### ***When a Notice of Interest is Received***

If a Notice of Interest is received in response to a NOA, then the FHA must negotiate in good faith for a 90 day period with any Housing Sponsor making a proposal. The 90-day period must commence after the expiration of the 60-day notice period.

FHA shall identify the terms of each disposition, and is under no requirement to sell the land for less than fair market value. These terms shall include but are not limited to:

1. A Housing Sponsor shall submit to FHA a development packet for review, which shall include as applicable:
  - Sources and uses budget;
  - Construction schedule;
  - Project description;
  - Financial commitment letters;
  - Verification of Tax Credit awards, if applicable;
  - Site plan, one showing elevation,
  - Evidence of site control of any other parcels necessary for the project;
  - Letters of support from the City or County of Fresno; and
  - Letters of support from community organizations
2. The Housing Sponsor shall pay at settlement the fair market value for the subject property or nominal consideration to the extent commensurate benefit is provided and a determination is made by the applicable FHA Board of Commissioners to convey the property for nominal consideration;
3. The Housing Sponsor shall pay at settlement the cost of resident relocation as determined by FHA; and,
4. The Housing Sponsor shall pay at settlement all transactional costs associated with the disposition as determined by FHA; and,
5. The Housing Sponsor shall comply with all reasonable requirements of FHA, including, any restrictions on future use of the subject property; and,
6. The Housing Sponsor shall subject to FHA's reversionary interest if applicable; and,
7. The Housing Sponsor shall pay all outstanding liens on the requested property; and
8. The Housing Sponsor shall comply with FHA's Section 3 Compliance Program.

Notwithstanding the above, FHA may waive any or all of these terms if FHA determines that the public good would be served by such waiver.

FHA may engage in negotiations concurrently with any one or more Housing Sponsors. If negotiating with one or more Housing Sponsors, FHA must give first priority to the Housing Sponsor proposing a low- and moderate-income housing project that meets all of the following requirements:

- (i) at least 25 percent of the total number of units developed on the parcel(s) will be at affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code.
- (ii) Rental units shall remain affordable to, and occupied by, lower income households for a period of at least 55 years.
- (iii) The initial occupants of all ownership units shall be lower income households; and
- (iv) The units shall be subject to an equity sharing agreement consistent with paragraph (2) of subdivision (c) of Section 65915.
- (v) The Housing Sponsor will accept to a covenant recorded against the property to this effect (“Affordability Covenant”).

If more than one Housing Sponsor proposal meets these requirements, then priority will be given to the proposal with the greater number of affordable housing units. If more than one proposal has the same number, the priority shall be given to the proposal that offers the deepest average level of affordability for the affordable units.

If FHA and a Housing Sponsor agree on terms, the FHA must provide HCD with the NOAs sent, the content of the negotiations, and a copy of the restrictions to be recorded against the land *prior* to entering a final agreement on the conveyance of the property. HCD has 30 days to review and approve the package. If approved, FHA may enter into an agreement for the sale of the property.

***When No Notice of Interest is Received Or If Negotiations Fail***

FHA may, but is not required to, accept less than fair market value for a property during SLA negotiations. If FHA does not receive a Notice of Interest in response to its NOA, or if negotiations on the price and terms of the conveyance fails with the Housing Sponsors during the 90-day period, then FHA may issue an RFP with the terms outlined under numbers 1 through 8 of this Section G or otherwise sell the property without additional compliance with the SLA; **except that**, if the property is sold, FHA must record a restrictive covenant against the property requiring that, if residential units are ever developed on the property, then the developer must sell or rent not less than 15% of the units at affordable costs or rents and maintain affordability for at least 55 years.

After compliance with the SLA that does not end in a sale, California Housing Authorities law requires that real property should be disposed of according to the following purposes, listed in order of priority<sup>5</sup>:

(i) For the affordable housing purposes to any housing corporation, limited dividend corporation or nonprofit corporation, and in accordance with the provisions, of Article 10 (commencing with Section 50568) of Chapter 2 of Part 1 of Division 1 of Title 5 of the Government Code.

(ii) To public, nonprofit, or private developers for development of housing for persons and families of low and moderate income, as defined by Health and Safety Code Section 50093. Such transfers may not be made at a cost below the housing authority's acquisition cost but may be made at a cost below market value if (1) not less than 30 percent of the housing units to be developed will be enforceably restricted for occupancy by persons and families of low and moderate income, with at least 50 percent of the housing units restricted to persons and families of low income, and (2) a transfer at below market value is necessary to assure that the housing units restricted for occupancy by persons and families of low or moderate income will be provided at affordable housing cost, as defined by Health and Safety Section 50052.5.

(iii) To private developers, generally, at market value for development of housing.

(iv) For any purpose, where the sale is at public auction to the highest bidder.

## **H. PROCUREMENT PROCESS**

FHA may elect to enter into non-competitive negotiations for property disposition in the following instances:

- FHA intends to dispose of property to its own affiliate organization(s) for purposes of land banking, developing affordable housing or developing other community or commercial facilities;
- FHA has received a formal request for disposition from the City or County of Fresno and/or other government agency(s); or,
- FHA has received a formal request for disposition from an established Fresno-based non-profit organization. Such requests must have support by the City or County of Fresno as part of neighborhood revitalization efforts.

These situations qualify as “Exempt Surplus Property”, and FHA must submit its resolution declaring the property as such to HCD at least 30 days before disposing of the land.

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<sup>5</sup> Health & Saf. Code § 34315.7.

The FHA Chair may establish an ad hoc internal review committee, consisting of relevant FHA staff and no more than 3 members of either FHA City or County Commissioners, which will meet as needed to review disposition requests made pursuant to the above. In all other instances, FHA shall use competitive procurement procedures to dispose of property.

### **I. RESIDENT RELOCATION**

Residents impacted by property disposition activities shall be relocated in accordance to the Uniform Relocation Act and FHA's relocation policy. Further, the proposed buyer shall agree to reimburse FHA all relocation costs at settlement. The proposed buyer shall demonstrate the availability of relocation assistance in the following way:

- (a) By placing a reasonable amount in a bank or other escrow account with an organization acceptable to FHA; or
- (b) By providing FHA with evidence of the availability of an irrevocable, unconditional letter of credit equal to the full amount of relocation assistance prior to the disposition closing. At the disposition closing the original letter of credit must be produced.

### **J. APPEALS**

- A) Housing Sponsors/Applicants  
Housing Sponsors/Applicants shall have no right to appeal the decision of FHA to FHA. The FHA decision is final.
- B) Private Enforcement  
However, parties who receive NOAs, housing sponsors, persons who would have been eligible to apply to residency in the affordable housing that would have been developed, or any other beneficially interested person may bring an action to enforce the SLA before HCD.<sup>6</sup> FHA will promptly respond to any enforcement actions imposed by HCD.

### **K. RECORD RETENTION OF DISPOSITIONS**

FHA shall be responsible for keeping records of its dispositions, including NOAs, negotiations with Housing Sponsors, and Exempt Surplus determinations to provide to HCD upon request.

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<sup>6</sup> See Gov. Code § 54230.5.

# BOARD MEMO



**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 1/23/2024  
**AGENDA ITEM:** 6 k  
**SUBJECT:** Consideration of 2024 Salary Schedule

**AUTHOR:** Jeff Cardell  
**DEPARTMENT:** Human Resources  
**MEMO DATE:** 1/12/2024

## Executive Summary

On an annual basis, the Agency adopts the salary schedule for all Agency positions. We do so to ensure compliance with the requirement to have a publicly available pay schedule used to determine pay rates that is approved and adopted by the Boards in accordance with requirements of applicable public meeting laws.

## Recommendation

It is recommended that the Boards of Commissioners approve and adopt the attached 2024 Salary Schedule by approving the respective resolutions.

## Fiscal Impact

Adoption of the 2024 salary schedule does not have an impact on the adopted 2024 budget.

## Background Information

The 2024 Salary Schedule reflects the negotiated salary increase, for represented employees, effective January 1, 2024. Since adoption of the Memorandum of Understanding with SEIU we have added the Customer Service Assistant and we are updating the salary schedule accordingly.

In addition, the 2024 Salary Schedule reflects the January 1, 2024, increase in the minimum wage, recognizes the change in title of positions and new job titles added due to reclassification or revision of job descriptions and includes equity adjustments for two Chief positions and the Communications Manager.

Finally, this item is before the Boards because the California Public Employees' Retirement System (CalPERS) requires that our Salary Schedules be publicly available and that they are approved and adopted by the governing bodies.

<b>Fresno Housing 2024 Salary Schedule</b>			
<u>Position Title</u>	<u>Classification</u>	<u>Annual Minimum</u>	<u>Annual Maximum</u>
Chief Executive Officer	Chief	\$ 225,000	\$ 298,000
Deputy Executive Director		\$ 201,150	\$ 268,200
Chief Real Estate Officer		\$ 189,975	\$ 253,300
Chief Housing Choice Programs & Initiatives		\$ 154,230	\$ 206,064
Chief Inclusion & Empowerment Officer		\$ 154,230	\$ 206,064
Director of Real Estate Development	Director	\$ 151,980	\$ 202,640
Director of Finance & Accounting		\$ 135,000	\$ 180,000
Director of Housing Choice Programs		\$ 126,000	\$ 168,000
Director of Property Management		\$ 126,000	\$ 168,000
Director of Human Resources		\$ 123,750	\$ 165,000
Assistant Director - Real Estate Development	Assistant Director	\$ 121,584	\$ 162,112
Assistant Director - Finance (Controller)		\$ 108,000	\$ 144,000
Assistant Director - Housing Choice Programs		\$ 105,000	\$ 140,000
Assistant Director - Property Management		\$ 105,000	\$ 140,000
Assistant Director - Resident Empowerment		\$ 104,760	\$ 139,680
Senior Asset Manager	Senior Manager	\$ 109,426	\$ 145,901
Senior Manager - Real Estate Development		\$ 109,426	\$ 145,901
Senior Manager - Information Technology & Systems		\$ 101,250	\$ 135,000
Senior Manager - Human Resources		\$ 99,000	\$ 132,000
Senior Manager - Housing Choice Voucher Program		\$ 94,500	\$ 126,000
Senior Manager - Property Management		\$ 94,500	\$ 126,000
Senior Manager - Strategic Initiatives & Partnerships		\$ 94,284	\$ 125,712
Senior Manager - Resident Empowerment	\$ 89,250	\$ 119,000	
Construction Manager	Manager	\$ 98,483	\$ 131,311
Construction Operations Manager		\$ 98,483	\$ 131,311
Development Finance Manager		\$ 98,483	\$ 131,311
Real Estate Development Manager		\$ 98,483	\$ 131,311
Information Technology & Systems Manager		\$ 91,125	\$ 121,500
Asset Manager		\$ 88,635	\$ 118,180
Accounting Manager		\$ 86,400	\$ 115,200
Finance Manager		\$ 86,400	\$ 115,200
Communications Manager		\$ 86,400	\$ 115,200
District Manager		\$ 85,050	\$ 113,400
Maintenance & Capital Improvements Manager		\$ 85,050	\$ 113,400
Housing Programs Manager		\$ 85,050	\$ 113,400
Human Resources Manager		\$ 84,150	\$ 112,200
Area Manager		\$ 76,545	\$ 102,060
Compliance Manager (PMD)		\$ 75,600	\$ 100,800
Quality Assurance Manager (HCV)		\$ 75,600	\$ 100,800
Resident Empowerment Manager		\$ 75,427	\$ 100,570
Senior Data Systems Administrator	Senior Analyst	\$ 82,013	\$ 109,350
Senior Systems & Security Administrator		\$ 82,013	\$ 109,350
Senior Construction Project Manager (RED)		\$ 79,771	\$ 106,362
Senior Analyst - Asset Management		\$ 79,771	\$ 106,362
Senior Analyst - Real Estate Development		\$ 79,771	\$ 106,362
Senior Development Analyst - Special Projects		\$ 79,771	\$ 106,362
Senior Project Manager		\$ 79,771	\$ 106,362
Senior Analyst - Human Resources		\$ 75,735	\$ 100,980
Senior Accountant		\$ 73,440	\$ 97,920
Senior Policy Analyst		\$ 70,500	\$ 94,000
Assistant Manager - Housing Choice Voucher Program		\$ 68,891	\$ 91,854
Senior Analyst - Property Management Operations		\$ 68,891	\$ 91,854
Senior Analyst - Quality Assurance (HCV)		\$ 68,891	\$ 91,854
Senior Compliance Analyst - Quality Assurance (PMD)		\$ 68,891	\$ 91,854
Senior Construction Project Manager (PMD)		\$ 68,891	\$ 91,854
Senior PBV Analyst		\$ 68,891	\$ 91,854
Senior Analyst - Supportive Housing Opportunities and Partner Engagement		\$ 67,884	\$ 90,513
Assistant Manager - Resident Empowerment	\$ 67,884	\$ 90,513	

## Fresno Housing 2024 Salary Schedule

Position Title	Classification	Annual Minimum	Annual Maximum
Database Systems Administrator & Report Writer	Analyst	\$ 73,811	\$ 98,415
Systems Administrator		\$ 73,811	\$ 98,415
Asset Management Analyst		\$ 71,794	\$ 95,726
Community Development Analyst		\$ 71,794	\$ 95,726
Community Planning Analyst		\$ 71,794	\$ 95,726
Construction Compliance Analyst		\$ 71,794	\$ 95,726
Construction Project Manager (RED)		\$ 71,794	\$ 95,726
Project Manager		\$ 71,794	\$ 95,726
Accountant		\$ 66,096	\$ 88,128
Human Resources Analyst		\$ 63,750	\$ 85,000
Training and Development Analyst		\$ 63,750	\$ 85,000
Procurement Analyst		\$ 63,450	\$ 84,600
Inspections Supervisor		\$ 62,002	\$ 82,669
Intake, Leasing & Case Management Supervisor		\$ 62,002	\$ 82,669
Owner Services Supervisor		\$ 62,002	\$ 82,669
Maintenance Supervisor		\$ 62,002	\$ 82,669
Maintenance & Construction Project Manager		\$ 62,002	\$ 82,669
Property Community Manager		\$ 62,002	\$ 82,669
Quality Assurance Analyst (HCV)		\$ 62,002	\$ 82,669
Quality Assurance Compliance Analyst (PMD)		\$ 62,002	\$ 82,669
Homeless Information Management Systems (HMIS) Analyst		\$ 61,096	\$ 81,461
Inclusion Analyst		\$ 61,096	\$ 81,461
Program Analyst		\$ 61,096	\$ 81,461
SHOPE Analyst		\$ 61,096	\$ 81,461
Communications Project Manager		\$ 60,230	\$ 80,307
Data Systems Coordinator	Coordinator	\$ 59,049	\$ 78,732
Information Technology Help Desk Coordinator		\$ 59,049	\$ 78,732
Asset Management Coordinator		\$ 57,345	\$ 76,580
Assistant Project Manager (RED)		\$ 57,345	\$ 76,580
Assistant Construction Project Manager (RED)		\$ 57,345	\$ 76,580
Community Development Coordinator		\$ 57,345	\$ 76,580
Construction Compliance Coordinator		\$ 57,345	\$ 76,580
Development Services Coordinator		\$ 57,345	\$ 76,580
Procurement Coordinator		\$ 57,105	\$ 76,140
Administrative Coordinator (Executive Office)		\$ 55,397	\$ 73,862
Fiscal Services Coordinator		\$ 52,877	\$ 70,502
Payroll Coordinator		\$ 52,877	\$ 70,502
Community Coordinator		\$ 52,701	\$ 70,268
Assistant Project Manager (PMD)		\$ 52,701	\$ 70,268
Compliance & Relocation Coordinator (PMD)		\$ 52,701	\$ 70,268
Administrative Coordinator (HCV)		\$ 52,701	\$ 70,268
Quality Assurance Coordinator (HCV)		\$ 52,701	\$ 70,268
Quality Assurance Compliance Coordinator (PMD)		\$ 52,701	\$ 70,268
Outreach & Communications Coordinator		\$ 51,195	\$ 68,261
Human Resources Coordinator		\$ 51,000	\$ 68,000
Administrative Program Coordinator		\$ 49,875	\$ 66,500
HMIS Data Quality Coordinator		\$ 49,875	\$ 66,500
HMIS Training Coordinator		\$ 49,875	\$ 66,500
Inclusion Coordinator		\$ 49,875	\$ 66,500
Program Coordinator - Family Self Sufficiency		\$ 49,875	\$ 66,500
Program Coordinator - Housing Stability	\$ 49,875	\$ 66,500	
Program Coordinator - Resident Empowerment	\$ 49,875	\$ 66,500	
Program Coordinator - Strategic Initiatives	\$ 49,875	\$ 66,500	
Voucher Incentive Coordinator	\$ 49,875	\$ 66,500	
Administrative Assistant - Real Estate Development	Clerical	\$ 45,948	\$ 61,264
Administrative Assistant - Outreach & Communications		\$ 44,317	\$ 59,090
Administrative Assistant - Human Resources		\$ 43,350	\$ 57,800
Accounting Assistant		\$ 42,301	\$ 56,402
Administrative Assistant - Executive Office		\$ 41,548	\$ 55,397

**Fresno Housing  
2024 Salary Schedule**

Position Title	Classification	Hourly Minimum	Hourly Maximum
Accounting Intern	Intern	\$ 16.00	\$ 20.00
CCRH (California Coalition for Rural Housing) Intern		\$ 16.00	\$ 20.00
Communications Intern		\$ 16.00	\$ 20.00
Construction Management Intern		\$ 16.00	\$ 20.00
Dignity Team Member		\$ 16.00	\$ 20.00
Finance Intern		\$ 16.00	\$ 20.00
Fiscal Services Intern		\$ 16.00	\$ 20.00
HMIS (Homeless Management Information Systems) Intern		\$ 16.00	\$ 20.00
Human Resources Intern		\$ 16.00	\$ 20.00
IT Helpdesk Intern		\$ 16.00	\$ 20.00
Property Operations Intern		\$ 16.00	\$ 20.00
Resident Intern		\$ 16.00	\$ 20.00
Resident Empowerment Intern		\$ 16.00	\$ 20.00

**Fresno Housing  
Represented Salary Schedule  
January 1, 2024 - December 31, 2024**

Job Title	Classification	Step 1	Step 2	Step 3	Step 4	Step 5
Accounting Specialist	Specialist	\$ 49,664.12	\$ 52,147.33	\$ 54,754.70	\$ 57,492.43	\$ 60,367.06
Client Services Specialist	Specialist	\$ 52,666.66	\$ 55,299.99	\$ 58,064.99	\$ 60,968.24	\$ 64,016.66
Custodian	Assistant/Clerical	\$ 39,815.26	\$ 41,806.03	\$ 43,896.33	\$ 46,091.15	\$ 48,395.71
<b>Customer Service Assistant</b>	<b>Assistant/Clerical</b>	<b>\$ 39,815.26</b>	<b>\$ 41,806.03</b>	<b>\$ 43,896.33</b>	<b>\$ 46,091.15</b>	<b>\$ 48,395.71</b>
Housing Navigator	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Housing Quality Inspector	Specialist	\$ 52,666.66	\$ 55,299.99	\$ 58,064.99	\$ 60,968.24	\$ 64,016.66
Housing Specialist	Specialist	\$ 50,159.21	\$ 52,667.17	\$ 55,300.53	\$ 58,065.56	\$ 60,968.84
HQS Enforcement Specialist	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
HQS Inspections Scheduler	Assistant/Clerical	\$ 42,800.66	\$ 44,940.69	\$ 47,187.72	\$ 49,547.11	\$ 52,024.47
Leasing Specialist	Specialist	\$ 52,666.66	\$ 55,299.99	\$ 58,064.99	\$ 60,968.24	\$ 64,016.66
Maintenance Assistant	Assistant/Clerical	\$ 42,800.66	\$ 44,940.69	\$ 47,187.72	\$ 49,547.11	\$ 52,024.47
Maintenance Lead	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Maintenance Specialist	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Maintenance Technician	Specialist	\$ 50,159.21	\$ 52,667.17	\$ 55,300.53	\$ 58,065.56	\$ 60,968.84
Market Specialist	Specialist	\$ 52,666.66	\$ 55,299.99	\$ 58,064.99	\$ 60,968.24	\$ 64,016.66
Office Assistant II - All	Assistant/Clerical	\$ 42,800.66	\$ 44,940.69	\$ 47,187.72	\$ 49,547.11	\$ 52,024.47
Owner Services Specialist	Specialist	\$ 50,159.21	\$ 52,667.17	\$ 55,300.53	\$ 58,065.56	\$ 60,968.84
Program Integrity Specialist	Specialist	\$ 50,159.21	\$ 52,667.17	\$ 55,300.53	\$ 58,065.56	\$ 60,968.84
Property Assistant	Assistant/Clerical	\$ 42,800.66	\$ 44,940.69	\$ 47,187.72	\$ 49,547.11	\$ 52,024.47
Property Specialist I	Specialist	\$ 47,753.96	\$ 50,141.66	\$ 52,648.73	\$ 55,281.17	\$ 58,045.24
Property Specialist II	Specialist	\$ 50,159.21	\$ 52,667.17	\$ 55,300.53	\$ 58,065.56	\$ 60,968.84
Quality Assurance Specialist	Specialist	\$ 47,753.96	\$ 50,141.66	\$ 52,648.73	\$ 55,281.17	\$ 58,045.24
Receptionist	Assistant/Clerical	\$ 42,800.66	\$ 44,940.69	\$ 47,187.72	\$ 49,547.11	\$ 52,024.47
Senior Client Services Specialist	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Senior Housing Quality Inspector	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Senior Housing Specialist	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Senior Leasing Specialist	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Senior Property Specialist	Senior Specialist	\$ 55,299.85	\$ 58,064.84	\$ 60,968.08	\$ 64,016.49	\$ 67,217.31
Wait List Specialist	Specialist	\$ 50,159.21	\$ 52,667.17	\$ 55,300.53	\$ 58,065.56	\$ 60,968.84

RESOLUTION NO. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO

RESOLUTION TO APPROVE AND ADOPT THE 2024 SALARY SCHEDULE

WHEREAS, the California Public Retirement Employees' Retirement System (CalPERS) requires participating agencies to have a publicly available pay schedule that is duly approved and adopted by the Agency's governing body; and,

WHEREAS, the 2023 salary schedule was approved by the Board at a regularly scheduled meeting on February 28, 2023; and

WHEREAS, the salary schedule prepared for 2024 includes salary range adjustments, title changes and the addition of a new represented job title and salary range;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno does hereby approve and adopt the 2024 Salary Schedule.

PASSED AND ADOPTED THIS 23th day of January, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tyrone Roderick Williams, Secretary of the Boards of Commissioners

RESOLUTION NO. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE COUNTY OF FRESNO

RESOLUTION TO APPROVE AND ADOPT THE 2024 SALARY SCHEDULE

WHEREAS, the California Public Retirement Employees' Retirement System (CalPERS) requires participating agencies to have a publicly available pay schedule that is duly approved and adopted by the Agency's governing body; and,

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WHEREAS, the salary schedule prepared for 2024 includes salary range adjustments, title changes and the addition of a new represented job title and salary range;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno does hereby approve and adopt the 2024 Salary Schedule.

PASSED AND ADOPTED THIS 23th day of January, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tyrone Roderick Williams, Secretary of the Boards of Commissioners

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 1/23/2024  
**AGENDA ITEM:** 7a  
**SUBJECT:** 2024 Operating Budgets for Mixed Finance Properties

**AUTHOR:** Crystal Cox  
**DEPARTMENT:** Finance & Accounting  
**MEMO DATE:** 1/17/2024

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## Executive Summary

The purpose of this memo is to present the 2024 Budgets for the Mixed Finance properties to the Boards of Commissioners.

Over the years, Fresno Housing has sponsored forty-four affordable housing projects that will be operational in 2024. As part of this “sponsorship” process, the Boards are first asked to approve the formation and creation of a limited partnership that will “own” the affordable housing development, and Silvercrest, Inc. (a subsidiary of the Housing Authorities) is generally named as the Managing General Partner (MGP) of the partnership. One of the responsibilities of the MGP is to review and approve the annual operating budgets and financial performance for the partnerships. As such, the Silvercrest Inc. Board of Directors will be asked to adopt the 2024 Budgets for the forty-four limited partnership properties, which are collectively referred to as the “Mixed Finance” properties. And because Fresno Housing originally sponsored these projects and has a vested interest in the success of the properties, staff will also be presenting the 2024 annual operating budgets to the Housing Authority Boards of Commissioners.

## Fiscal Impact

There is no fiscal impact.

## Recommendation

This item is informational only for the FH Boards of Commissioners. The Board of Directors for Silvercrest, Inc. will be asked to approve the 2024 Operating Budgets for the Mixed Finance properties.



# Mixed Finance Properties 2024 Budgets

*Boards of Commissioners Meeting  
January 23, 2024*



**FRESNO VIBRANT**  
COMMUNITIES  
QUALITY HOUSING **HOUSING** ENGAGED RESIDENTS



# 'Mixed Finance' Properties

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## What are they?

- *Properties owned by a limited partnership*
- *Originally sponsored and developed by Fresno Housing*
- *Mixed finance means that several funding sources were used to develop the properties (examples: Tax Credits, HRFC, private mortgage, HOME funds, etc...).*

## Why are we involved?

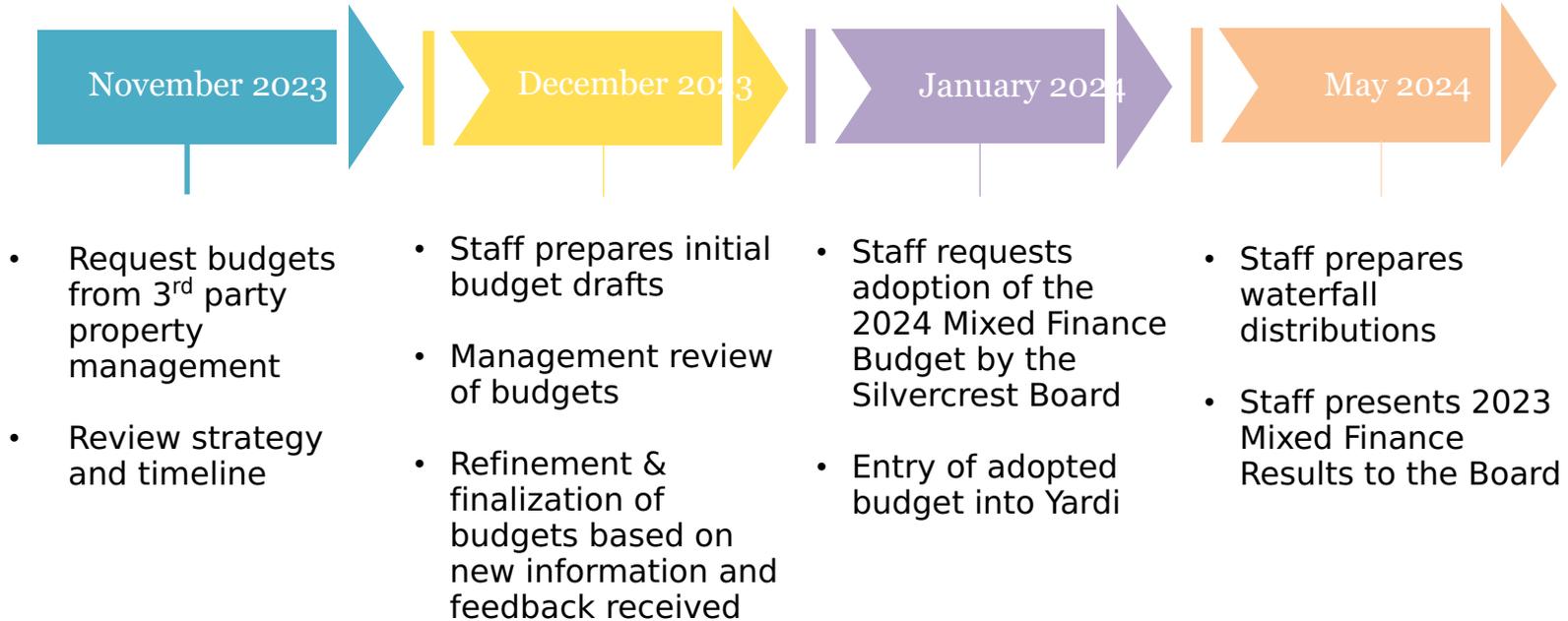
- *Silvercrest, Inc. (an instrumentality of the FH) is the Managing General Partner of the limited partnerships and is responsible for on-going operations of the partnership.*
- *The Agency and its subsidiaries (Silvercrest, HRFC) have a vested interest in the properties.*
- *Properties fulfill Agency's mission to create affordable housing.*

# 2024 Budget Goals

- *The major goals of the 2024 budgets are to:*
  - *Plan for positive net operating income on all properties*
  - *Leverage well-performing assets in order to provide maximum benefits to lenders, partners and stakeholders*
  - *Meet stabilization requirements for newer properties*
  - *Maintain and modernize properties, as needed*
  - *Provide resident services*



# 2024 Budget Development Timeline



# 2024 Budget

- *The 2024 budgets include 44 properties with over 2,600 units*
- *Partial year budgets for the following properties currently under construction and projected to be placed in service in 2024 include: Corazon, Promesa, The Arthur, Citrus, Esperanza.*
- *Properties currently under construction and projected to be placed in service in Q4 of 2024 not included in the budget: Avalon Commons, Manzanilla (Step Up on 99)*

	2023 Budget	2024 Budget
<b># Of Units</b>	<b>2460</b>	<b>2603</b>
<b>INCOME</b>	<b>25,246,167</b>	<b>28,515,442</b>
<b>TOTAL OTHER INCOME</b>	<b>455,561</b>	<b>521,755</b>
<b>TOTAL INCOME</b>	<b>25,701,728</b>	<b>29,037,196</b>
<b>EXPENSES</b>		
<b>TOTAL PAYROLL EXPENSES</b>	<b>5,002,950</b>	<b>5,650,976</b>
<b>TOTAL ADMINISTRATIVE EXPENSES</b>	<b>3,508,404</b>	<b>3,963,070</b>
<b>TOTAL TENANT SERVICES EXPENSES</b>	<b>1,236,208</b>	<b>1,336,381</b>
<b>TOTAL UTILITY EXPENSES</b>	<b>3,535,499</b>	<b>4,107,945</b>
<b>TOTAL MAINTENANCE EXPENSES</b>	<b>4,306,512</b>	<b>4,784,857</b>
<b>TOTAL TAXES &amp; INSURANCE EXPENSES</b>	<b>1,229,255</b>	<b>1,635,172</b>
<b>TOTAL OPERATING EXPENSES</b>	<b>18,818,828</b>	<b>21,478,400</b>
<b>NET OPERATING INCOME</b>	<b>6,882,900</b>	<b>7,558,796</b>
<b>TOTAL NON-OPERATING EXPENSES</b>	<b>5,474,096</b>	<b>5,401,117</b>
<b>CASH FLOW</b>	<b>1,408,804</b>	<b>2,157,679</b>
<b>NOI Per Unit</b>	<b>2,798</b>	<b>2,904</b>

# Property Performance Budget vs.

	2019		2020		2021		2022		2023		2024	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
High Performers	28	25	25	27	25	25	30	31	35	-	35	-
Standard Performers	1	4	6	3	6	4	6	3	6	-	8	-
Low Performers	-	-	-	1	-	2	-	2	1	-	1	-
<b>Total</b>	<b>29</b>	<b>29</b>	<b>31</b>	<b>31</b>	<b>31</b>	<b>31</b>	<b>36</b>	<b>36</b>	<b>42</b>	<b>-</b>	<b>44</b>	<b>-</b>

- Each property is managed as a separate and independent financial entity
- Each property should break even (Net Operating Income or NOI > 0 )
- Categorized as a low, standard, or high performer using NOI per unit, as the basis of measuring performance.

#### Criteria based on NOI

High Performer = >\$1,000/Unit

Standard Performer = \$250 - \$1,000/Unit

Low Performer = <\$250/Unit



# 2024 Budgets - High Performers

Property Name	Parc Grove Northwest	Granada Commons	Parc Grove Commons II	Renaissance at Trinity	Bridges at Florence	City View @ Van Ness	Mendota RAD	Orange Cove RAD	Fresno RAD	Marion Villas	Legacy Commons I	541 @ South Tower & Cedar Heights
# Of Units	148	16	215	20	34	45	124	90	193	46	64	45
TOTAL INCOME	1,835,100	167,311	2,515,000	274,145	331,490	473,690	1,303,086	869,944	1,906,485	451,014	589,226	487,660
TOTAL OPERATING EXPENSES	1,067,698	148,320	1,631,359	235,100	264,457	286,599	957,005	745,076	1,631,011	286,552	473,583	317,767
NET OPERATING INCOME	767,402	18,991	883,641	39,045	67,033	187,091	346,081	124,869	275,475	164,463	115,643	169,893
TOTAL NON-OPERATING EXPENSES	739,914	12,709	666,059	19,482	62,504	163,196	248,562	57,610	67,124	58,442	81,895	68,044
CASH FLOW	27,488	6,281	217,582	19,563	4,529	23,895	97,519	67,258	208,351	106,021	33,748	101,849
<b>NOI Per Unit</b>	5,185	1,187	4,110	1,952	1,972	4,158	2,791	1,387	1,427	3,575	1,807	3,775

Property Name	Rio Villas	Villa Del Mar	Elderberry	Kings River Commons	Fenix @ Calaveras & Fenix @ Glenn	Brierwood Court	Legacy Commons II	Renaissance at Parc Grove	Magnolia Commons	Oak Grove Commons	Mariposa Commons	Orchard Apartments
# Of Units	30	48	75	60	30	75	64	39	60	56	40	40
TOTAL INCOME	364,837	587,370	713,470	603,340	288,065	1,129,500	603,689	638,189	611,097	575,966	545,282	599,923
TOTAL OPERATING EXPENSES	254,780	444,913	344,827	426,335	215,631	557,535	438,333	503,120	535,684	457,454	355,900	346,430
NET OPERATING INCOME	110,058	142,457	368,643	177,005	72,434	571,965	165,356	135,069	75,414	118,513	189,382	253,492
TOTAL NON-OPERATING EXPENSES	32,151	134,045	276,687	163,546	68,646	457,478	163,858	39,816	36,775	94,737	189,176	251,389
CASH FLOW	77,907	8,412	91,956	13,459	3,788	114,487	1,497	95,253	38,639	23,776	205	2,103
<b>NOI Per Unit</b>	3,669	2,968	4,915	2,950	2,414	7,626	2,584	3,463	1,257	2,116	4,735	6,337

# 2024 Budgets - High Performers

Property Name	Linnaea Villas	Solivita Commons	Villages @ Paragon	Villages @ Broadway	Chinatown	Alegre Commons	Esperanza Commons	Corazon Del Valle	The Arthur	Promesa Commons	Citrus Gardens
# Of Units	47	60	28	26	57	42	60	61	42	60	30
TOTAL INCOME	594,470	704,112	395,424	362,154	675,254	592,143	616,646	662,145	419,040	569,693	310,118
TOTAL OPERATING EXPENSES	349,387	350,751	353,979	294,024	478,927	401,856	495,784	440,191	334,642	376,215	252,105
NET OPERATING INCOME	245,083	353,361	41,445	68,130	196,327	190,287	120,862	221,955	84,398	193,478	58,013
TOTAL NON-OPERATING EXPENSES	116,552	126,976	34,295	76,038	190,916	46,025	90,747	146,889	41,501	19,200	33,704
CASH FLOW	128,531	226,385	7,150	-7,908	5,411	144,262	30,115	75,065	42,897	174,278	24,309
<b>NOI Per Unit</b>	5,215	5,889	1,480	2,620	3,444	4,531	2,014	3,639	2,009	3,225	1,934

- Total of 35 properties with net operating income of \$7.3 million and projected cash flow of \$2.2 million.

# 2024 Budgets - Standard and Low Performers

	Yosemite Village	Renaissance at Santa Clara	Renaissance at Alta Monte	Viking Village RAD	Pacific Gardens	Paseo 55	Cueva de Oso	Blossom Trail	Wedgewood Commons
# Of Units	69	70	30	40	56	55	47	48	64
TOTAL INCOME	712,728	826,103	390,592	395,711	453,013	502,222	458,107	429,751	502,890
TOTAL OPERATING EXPENSES	669,497	768,490	387,062	362,041	432,770	482,561	430,090	415,032	477,528
NET OPERATING INCOME	43,231	57,614	3,530	33,671	20,243	19,661	28,017	14,719	25,362
TOTAL NON-OPERATING EXPENSES	29,700	53,167	23,987	30,481	16,800	21,500	15,840	14,400	118,553
CASH FLOW	13,531	4,447	(20,457)	3,190	3,443	(1,839)	12,177	319	(93,191)
<i>NOI Per Unit</i>	627	823	118	842	361	357	596	307	396

- *Standard Performers* - 8 properties with net operating income of \$243 thousand and negative cash flow of \$58 thousand
- *Low performers* – 1 property (Alta Monte) with net operating income of \$3 thousand and negative cash flow of \$20 thousand

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*This item is informational for Fresno Housing Authority  
Boards of Commissioners.*

*As the Managing General Partner, Silvercrest, Inc., will be  
asked to approve the 2024 Mixed Finance Budgets.*

*Questions or Comments?*

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 01/23/2024  
**AGENDA ITEM:** 7b  
**SUBJECT:** Real Estate Development Update

**AUTHOR:** Michael Duarte  
Chief Real Estate Officer  
**DEPARTMENT:** Real Estate Development  
**MEMO DATE:** 01/16/2024

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## Executive Summary

Staff will provide an overview of real estate development activities.

## Recommendation

None at this time.

# MEMO

**TO:** Board of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**DEPARTMENT:** Housing Choice Voucher  
**SUBJECT:** Resolution Authorizing Submission of Section Eight Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing and Urban Development (City)

**MEMO DATE:** 1/12/2024  
**BOARD MEETING:** 1/23/2024  
**AGENDA ITEM:** 9a  
**AUTHOR:** Melissa Ortiz

## Executive Summary

The U.S. Department of Housing and Urban Development (HUD) established the Section Eight Management Assessment Program (SEMAP) to measure management capabilities and identify deficiencies of agencies administering the Housing Choice Voucher Program. HUD uses this tool to measure performance levels by assessing a point value to each of the 14 Indicators, for a total maximum of 135 points. Public Housing Agencies must document compliance and/or noncompliance in these key areas and submit the information electronically to HUD. The total point value earned under SEMAP translates into a rating of high performer (90% or above), standard (60% to 89%), or troubled (below 60%).

Fresno Housing received a rating of “High” performer based on achieving 135 points or 100%. The 13 Indicators, 2022 and 2023 comparisons and related points and ratings, are shown in the attached table.

Please note the 14th indicator, FSS Enrollment and FSS Escrow accounts, does not apply to the City program since it is a County program.

## Recommendation

It is recommended that the Board of Commissioners of the Housing Authority of the City of Fresno adopt the attached resolution authorizing the Executive Director to submit the SEMAP certification to HUD by the deadline date of February 29, 2024.

# FRESNO HOUSING

## SEMAP Comparison of Previous Year for the HCV City Program

SEMAP Indicator – City HCV	Maximum Points	2022 Score	2023 Score
1. Selection from the Waiting List	15	15	15
2. Reasonable Rent	20	20	20
3. Determination of Adjusted Income	20	20	20
4. Utility Allowance Schedule	5	5	5
5. Housing Quality Standards (HQS) Quality Control Inspections	5	5	5
6. HQS Enforcement	10	10	10
7. Expanding Housing Opportunities	5	5	5
8. Payment Standards	5	5	5
9. Annual Reexaminations	10	10	10
10. Correct Tenant Rent Calculations	5	5	5
11. Pre-contract HQS Inspections	5	5	5
12. Annual HQS Inspections	10	10	10
13. Lease Up	20	20	20
14. FSS Enrollment and Escrow Accounts	N/A	N/A	N/A
<b>Total Points Earned</b>	<b>135</b>	<b>135</b>	<b>135</b>
<b>Rating</b>		<b>High</b>	<b>High</b>

**Resolution**

**RESOLUTION NO. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO**

**RESOLUTION AUTHORIZING SUBMISSION OF THE 2023  
SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM CERTIFICATION  
TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has established the Section Eight Management Assessment Program (SEMAP); and

WHEREAS, this program provides a system for measuring the Housing Choice Voucher Program performance using 13 criteria; and

WHEREAS, HUD requires each housing authority to provide a certification as to the accuracy of data according to these criteria.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of Fresno hereby authorizes the Executive Director, or designee(s) to submit the SEMAP certification to HUD by the deadline date of February 29, 2024.

PASSED AND ADOPTED THIS 23<sup>th</sup> DAY OF JANUARY, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:



# Section Eight Management Assessment Program (SEMAP)

*Board of Commissioners Meeting*

*January 24, 2023*



**FRESNO VIBRANT** COMMUNITIES  
QUALITY HOUSING **HOUSING** ENGAGED RESIDENTS



# What is SEMAP?

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- *The section eight management assessment program (SEMAP) measures the performance of the public housing agencies (PHAs) that administer the housing choice voucher program in 14 key areas.*
- *14 Indicators*
  - Indicators 1 – 8 are audited internally and self-certified by Quality Assurance
  - Indicators 9 – 14 are verified through data submitted through HUD's national database and information conducted by independent auditors.

*During the FH fiscal year, FH will track its own performance on the 14 SEMAP indicators & within 60 days of the end of the fiscal year, FH will complete and submit the SEMAP Certification to HUD upon Board Approval.*

# SEMAP

*Indicators audited internally and self-certified FH:*

---

- *Selection from the Waiting List*
- *Reasonable Rent*
- *Determination of Adjusted Income*
- *Utility Allowance Schedule*
- *HQS Quality Control Inspections*
- *HQS Enforcement*
- *Expanding Housing Opportunities*
- *Payment Standards*



# SEMAP

*Verified through data submitted through HUD's national database and assessments conducted by independent auditors:*

- Annual Reexaminations*
- Correct Tenant Rent Calculations*
- Pre-Contract HQS Inspections*
- Annual HQS Inspections*
- Lease-Up (next slide)*
- Family Self-Sufficiency Enrollment & Percent of FSS Participants with Escrow Account Balances*

Year	Families Enrolled	% Enrolled	Families w/w Escrow Balances	% Families with Escrow Balances
2022	40	114%	17	42%
2023	51	146%	27	53%

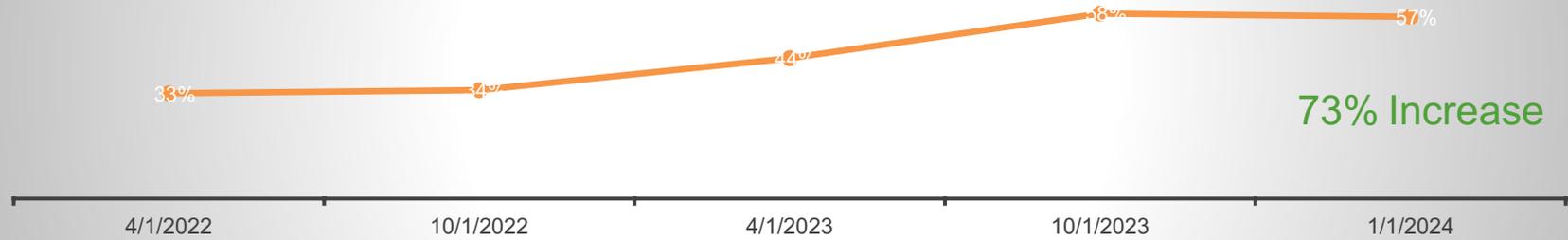


# Maximizing HAP Funds to House Families (Lease-Up Indicator)

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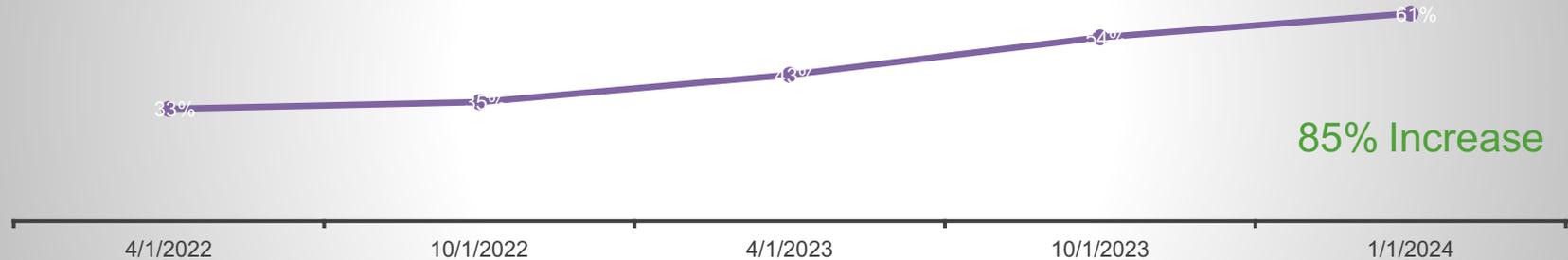
- *Response to Rent Increases in the Rental Market*
  - 2021 HUD Waivers (PIH-2021-34; Dec. 9, 2021)
    - *HUD Approval Received & New Payment Standards Implemented*
- 2022, April - Increased Payment Standards up to 120% of FMRs
- 2022, October – SAFMRs in High Cost Zip Code Areas & Payment Standards up to 120%
- 2023, April – 50<sup>th</sup> Percentile FMRs at 120% and continued use of SAFMRs
- 2023, December – HUD Waivers Expired
  - Continued use of SAFMRs and 50<sup>th</sup> Percentile FMRs at 110% Effective January 1, 2024

### Leasing Success Rates - City



Lease Ups in HOAs: 2023 – 2.42%, 2022 – 1.29%, 2021 – 1.15%

### Leasing Success Rates - County



# Overall Performance Rating

- *Fresno Housing receives 2 separate scores (City and County)*
- *Maximum Points Possible*
  - City Program            135
  - County Program        145
    - *County program has more points possible due to the Family Self-Sufficiency program*
- *SEMAP Status*
  - 90% - 100%            High Performer
  - 60% - 89%             Standard Performer
  - Below 60%             Troubled Performer



Overall Rating	HCV City Program	2022	2023	Max Points	%	
	1	Selection from Waiting List	15	15	15	100%
	2	Rent Reasonableness	20	20	20	100%
	3	Determination of Adjusted Income	20	20	20	93.8%
	4	Utility Allowance	5	5	5	Yes
	5	Housing Quality Standard (HQS) Inspections	5	5	5	100%
	6	HQS Enforcement	10	10	10	100%
	7	Housing Opportunity	5	5	5	Yes
	8	Payment Standards	5	5	5	Yes
	9	Annual Reexaminations	10	10	10	Yes
	10	Correct Tenant Rent Calculations	5	5	5	Yes
	11	Pre-Contract HQS Inspections	5	5	5	Yes
	12	Annual HQS Inspections	10	10	10	Yes
	13	Lease-Up	20	20	20	Yes
	14	FSS Enrollment & Escrow Accounts	N/A	N/A	N/A	N/A
<b>Total Points &amp; Overall Rating</b>		<b>135</b>	<b>135</b>	<b>135</b>	<b>100%</b>	

	HCV County Program	2022	2023	Max Points	%
1	Selection from Waiting List	15	15	15	100%
2	Rent Reasonableness	20	20	20	100%
3	Determination of Adjusted Income	20	20	20	100%
4	Utility Allowance	5	5	5	Yes
5	Housing Quality Standard (HQS) Inspections	5	5	5	100%
6	HQS Enforcement	10	10	10	100%
7	Housing Opportunity	5	5	5	Yes
8	Payment Standards	5	5	5	Yes
9	Annual Reexaminations	10	10	10	Yes
10	Correct Tenant Rent Calculations	5	5	5	Yes
11	Pre-Contract HQS Inspections	5	5	5	Yes
12	Annual HQS Inspections	10	10	10	Yes
13	Lease-Up	20	20	20	Yes
14	FSS Enrollment & Escrow Accounts	10	10	10	100%
	<b>Total Points &amp; Overall Rating</b>	<b>145</b>	<b>145</b>	<b>145</b>	<b>100%</b>

# 2023 SEMAP Scores

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- *HCV City received “High” performer status with an overall score of 100%.*
- *HCV County received “High” performer status with an overall score of 100%*





Thank you! Any  
Questions?

# MEMO

**TO:** Board of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**DEPARTMENT:** Housing Choice Voucher  
**SUBJECT:** Resolution Authorizing Submission of Section Eight Management Assessment Program (SEMAP) Certification to the U.S. Department of Housing and Urban Development (County)

**MEMO DATE:** 1/12/2024  
**BOARD MEETING:** 1/23/2024  
**AGENDA ITEM:** 9b  
**AUTHOR:** Melissa Ortiz

## Executive Summary

The U.S. Department of Housing and Urban Development (HUD) established the Section Eight Management Assessment Program (SEMAP) to measure management capabilities and identify deficiencies of agencies administering the Housing Choice Voucher Program. HUD uses this tool to measure performance levels by assessing a point value to each of the 14 Indicators, for a total maximum of 145 points. Public Housing Agencies must document compliance and/or noncompliance in these key areas and submit the information electronically to HUD. The total point value earned under SEMAP translates into a rating of high performer (90% or above), standard (60% to 89%), or troubled (below 60%).

Fresno Housing received a rating of “High” performer based on achieving 145 points or 100%. The 14 Indicators, 2022 and 2023 comparisons and related points and ratings, are shown in the attached table.

## Recommendation

It is recommended that the Board of Commissioners of the Housing Authority of the County of Fresno adopt the attached resolution authorizing the Executive Director to submit the SEMAP certification to HUD by the deadline date of February 29, 2024.

# FRESNO HOUSING

## SEMAP Comparison of Previous Year for the HCV County Program

SEMAP Indicator – County HCV	Maximum Points	2022 Score	2023 Score
1. Selection from the Waiting List	15	15	15
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8. Payment Standards	5	5	5
9. Annual Reexaminations	10	10	10
10. Correct Tenant Rent Calculations	5	5	5
11. Pre-contract HQS Inspections	5	5	5
12. Annual HQS Inspections	10	10	10
13. Lease Up	20	20	20
14. FSS Enrollment and Escrow Accounts	10	10	10
<b>Total Points Earned</b>	<b>145</b>	<b>145</b>	<b>145</b>
<b>Rating</b>		<b>High</b>	

**Resolution**

**RESOLUTION NO. \_\_\_\_\_**

**BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE COUNTY OF FRESNO**

**RESOLUTION AUTHORIZING SUBMISSION OF THE 2023  
SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM CERTIFICATION  
TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has established the Section Eight Management Assessment Program (SEMAP); and

WHEREAS, this program provides a system for measuring the Housing Choice Voucher Program performance using 14 criteria; and

WHEREAS, HUD requires each housing authority to provide a certification as to the accuracy of data according to these criteria.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the County of Fresno hereby authorizes the Executive Director, or designee(s) to submit the SEMAP certification to HUD by the deadline date of February 29, 2024.

PASSED AND ADOPTED THIS 23<sup>th</sup> DAY OF JANUARY, 2024. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the governing body with the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

# BOARD MEMO

**TO:** Boards of Commissioners  
**FROM:** Tyrone Roderick Williams, CEO  
**MEETING DATE:** 01/23/2024  
**AGENDA ITEM:** 9c  
**SUBJECT:** Consideration of Sale of Monte Vista Apartments to Silvercrest, Inc., and Related Actions

**AUTHOR:** Brandon Gonzalez  
**DEPARTMENT:** Real Estate Development  
**MEMO DATE:** 01/17/2024

## Executive Summary

The Housing Authority of the City of Fresno (“HACF”) is requesting approval to release the two (2) Declarations of Trust (DOT) currently encumbering the Monte Vista Terrace project and proceed with the sale of the property (44 units) at fair market value to Silvercrest, Inc. The plan to sell the property was included in the Financing Plan submitted to HUD during The Arthur @ Blackstone RAD conversion in May 2022 and other RAD transactions. HUD allows for the DOT related to the prior Low Income Public Housing program to be released if/when the subject property is sold to a third-party at fair market value.

As part of The Arthur @ Blackstone RAD Conversion, HUD approved the transfer of rental assistance for 20 units within Monte Vista to The Arthur @ Blackstone project. Prior to that, the Monte Vista site was subject to a transfer of assistance RAD conversion for the Alegre Commons project (21 units) and a Section 18 Disposition for the Monarch at Chinatown project (3 units), both of which had been previously approved by HUD. Both Alegre Commons and the Monarch @ Chinatown have completed construction and those tenants who had resided at Monte Vista and had elected to move to the new developments have since been relocated. The Arthur @ Blackstone project is scheduled to complete construction in February 2024, which will complete the final transfer of assistance of tenants and subsidy from the Monte Vista property. HUD has already reviewed and approved the sale of Monte Vista to Silvercrest, Inc. at fair market value and the release of HUD use restrictions. The appraisal is valuing the Monte Vista property at \$3,300,000. Silvercrest has been approved by HUD to purchase Monte Vista via a seller carryback loan agreement for the total appraised value.

In addition to the sale of the property, the HACF is planning to enter into a recorded Regulatory Agreement in an effort to maintain affordability on the property and achieve welfare tax exemption status. As such, Staff is requesting approval to record a Regulatory Agreement on behalf of Fresno Housing for the Monte Vista property (Exhibit A).

## FRESNO HOUSING

### Recommendation

It is recommended that the Boards of Commissioners of Fresno Housing adopt the attached resolution approving the sale of the Monte Vista property and to entry into a Seller Carryback Loan Agreement with Silvercrest Inc. for the total appraised value of the property (\$3.3M), and the recording of a Regulatory Agreement, and to further authorize Tyrone Roderick Williams, Chief Executive Officer, Tammy Townsend, Deputy Executive Director, Michael Duarte, Chief Real Estate Officer, and/or their designee to negotiate and execute said Agreement.

### Fiscal Impact

The Housing Authority of the City of Fresno would enter into a Seller Carryback Loan agreement in the amount of \$3,300,000 with Silvercrest, Inc. for the Monte Vista property.

### Background Information

Monte Vista Terrace is a 44 unit multi-family residential development located at 1132 N. Sherman Court Fresno, CA 93721 and formally part of the Low-Income Public Housing program and funded under an Annual Contributions Contract with HUD. The Monte Vista site was part of 3-Way HUD RAD Transfer of Assistance/Section 18 Disposition effort which involved the Alegre Commons (21 units), Monarch @ Chinatown (3 units), and The Arthur @ Blackstone (20 units) developments. As part of the final transfer of assistance efforts at The Arthur @ Blackstone project, the Housing Authority of the City of Fresno is proposing to sell the Monte Vista property and enter into a Seller Carryback Loan Agreement with Silvercrest Inc. for the total appraised value of the property (\$3.3M)

RESOLUTION NO. \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS OF THE  
HOUSING AUTHORITY OF THE CITY OF FRESNO, CA

A RESOLUTION TO AUTHORIZE THE SALE OF THE REAL PROPERTY KNOWN AS MONTE VISTA TERRACE, TO THE AUTHORITY'S WHOLLY-OWNED SUBSIDIARY, SILVERCREST, INC., A CALIFORNIA PUBLIC BENEFIT CORPORATION, TO AUTHORIZE A SELLER CARRYBACK LOAN, AND TO REQUIRE AS A CONDITION OF SALE THE RECORDATION OF THAT CERTAIN REGULATORY AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS FOR THE DEVELOPMENT AND OPERATION OF AFFORDABLE HOUSING AGAINST SUCH REAL PROPERTY

**WHEREAS**, the Housing Authority of the City of Fresno (the "**Authority**" or "**HACF**") seeks to expand the development and availability of affordable housing for low-income persons residing in the City of Fresno, California; and

**WHEREAS**, the Authority owns that certain multifamily housing development located at 1132 N. Sherman Court, Fresno, CA 93701, known as Monte Vista Terrace (the "**Project**") comprised of forty-three (43) rental units and one (1) manager's unit, all situated on land more specifically described in Exhibit "A" hereto (the "**Property**"); and

**WHEREAS**, the Authority intends to sale the Property to SILVERCREST, INC., a wholly-owned subsidiary of the Authority and a California nonprofit public benefit corporation ("**Silvercrest**"), for a purchase price of Three Million Three Hundred Thousand and 00/100 Dollars (\$3,300,000.00), and Silvercrest intends to acquire the Property from the Authority and has requested the Authority provide a seller carryback loan in the aggregate amount of Three Million Three Hundred Thousand and 00/100 Dollars (\$3,300,000.00) (the "**HACF Carryback Loan**") for the purchase and development of the Project, subject to the terms of a HACF Carryback Loan Agreement (the "**HACF Carryback Loan Agreement**"); and

**WHEREAS**, the HACF Carryback Loan shall be evidenced by a note issued pursuant to the terms of this Agreement ("**HACF Carryback Loan Mortgage Note**") and disbursed and repaid in accordance with the terms thereof. The HACF Carryback Loan shall be secured by, among other security, a subordinate lien mortgage or deed of trust covering the fee simple interest of Silvercrest as the borrower ("**HACF Carryback Loan Mortgage**"), all as more particularly described in the HACF Carryback Loan Agreement, together with such other related agreements, assignments, and security instruments required by the Authority (collectively with the HACF Carryback Loan Agreement, as the same may be modified, amended, renewed, extended or supplemented from time to time, the "**HACF Carryback Loan Documents**"); and

**WHEREAS**, pursuant to the HACF Carryback Loan, the Authority is authorized to require Silvercrest, as a condition of sale, to restrict the development, use, and occupancy of the Project rental units by recording restrictive covenants or encumbrances upon the Property; and

**WHEREAS**, that certain *Regulatory Agreement and Declaration of Restrictive Covenants for Development and Operation of Affordable Housing* (the “**Regulatory Agreement**”), a copy of which is attached hereto as Exhibit “B”, restricts the development, use, and occupancy of all forty-three (44) of the rental units (the “**Assisted Units**”) of the Project by requiring that the rental thereof to any new tenants leasing the Assisted Units (except for the one (1) manager’s unit, which is not an Assisted Unit) must have incomes at or below eighty percent (80%) of the Area Median Income (“**AMI**”) at the time of admission. Additionally, rents for such Assisted Units must not exceed thirty percent (30%) of eighty percent (80%) of the AMI for households of the size occupying an appropriately sized unit, as authorized under the HACF Carryback Loan; and

**WHEREAS**, upon consummation of the sale of the Project to the Silvercrest, the Authority will continue to operate and manage the Project on behalf of the Silvercrest; and

**WHEREAS**, the Authority Board of Commissioners desires to authorize the sale of the Property to Silvercrest upon the terms and conditions of the HACF Carryback Loan Documents, subject to Silvercrest recording the Regulatory Agreement against the Property upon which the Project is located as a condition of sale; and

**WHEREAS**, the Authority Board of Commissioners desires to ratify and confirm all actions of the Authority and its officers prior to the date hereof and consistent with the terms of this resolution and to authorize such actions subsequent to the date hereof; and

**WHEREAS**, the Authority is authorized to delegate to one or more of its agents and employees such powers as it deems proper.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF FRESNO DOES HEREBY RESOLVE AS FOLLOWS:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Authorized Officers. The Chief Executive Officer, Tyrone Roderick Williams; the Deputy Executive Director, Tammy Townsend; and the Chief Real Estate Officer, Michael Duarte, or their respective designees (each, an “**Authorized Officer**” and, collectively, the “**Authorized Officers**”), and each of them acting alone, are authorized and directed to enter into a HACF Carryback Loan Agreement with Silvercrest and to execute such other documents and take such other actions reasonably required to be executed by the Authority to carry out the transactions contemplated by this Resolution and the HACF Carryback Loan Documents.
3. Authorization to Sale Property, Subject to Recordation of Regulatory Agreement. The Board of Commissioners hereby authorizes the sale of the Property to Silvercrest upon the terms and conditions of the HACF Carryback Loan Documents, subject to Silvercrest recording the Regulatory Agreement against the Property upon which the Project is located as a condition of sale.

4. Approval of the Making of the HACF Carryback Loan. The Authority has been presented with drafts of the documents listed in Exhibit "C" attached hereto under the heading "HACF Carryback Loan Documents" to be executed by the Authority to effectuate the HACF Carryback Loan, which such HACF Carryback Loan Documents are on file with the Authority's Secretary, and pursuant to which Silvercrest will borrow the HACF Carryback Loan from the Authority. The making of the HACF Carryback Loan in the approximate amount of Three Million Three Hundred Thousand and 00/100 Dollars (\$3,300,000.00) is hereby authorized and the Authorized Officers, and each of them acting alone, are authorized and directed to execute and deliver, on behalf of the Authority, the HACF Carryback Loan Documents substantially in the form on file with the Authority; *provided however*, any Authorized Officer may approve on the Authority's behalf, any further changes to the draft HACF Carryback Loan Documents, including material changes, and the final amount to be loaned, and such Authorized Officer's signature on the final HACF Carryback Loan Documents shall be construed as the Authority's approval of such changes and final loan amount. The Authorized Officers, and each of them acting alone, are further authorized and directed to execute and deliver, on behalf of the Authority, any other documents reasonably required to be executed by the Authority, to carry out the transactions contemplated by the HACF Carryback Loan Documents. Each Authorized Officer, and each of them acting alone, is authorized to decrease the principal amount of the HACF Carryback Loan by any amount, or to increase the principal amount of the HACF Carryback Loan by an amount up to 10% more than the principal amount stated in this Resolution. The source of funds for any such increase shall be any funds available to the Authority.

5. Expenditures. The Authority is authorized to expend such funds as are necessary to pay for all filing fees, application fees, registration fees and other costs relating to the actions authorized by this Resolution.

6. Acting Officers Authorized. Any action required by this Resolution to be taken by the Chair of the Board or Executive Director of the Authority may, in the absence of such person, be taken by the duly authorized acting Chair of the Board or acting Executive Director of the Authority, respectively or by the designee of the Chair of the Board or Executive Director.

7. Execution of Obligations. The Board directs the Authority's Executive Director to cause the Authority to fulfill the Authority's duties and obligations under the various agreements authorized.

8. Ratification and Confirmation. All actions of the Authority and its officers prior to the date hereof and consistent with the terms of this Resolution are ratified and confirmed.

9. Effective Date of Resolution. This Resolution shall take effect on the date it is passed and adopted as stated below.

PASSED AND ADOPTED by the Board of Commissioners of the Housing Authority of the City of Fresno this 23rd day of January, 2024, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Tyrone Roderick Williams, Secretary of the Board of Commissioners

**CERTIFICATE**

I, the undersigned, the duly appointed CEO/Executive Director of the Housing Authority of the City of Fresno, California (the “**Authority**”), as keeper of the records of the Authority, CERTIFY:

1. That the attached Resolution No. \_\_\_\_ (the “**Resolution**”) is a true and correct copy of the resolution of the Board of Commissioners of the Authority, as adopted at a meeting of the Authority held on the 23<sup>rd</sup> day of January, 2024, and duly recorded in the minute books of the Authority.
2. That such meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a majority of the members of the Board of Commissioners of the Authority present at the meeting voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 23<sup>rd</sup> day of January, 2024.

HOUSING AUTHORITY OF THE CITY OF FRESNO,  
CALIFORNIA

---

Tyrone Roderick Williams  
CEO/Executive Director

Exhibit "A"

Property – Legal Description

Real property in the City of Fresno, County of Fresno, State of California, described as follows:

That part of lot 21 of Salinger Tract, according to the map thereof Recorded in Book 2 Page 13 of Plats, Records of said County, and more particularly described as follows:

**COMMENCING** at Northeast Corner of said Lot 21; Thence along the Easterly Line of said Lot 21, South 00°00'00" East a distance of 143.15 feet more or less to a point on the Southerly line of a 16.00 foot alley and the **POINT OF BEGINNING**.

Thence continuing along said Easterly Line of said Lot 21, South 00°00'00" East a distance of 472.77 feet; Thence leaving said Easterly Line of said Lot 21, along a line parallel with said Northerly Line of said Lot 21, North 90°00'00" West a distance of 320.06 feet to a point on a 758.00 foot radius Curve, said point is also on the Easterly Right of Way of the Northbound onramp of Highway 44 as recorded in Document 94-102805, Fresno County Recorders Office on June 23, 1994; the radius point of which bears North 33°12'56" East 758.00 feet; Thence Northwesterly along said Curve concave Northeasterly, having a radius of 758.00 feet, through a delta angle of 33°17'26", and an arc distance of 440.42 feet to a point on the Easterly Right of Way of N. Orchard Street; Thence along a line parallel with said Easterly Line of said Lot 21, North 00°00'00" East a distance of 140.79 feet more or less to a point on said Southerly Line of a 16.00 foot Alley; Thence along a line parallel with said Northerly Line of said Lot 21, said parallel line also being the Southerly Line of said 16.00 foot Alley, North 90°00'00" East a distance of 600.00 feet more or less to said Easterly line of said Lot 21 and the **POINT OF BEGINNING**.

Said Area containing a Gross Area of 5.66 acres and a Net Area of 5.33 acres, more or less.

Exhibit "B"

Copy of Regulatory Agreement

Exhibit "C"

HACF Carryback Loan Documents

1. Monte Vista Terrace HACF Carryback Loan Agreement between Housing Authority of the City of Fresno, California and Silvercrest, Inc.
2. HACF Carryback Loan Mortgage Note.
3. HACF Carryback Loan Deed of Trust, Security Agreement and Financing Statement.
4. Monte Vista Terrace HACF Carryback Loan-Assignment of Leases and Rents.
5. Assignment, Assumption, and Amendment to Master Lease Agreement for RAD Temporary Housing in Place.
6. Grant Deed – HACF to HACF (Perfecting Legal Description) (Monte Vista).
7. Grant Deed – HACF to Silvercrest (Sale Deed) (Monte Vista).
8. Certification Re: Monte Vista Sale Proceeds.

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**REGULATORY AGREEMENT AND  
DECLARATION OF RESTRICTIVE COVENANTS  
FOR THE  
DEVELOPMENT AND OPERATION OF AFFORDABLE HOUSING**

This Regulatory Agreement and Declaration of Restrictive Covenants for the Development and Operation of Affordable Housing (this “**Declaration**”) dated \_\_\_\_\_, 2024, for reference purposes only, by SILVERCREST, INC., a California public benefit corporation, the fee owner of the real property and owner of the housing development improvements (the “**Owner**” or “**Declarant**”), its successors, assigns, and transferees, is hereby given to and on behalf of the HOUSING AUTHORITY OF THE CITY OF FRESNO, a California public body corporate and politic (the “**Authority**”).

**RECITALS**

This Declaration affects that certain real property located at 1 N. Sherman Court, City of Fresno, ZIP Code 93701, County of Fresno, State of California, as more particularly described in the Legal Description attached hereto as **Exhibit “A”** and incorporated herein by this reference (the “**Property**”) and is entered into based on the following facts and understandings:

1. Authority is a public body corporate and politic formed, organized, and existing pursuant to the Housing Authorities Law of the State of California (Health & Safe. Code § 34200 *et seq.*) and, as such, is a form of local government.
  
2. Authority works with City of Fresno property owners, such as Owner, to support families and individuals by providing access to quality affordable housing within the City of Fresno.

3. Authority has approved the acquisition, development, and rehabilitation of a low-income housing rental project (the "**Project**") comprised of forty-three (43) rental units and one (1) manager's unit, on the Property.
4. Owner holds a fee simple interest in the Property.
5. To fund the Project, Authority has provided Owner government financing (the "**Government Financing**") in the form of that certain HACF Carryback Loan Agreement (the "**Government Financing Agreement**") and a HACF Carryback Loan Mortgage Note secured by a HACF Carryback Loan Mortgage/Deed of Trust dated on or about \_\_\_\_ \_\_, 2024, together with such other related resolutions, declarations, agreements, assignments, and security instruments required by the Authority, including but not limited to this Declaration (the "**Government Financing Agreement Documents**").
6. The Government Financing Agreement Documents authorizes the recordation of this Declaration against the forty-three (43) rental units (the "**Assisted Units**") on the Property.
7. To ensure the operation of the Project, the Owner agrees to encumber its interests and enter into this Declaration, to restrict the development, use, and occupancy of the Project.
8. The term "Owner" as used in this Declaration shall include all successors, assigns and transferees of any or all of the interests of the Owner in the Property and the Project.

**NOW, THEREFORE**, Declarant, in consideration of the Government Financing provided to Owner and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant hereby covenants, agrees and declares that the Property shall be owned, held, used, maintained, and transferred pursuant to the following restrictive covenants (the "**Covenants**") and that such Covenants shall be binding upon all of Declarant's successors, assigns and transferees to the Property, and all leases, tenants, contractors, agents, and all persons claiming an interest in the Property, or claiming an interest by and through any of the foregoing.

## **COVENANTS**

1. **Use Restriction and Tenant Incomes**. The Assisted Units shall be leased in accordance with the Government Financing Agreement Documents, including but not limited to this Declaration and any applicable eligibility and/or income-targeting requirements. For the Term of this Declaration, any new tenants leasing the Assisted Units (except for the one (1) manager's unit, which is not an Assisted Unit) must have incomes at or below eighty percent (80%) of the Area Median Income ("**AMI**") at the time of admission ("**Eligible Tenants**"). Additionally, rents for such Assisted Units must not exceed thirty percent (30%) of eighty percent (80%) of the AMI for households of the size occupying an appropriately sized unit.

Notwithstanding the foregoing, in the event the Owner so requests and is able to demonstrate to Authority's satisfaction that despite Owner's good faith and diligent efforts to do so, the Owner is unable to either (i) rent a sufficient percentage of Assisted Units to Eligible Tenants in order to satisfy the restrictions in this paragraph, or (ii) to otherwise provide for the financial viability of the Project, Authority may, in its sole discretion, agree to reduce the percentage of units subject to the restriction under this paragraph or otherwise modify this restriction in a manner acceptable to the Owner and Authority. Any such modification of the restrictions listed in this paragraph shall be evidenced by a written amendment to this Declaration executed by each of the parties hereto.

**2. Restrictions on Sale, Encumbrance, and Other Acts.**

a. During the Term, Owner shall not make any sale, encumbrance, hypothecation, assignment, refinancing, pledge, conveyance, or transfer in any other form of the Property or Project or of any of its interest in them, unless approved in writing by the Authority.

b. The Authority may grant its approval for a sale, transfer, demolition or conveyance of the Property or the Project subject to such terms and conditions as may be necessary to preserve or establish the fiscal integrity of the Property or the Project.

**3. Term of Declaration.** The term of this Declaration (the "Term") commences on the date this Declaration is executed and shall run until Owner has fulfilled all repayment obligations related to the Government Financing under the Government Financing Agreement and the Promissory Note and Authority records a release pursuant to Section 5 hereof. The Promissory Note under the Government Financing Agreement is due and payable in full on March 31, 2078.

**4. Amendment or Release.** This Declaration may not be amended without Authority consent. This Declaration shall remain as an encumbrance against the Property unless and until Authority executes a release for recording. This Declaration may only be released by Authority in its sole discretion.

**5. Covenants Run with the Land.** The Property is held and hereafter shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to these covenants, conditions, restrictions and limitations. All of the herein-stated covenants, conditions, restrictions and limitations are intended to constitute both equitable servitudes and covenants running with the land. Owner expressly acknowledges and agrees that the Covenants are reasonable restraints on Owner's right to own, use, maintain, and transfer the Property and any estate or interest therein and are not and shall not be construed to be an unreasonable restraint on alienation. Each and every contract, deed or other instrument hereafter executed covering or conveying the Property or any portion thereof, shall be held conclusively to have been executed, delivered and accepted subject to such covenants and restrictions, regardless of whether such covenants or restrictions are set forth in such contract, deed or other instrument.

6. **Binding Effect.** Any purchaser of the Property or of any portion of or interest in the Property, by the acceptance of a deed therefore, whether from Owner or from any subsequent owner of the Property, or by the signing of a contract or agreement to purchase the Property, shall by the acceptance of such deed or by the signing of such contract or agreement be deemed to have consented to and accepted the Covenants set forth in this Declaration.

7. **Remedies.** The Authority and its successors and assigns may use any or all of the following provisions in the event of a default or breach of this Declaration. The failure by the Authority to exercise any specific right or remedy shall not preclude the Authority from exercising any other right or remedy, or from maintaining any action to which it may otherwise be entitled at law or in equity:

a. **Injunctive Relief.** The Authority shall be entitled to petition the court for injunctive relief to preserve the Authority's interests in the Property and its rights under this Declaration. Such injunctive relief may include, but is not limited to, an order of the court restraining any development of the Property inconsistent with the Covenants made herein.

b. **Legal Actions.** In addition to any other rights and remedies, any party may institute a legal action to require the cure of any breach or default of the Covenants contained in this Declaration and to recover damages for any breach or default, or to obtain any other remedy consistent with the purpose of this Declaration. In any action seeking enforcement or interpretation of any of the terms or provisions of this Declaration, the prevailing party shall be awarded, in addition to damages, injunctive relief, or other relief, its reasonable costs and attorneys' fees.

8. **Authority Review and Inspection.**

a. At any time during the Term of this Declaration, the Authority or its designee may enter and inspect the Property and inspect all accounting records of the Owner pertaining to the activities funded by the Government Financing, including the acquisition, rehabilitation, or operation of the Project. Upon request by the Authority, the Owner shall notify occupants of upcoming inspections of their units in accordance with state law.

b. At the Authority's request, the Owner shall provide, at Owner's expense, a special audit of the projects funded by the Government Financing certified by an independent certified public accountant. The Authority may also perform or cause to be performed audits of any and all phases of the Owner's activities related to the Government Financing.

c. The Authority may request any other information that it deems necessary to monitor compliance with the Covenants and other requirements set forth in this Declaration and the Government Financing Agreement. The Owner shall provide such information within fourteen (14) days from the Authority's written request for such information.

**9. Declarant's Representations.** Declarant represents and warrants to the Authority that: (1) Owner has sufficient interest in the Property to own, repair, and operate the Project in accordance with this Declaration (2) to Declarant's actual knowledge and belief, there are no agreements, contracts, covenants, conditions or exclusions to which Owner (or its predecessor in interest) is a party which would, if enforced, prohibit or restrict the use of the Property in accordance with the terms of this Declaration, (3) Owner has the full right and authority to enter into this Declaration, (4) this Declaration constitutes a valid and legally binding obligation on Declarant, enforceable in accordance with its terms, and (5) Declarant is duly organized and authorized to do business in the State of California.

**10. Governing Law.** This Declaration shall be interpreted and be governed by the laws of the State of California.

**11. Severability.** Every provision of this Declaration is intended to be severable. If any provision of this Declaration is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not be affected or impaired.

**IN WITNESS WHEREOF,** the Declarant have caused this Declaration to be signed by its duly authorized representative, as of the day and year first written above.

**"OWNER"**

SILVERCREST, INC., a California public benefit corporation

By: \_\_\_\_\_  
Tyrone Roderick Williams  
Secretary/Director

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Fresno )

On \_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

DRAFT

## EXHIBIT "A"

### LEGAL DESCRIPTION OF THE PROPERTY

Real property in the City of Fresno, County of Fresno, State of California, described as follows:

That part of lot 21 of Salinger Tract, according to the map thereof Recorded in Book 2 Page 13 of Plats, Records of said County, and more particularly described as follows:

**COMMENCING** at Northeast Corner of said Lot 21; Thence along the Easterly Line of said Lot 21, South 00°00'00" East a distance of 143.15 feet more or less to a point on the Southerly line of a 16.00 foot alley and the **POINT OF BEGINNING**.

Thence continuing along said Easterly Line of said Lot 21, South 00°00'00" East a distance of 472.77 feet; Thence leaving said Easterly Line of said Lot 21, along a line parallel with said Northerly Line of said Lot 21, North 90°00'00" West a distance of 320.06 feet to a point on a 758.00 foot radius Curve, said point is also on the Easterly Right of Way of the Northbound onramp of Highway 44 as recorded in Document 94-102805, Fresno County Recorders Office on June 23, 1994; the radius point of which bears North 33°12'56" East 758.00 feet; Thence Northwesterly along said Curve concave Northeasterly, having a radius of 758.00 feet, through a delta angle of 33°17'26", and an arc distance of 440.42 feet to a point on the Easterly Right of Way of N. Orchard Street; Thence along a line parallel with said Easterly Line of said Lot 21, North 00°00'00" East a distance of 140.79 feet more or less to a point on said Southerly Line of a 16.00 foot Alley; Thence along a line parallel with said Northerly Line of said Lot 21, said parallel line also being the Southerly Line of said 16.00 foot Alley, North 90°00'00" East a distance of 600.00 feet more or less to said Easterly line of said Lot 21 and the **POINT OF BEGINNING**.

Said Area containing a Gross Area of 5.66 acres and a Net Area of 5.33 acres, more or less.