



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
MAY 13, 2014

MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE MARK SALINAS
COUNCIL MEMBER BARBARA HALLIDAY
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER GREG JONES
COUNCIL MEMBER AL MENDALL

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SPECIAL CITY COUNCIL MEETING FOR MAY 13, 2014
777 B STREET, HAYWARD, CA 94541
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CLOSED SESSION
Closed Session Room 2B – 4:30 PM

1. PUBLIC COMMENTS

2. Conference with Labor Negotiators

Pursuant to Government Code 54957.6

- Lead Negotiators: City Manager David; City Attorney Lawson; Assistant City Manager McAdoo; Finance Director Vesely; Deputy City Attorney Vashi; Director of Maintenance Services McGrath; Acting Human Resources Director Collins; Senior Human Resources Analyst Monnastes; Community and Media Relations Officer Holland; Jack Hughes, Liebert, Cassidy and Whitmore
- Under Negotiation: All Groups

3. Conference with Legal Counsel

Pursuant to Government Code 54956.9

➤ Pending Litigation

City of Hayward v. Braddock & Logan Services, Inc., et al., Alameda County Superior Court
Case No. HG14713225
Braddock & Logan Services, Inc., et al. v. City of Hayward, et al., Alameda County Superior
Court Case No. HG14713461

4. Public Employment

Pursuant to Government Code 54957

➤ Performance Evaluation

City Manager

5. Adjourn to Special City Council Meeting

SPECIAL CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Halliday

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

NON-ACTION ITEMS: *(Work Session and Informational Staff Presentation items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)*

WORK SESSION (60-Minute Limit)

1. Update on the City’s Efforts Related to the Hayward Promise Neighborhood Initiative (Report from Library and Community Services Director Reinhart)
[Staff Report](#)
[Attachment I - City of Hayward HPN Budget CY 2013](#)
-

ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk anytime before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

2. Adoption of Ordinance Repealing Section 10-3.1000 to Section 10-3.1060 of the City of Hayward Municipal Code and Adding Chapter 10, Article 26 to the Hayward Municipal Code Regarding Mobile Home Park Closure or Change of Use
[Staff Report](#)
[Attachment I Notice of Ordinance](#)
-

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
 - *Staff Presentation*
 - *City Council Questions*
 - *Public Input*
 - *Council Discussion and Action*
-



PUBLIC HEARING

3. Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the South Hayward BART Affordable Housing Project (Report from City Manager David)

[Staff Report](#)

[Attachment I Resolution](#)

LEGISLATIVE BUSINESS

4. Proposed FY 2015 Annual Operating Budget (Report from Finance Director Vesely) – **FY 2015 Annual Operating Budget will be available on May 12, 2014**

[Staff Report](#)

5. Residential Rental Inspection Program Updates: Introduction of Ordinance Repealing and Replacing Chapter 9, Article 5 of the Hayward Municipal Code establishing a Self-Certification Program; Introduction of an Ordinance Adopting the 2012 International Property Maintenance Code; and Adoption of a Revised Master Fee Schedule Relating to Fees and Charges for Administrative Hearing Appeals (Report from City Manager David - Continued from April 15, 2014)

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[Attachment IV Fee Schedule Update Master Fee Schedule by modifying Hearing Fees](#)

[Attachment V Self-Certification Flow Chart](#)

[Attachment VI City Wide Complaint Driven Rental Inspections](#)

6. Adoption of a Resolution Supporting Measure AA, Alameda County Healthcare Safety Net Reauthorization, on the June 2014 Ballot (Report from City Manager David) Continued from May 6, 2014

[Staff Report](#)

[Attachment I](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT

NEXT REGULAR MEETING – 7:00 PM, TUESDAY, MAY 20, 2014

May 13, 2013



PUBLIC COMMENT RULES: *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

PLEASE TAKE NOTICE *that if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

*****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. *****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Please visit us on:



DATE: May 13, 2014

TO: Mayor and City Council

FROM: Sean Reinhart, Library and Community Services Director

SUBJECT: Update on the City's Efforts Related to the Hayward Promise Neighborhood Initiative

RECOMMENDATION

That Council reads and comments on this report.

SUMMARY

The Hayward Promise Neighborhood (HPN) Initiative has completed its second calendar year of implementation and is now well into its third year. The grant period is five calendar years. The HPN initiative, which focuses on “cradle to career” education services to students and families in Hayward’s Jackson Triangle neighborhood, is funded primarily by the U.S. Department of Education, and is administered by lead grant agency California State University, East Bay (CSUEB).

This report provides an overview of the HPN initiative’s progress in the 2013 calendar year.

BACKGROUND

The *Promise Neighborhoods Initiative* was established under the federal legislative authority of the Fund for the Improvement of Education Program (FIE). President Obama’s vision is that this initiative will make it possible for all children and youth who are growing up in “Promise Neighborhoods” to have access to great schools and strong systems of family and community support. This system of support will prepare students to attain an excellent education and successfully transition to college and other post-secondary education and training opportunities leading to successful careers. The purpose of this initiative is to significantly improve the educational, social and developmental outcomes of children and youth who are living in economically and socially distressed communities, and to transform those communities by:

1. Identifying and increasing the capacity of key community institutions that are focused on achieving positive educational and developmental results for children and youth throughout an entire low-income neighborhood;

2. Building a complete continuum of “cradle-to-career” solutions of both educational programs and family and community supports, with great schools at the center;
3. Integrating programs and breaking down public and community agency “silos” so that solutions are implemented effectively and efficiently across agencies;
4. Developing the local infrastructure of education, health and social service delivery systems, and the resources needed to sustain and scale-up beyond the initial neighborhood, proven effective strategies across the broader community and region; and
5. Learning from a vigorous evaluation of the program about the overall impact of the Promise Neighborhoods Initiative and about the relationship between particular strategies used in these neighborhoods and student educational outcomes.

In 2010, California State University, East Bay - on behalf of the Hayward community - received a Promise Neighborhood Planning Grant in the amount of \$500,000. The Planning Grant funds were used to conduct an extensive year-long community outreach, data collection and analysis effort which later served as the basis for the HPN Implementation Grant application.

Neighborhood and community needs, as well as proposed solutions to address those needs, were identified by Hayward constituents. The details of the data collected, and the analysis of that data, are described in the 2010 *HPN Needs Assessment and Segmentation Analysis* report,¹ which formed the basis of the application for the Implementation grant.

On December 19, 2011, City officials learned that California State University, East Bay - on behalf of the Hayward community - was to be awarded one of the first five Promise Neighborhoods Implementation Grants in the nation. The Hayward Promise Neighborhood (HPN) Implementation grant application requested \$25 million over a five year period. Grant disbursements are handled on an annual basis, and are dependent on performance – evaluated continually by the U.S. Department of Education, and subject to federal budget appropriations as authorized by Congress.

In addition to meeting community demographic requirements, a key factor leading to the award of the Hayward Promise Neighborhood Implementation grant was the partnership of local institutions as listed in the Hayward Promise Neighborhood application. In addition to lead agency CSUEB, the sub-recipient partners include: Hayward Unified School District (HUSD), including the Hayward Adult School; the City of Hayward; Chabot College; Eden Area Regional Occupational Program (Eden ROP); First 5 of Alameda County; and the Child Care Coordinating Council (4C’s) of Alameda County, in addition to numerous other faith and community-based service organizations.

A key requirement of the Promise Neighborhoods Initiative is the provision of “wrap-around” educational and support services to students (from pre-school through college) and their families, beginning with a focused effort in a low-income neighborhood with the primary goal of improving

¹ The *HPN Needs Assessment and Segmentation Analysis* report can be accessed online [here](http://www.hayward-ca.gov/blogdocs/library/6_HP_N_Report_Appendix_082611.pdf). (http://www.hayward-ca.gov/blogdocs/library/6_HP_N_Report_Appendix_082611.pdf)

student academic achievement. This model is based on the successful Harlem Children’s Zone program in New York City, which focuses significant financial and other resources to support students who live in a low-income neighborhood and attend low-performing schools. The services and system changes that prove to enhance the academic achievement of these students are then scaled-up so that other students living in the greater community can benefit in the same way.

Similarly to Harlem Children’s Zone, the Hayward Promise Neighborhood is a place-based initiative. HPN seeks to provide comprehensive, high quality education and social support services that will break the cycle of poverty and increase student and thereby school achievement in one Hayward neighborhood: the Jackson Triangle, an area bounded by Jackson Street, Harder Road, and Whitman Street.

DISCUSSION

This report includes some specialized terminology used by HPN partners when referring to the initiative’s activities:

- **Results**: The overarching goals of the project.
- **GPRAs or Indicators**: The federally-required metrics that are used to evaluate the degree to which results are achieved.²
- **Solutions**: The specific activities that each HPN Initiative partner executes to achieve the desired results.

When assessed by program outputs, the Jackson Triangle neighborhood has apparently benefitted from HPN services in many ways. However, it has proven difficult to accurately and quantitatively measure program outcomes, i.e. the extent to which the initiative has achieved its overarching goals of directly transforming lives and improving educational outcomes for children in the neighborhood.

Lead agency California State University, East Bay, with the support of its sub-recipient grant partners including the City, is currently working with the U.S. Department of Education to overcome this challenge by: 1) resetting baseline numbers and target performance goals; and, 2) using locally-derived metrics in addition to federally-required indicators to measure success.

What follows is an overview of some key program achievements and highlights of the HPN initiative in Calendar Year 2013.

² The acronym “GPRA” stands for Government Performance and Results Act.

Calendar Year 2013 – Program Highlights

Highlights from the major Hayward Promise Neighborhood partners' Calendar Year 2013 HPN grant program services include:

California State University, East Bay (Lead agency with responsibility for grant administration):

- A total of 408 students performed community service work that benefited residents in the Jackson Triangle. Each student performed four to five hours of service by supporting community projects in a number of ways, including planting vegetables, removing weeds, and working with the homeless.
- CSUEB students have offered approximately 270 HPN students college counseling and tutoring services in academic subjects such as reading, English, math, art, multimedia, and chemistry.
- CSUEB nursing students partnered with AmeriCorps volunteers and community health workers to provide health education to 106 parents of 124 children attending HPN elementary and middle schools.
- Through a series of programs, Educational Psychology's Community Counseling Center (CCC) helped over 110 at-risk youth and their families better cope with stress and build on their relationships through therapeutic family support and play therapy.

Hayward Unified School District (Recipient of the largest percentage of HPN program grant funds):

- Fifty-four children from HPN schools (including twenty-seven from the Jackson Triangle) that had no prior Pre-K or formal childcare experience participated in a three hour, five-days-a-week kindergarten readiness camp.
- Twenty-eight children attended pre-school free of charge.
- Eighty 8th to 9th graders from HPN schools (including twenty-six from the Jackson Triangle) attended a five-week summer school program.
- Sixty 4th to 6th graders from HPN schools (including twenty-six from the Jackson Triangle) attended a five-week summer camp that provided students with an opportunity to learn how to write and explore their writing interests.
- Youth Enrichment Program (YEP) staff incorporated Science, Technology, Engineering and Math (STEM) methods into an afterschool program that is designed to serve 326 students attending HPN schools (including 146 from the Jackson Triangle).
- A psychologist assessed seventy-five students at Park Elementary and Harder Elementary for special education needs.
- Fifty Tennyson High School students prepared materials to be used by HUSD in promoting restorative justice.³ They prepared brochures, created a video, and developed other materials used to inform youth, parents, and teachers about restorative justice.

³ Restorative justice is a theory of justice that focuses on the needs of the offenders, the victim, and the involved community. It emphasizes the need to involve all of these stakeholders in repairing the harm caused or revealed by criminal behavior. See article, Center for Justice and Reconciliation, "[Restorative Justice Online](http://www.restorativejustice.org/university-classroom/01introduction)." <http://www.restorativejustice.org/university-classroom/01introduction>

City of Hayward:

- A total of 483 cases of blight abatement and safe houses cases were opened within the Jackson Triangle neighborhood. Three hundred sixty-nine have been resolved and 114 remain open.
- Created an inventory of areas in the neighborhood with poor or no lighting and prone to criminal activity, such as public parks, playgrounds, and dead-end streets. Initiated efforts with City Public Works and Neighborhood Services to improve lighting in these areas.
- The City's Neighborhood Services Division and Police Department worked to establish Neighborhood Watch and other community-building efforts designed to help prevent crime and improve residents' quality of life.
- Launched four Homework Support Centers (HSCs) at two HPN elementary schools, Harder and Park Elementary. (Two additional middle school sites were opened in early 2014: Winton and Cesar Chávez). Volunteer tutors at the HSCs offer free homework assistance to students in K-6 grades. HSCs are also equipped with 21st century learning tools such as computers and online resources. Two hundred twenty-nine children from Harder and Park attended these HSCs one or more times.
- A total of fifty-three students from the Jackson Triangle participated in Junior Giants, a non-competitive summer baseball program for boys and girls ages 5-14.
- Additional details regarding City of Hayward's program services can be found later in this report.

Chabot College:

- The Summer Youth Sports Program (SYSP) received applications from eighty-six students who attend HPN schools, thirty-eight of whom live in the Jackson Triangle. When less than a quarter of the parents of these students attended required Parent Orientations, Chabot made phone calls to the other parents and offered three additional orientations.
- Chabot also hired three teachers from HUSD to teach STEM-focused or ELA/creative writing courses during the summer program.
- The Hayward Police Department also taught three workshop classes for SYSP participants: Public Safety Careers, Gang Violence Prevention, and Communication and Safety.
- Chabot also identified, assessed, and enrolled 143 HPN high school seniors in its Early Decision Program. These students were given priority registration, met with counselors, registered for their first semester of classes, were given a tour of the campus, and met with other incoming students.
- 258 students from HPN middle and high schools (including thirty from the Jackson Triangle) received one-on-one educational, career, and personal guidance on a weekly basis from Educational Talent Search (ETS) outreach specialists.

Alameda County Childcare Coordinating Council (4C's):

- Offered a total of fifty Parent Promise Academy sessions (thirty for English-speaking participants and twenty for Spanish-speaking participants). These sessions included courses on Child Development, Health and Nutrition, and Positive Communication and Discipline.

First 5 Alameda County:

- The HPN public health nurse made thirty-six face-to-face visits with Jackson Triangle residents to better understand the needs of the community and promote an increase in health consults for children ages 0-5, pregnant moms, and their families.

Tiburcio Vasquez Health Center:

- HPN Promotoras (community outreach specialists) served approximately 174 Jackson Triangle residents at events that included information and workshops on alcoholism, laugh therapy, crime prevention, nutrition, health, and school events.
- Promotoras also initiated a school crossing system at Park Elementary and, on a daily basis, help over 300 children get to school safely.
- One Promotora started two Zumba classes that occur twice a week – one with fifteen parent participants and one with forty-five Park Elementary students.

Hayward Adult School:

- Sixteen HPN-affiliated parents and their children (ages 0-5) participated in bilingual parent classes. Seven out of the twelve parents surveyed increased the frequency with which they now read to their children.
- One hundred sixty-four HUSD high school students (including 147 from HPN high schools) enrolled in Hayward Adult School's concurrent credit recovery programs, and 110 completed their respective courses to earn credit – a 70.5% completion rate.

Eden Area Regional Occupation Program (ROP):

- Sixteen out of eighteen HPN students worked with the lead on courses they needed to meet their graduation requirements.

Super Stars Literacy:

- Provided a daily extended learning early literacy and social/emotional development program to ninety-one low-performing Kindergarten and first grade HPN students (including sixty-four from the Jackson Triangle).

City of Hayward – Additional Detail

The City of Hayward (CoH) has been and will continue to be responsible for seven Solutions throughout the five-year term of the HPN grant:

Homework Support Centers:

In April 2013, the City launched two Homework Support Centers (HSCs) to provide after-school homework help at two HPN elementary schools – Harder and Park. Each of these HSCs serves approximately 250 students in grades K-6 a semester and is equipped with ten trained volunteer tutors and other educational resources. While the shift to Common Core Standard assessments makes it impossible to compare before-and-after progress for students related to standardized test results from previous years as we have done in the past, the following statistics detail the successes that each of these HSCs had in reaching students from August to December 2013:

Harder Elementary	Park Elementary
<ul style="list-style-type: none"> • 245 students registered to use HSC (120 of whom were HPN students) • 191 students who registered attended the HSC one or more times (96 of whom were HPN students) • Average student attended an HSC session 15 times (Average HPN student attended 13 times) • HSC offered 51 sessions • 211 Hayward Public Library cards were issued to students (103 of which were issued to HPN students) 	<ul style="list-style-type: none"> • 262 students registered to use HSC (50 of whom were HPN students) • 213 students who registered attended the HSC one or more times (40 of whom were HPN students) • Average student attended an HSC session 18 times (Average HPN student attended 19 times) • HSC offered 52 sessions • 117 Hayward Public Library cards were issued to students (41 of which were issued to HPN students)

In addition to providing direct 1:1 and small group tutoring services, the City also installed and maintains library book vending machines at Harder and Park Elementary schools.

Community Garden/Project EAT

The Tennyson High School urban farm is currently operated by the Alameda County Office of Education (Project EAT) with the support of HUSD and the City. In addition to HPN funding, the City of Hayward provided matching funds (CDBG) toward this existing project to installation of an accessible ramp from the parking area to the farm, and the installation of a community garden on the site which now has forty gardening plots available to neighborhood residents.

Closing the Digital Divide

The City provides sixteen netbook computers for the Harder and Park Homework Centers, and makes them available to students in the Centers. Staff worked with HUSD to connect the netbooks to the internet and to equip them with the same educational and reading programs that are also used in the classroom. The City also provides eighteen Chromebooks (low-cost, cloud-based notebook computers) for parents to check out (nine Chromebooks for Harder and nine Chromebooks for Park). The Parent Outreach Coordinator worked with a group of fifty parents to show them how to use the Chromebooks and how to check them out to use at home.

Improved Transportation

Principals at Harder and Park Elementary worked with their teachers to identify Jackson Triangle families who lack transportation to get to work and access services. The City purchased 100/\$50 pre-loaded adult Clipper Cards and 476/\$10.50 pre-loaded youth AC Transit cards, which are being distributed to the identified families. The City also worked with the AC Transit Customer Relations Department to set up informational/educational classes on how to use the cards and how to read bus and BART schedules.

Hayward Junior Giants

The Hayward Police Department offers this free, non-competitive, baseball program for boys and girls ages 5-14. The program engages youth from HPN schools in the program to deter gang violence and support students' physical fitness. Working together with local agencies, families and volunteers, Junior Giants offers youth a chance to learn the basics of baseball during the summer while also discovering the importance of self-esteem and respect. The Hayward Junior Giants program is sponsored by the San Francisco Giants Community Fund.

The City committed to engaging 500 children and adolescents in Junior Giants every summer as part of the HPN Initiative. Only 10% of participating children have been Jackson Triangle residents, but it is highly likely that the proportion of participants affiliated with HPN schools is higher. The goal is now to determine how many Junior Giants participants also attend the schools affiliated with the HPN initiative. The City is in conversation with HUSD to determine those numbers. From there, the City will reset baseline and target numbers for this solution.

Community Services Officer

The Community Services Officer (Heather Costa) is a uniformed representative of the Police Department that works daily in the Jackson Triangle to build relationships with the community and foster a safe environment. She issues citations, conducts traffic, and works hand-in-hand with neighborhood watch groups and crime prevention specialists. Her position is fully-funded by the Neighborhood Promise grant, and she began her work in 2013.

Code Enforcement

When the Community Services Officer and residents report code violations or maintenance needs in the Jackson Triangle, the City's code enforcement inspectors respond. The City has successfully reduced blight and rental housing violations in the community. In 2014, a sixth inspector will be hired and funded by the Promise Neighborhood grant to exclusively handle reports in the Jackson Triangle, significantly increasing the City's capacity to improve safety and environmental conditions in the neighborhood.

Neighborhood Partnership/Neighborhood Health and Empowerment Network

The City's Neighborhood Services Manager (David Korth) is responsible for leading HPN's Neighborhood Health and Empowerment Network (NHEN) and bringing partners together to improve the learning and living environment of HPN students. They work to coordinate neighborhood events (such as fairs and fun runs) and engage the community in HPN's efforts. The City has also hired muralists to engage local youth in an anti-graffiti campaign. The HPN grant funded the painting of seven mural projects at four area middle and high schools.

School Resource Officers

Hayward police officers are assigned as school resource officers (SROs) to act as liaisons between the Hayward Unified School District (HUSD) and the Hayward Police Department. SROs serve at middle and high schools and enforce truancy laws. They work with the Police Department's Youth and Family Services Bureau to provide counseling and crisis intervention for students in need of such services. SROs also recently began recruiting local businesses to help enforce truancy laws by refusing to serve students during school hours.

The City plans to report the same metrics that are used to evaluate SRO strategies to demonstrate the success that the City has had in improving attendance rates (GPRA #5). SRO work is not yet officially recognized as an HPN solution, but the plan is to include it as such moving forward.

Additional Solutions

The City is responsible for helping to implement two other solutions beginning in Year Three (calendar year 2014) of the HPN grant:

- *St. Rose Hospital - FACES Program*: The FACES program is designed to introduce HPN youth to professions in health care by creating experiential learning opportunities in a clinical setting. It will match interested students with mentors in the health care field, offer academic tutoring in math and science, and guide participants through the college application process. It will also offer case management services for those participants that need psycho-social support.
- *Service Learning and Innovative Civic Engagement – SLICE*: The Eden Youth & Family Center will provide HPN youth with artistic outlets for expressing their opinions about issues that affect the Jackson Triangle community. The Center will teach spoken word, videography, and photography to thirty HPN high school students.

FISCAL IMPACT

Funding for the Hayward Promise Neighborhood initiative is dependent upon annual review of program performance by the U.S Department of Education, and federal budget authorization by Congress. The total grant award over the five-year period is \$25 million, administered by lead agency California State University, East Bay.

In Calendar Year 2013 (Year Two of the overall initiative), the City’s sub-recipient share of the grant was \$331,681. This equated to approximately 6.6% of the total overall grant award in CY 2013. In the current year, Calendar Year 2014 (Year Three of the overall initiative), the City’s sub-recipient share of the grant is \$350,581. This equates to approximately 6.9% of the total grant award in CY 2014. (See Attachment I.)

At this time it is assumed that the City will receive a total of approximately \$1,684,498 over the five year grant period to implement the solutions for which it is responsible. This equates to approximately 6.7% of the total grant award.

The programs and services the City provides for the HPN initiative are funded by the sub-recipient grant from U.S. Department of Education, administered by lead agency CSUEB. The program has no direct impact to the General Fund. There is an indirect impact in the form of in-kind contributions, primarily in staff time and effort, to deliver and administer the services.

A budget detail is included in Attachment I for more information on how the City’s share of the HPN grant funding is apportioned in support of the City operated Solutions outlined in this report. The attachment includes a list of the in-kind contributions that the City makes to meet the 1:1 match requirement for the grant funds.

PUBLIC CONTACT

The HPN Initiative is a collaborative endeavor and, as such, the City works closely with the HPN coalition of partner organizations and the broader community to execute its responsibilities. To better facilitate this collaboration, the coalition is organized into three primary networks – the Early Learning Network (ELN), the Cradle to Career Educational Reform Network (C2CERN), and the Neighborhood Health and Empowerment Network (NHEN). The chairperson of the ELN is Renee Herzfeld, who is also the executive director of 4C’s Alameda County. The chairperson of the

C2CERN is Alan Young of CSUEB. The City has staff representatives in each of the networks. The City's Neighborhood Partnership Services Manager, David Korth is the chairperson of the NHEN.

NEXT STEPS

The initiative began at the beginning of Calendar Year 2012 and grant funding will expire at the end of Calendar Year 2016. The City has completed the first two years of its participation the five-year HPN grant project, and is now mid-way through its third year in the project.

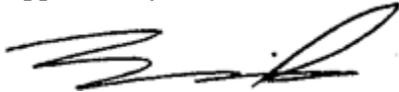
At the end of each calendar year, lead agency California State University, East Bay – with data provided by the sub-recipient grant partners – submits an Annual Performance Review (APR) to the U.S. Department of Education that details the results of the year's work. In addition to the annual review, CSUEB requests from each partner quarterly reports on program performance, monthly reports justifying program expenditures, and several other ad-hoc reports throughout the program year.

As previously mentioned, lead agency California State University, East Bay and its sub-recipient grant partners including the City are currently in the process of resetting certain target performance metrics for the remaining two and one-half years of the grant period. The reset targets are currently under review by the U.S. Department of Education.

Prepared by: Jessie Rubin, ICMA Management Fellow
 David Korth, Neighborhood Services Manager
 Lindsey Vien, Education Services Coordinator

Recommended by: Sean Reinhart, Director of Library & Community Services

Approved by:



Fran David, City Manager

Attachment: City of Hayward – HPN Budget CY 2013

CITY OF HAYWARD

HAYWARD PROMISE NEIGHBORHOOD GRANT AND MATCH BUDGET CY2014-CY2016

ATTACHMENT I

CY 2014 (YEAR 3) REVISED AUTHORIZED BUDGET
MARCH 11, 2014

	Year 1 CY 2012	GRANT AWARD (Cash award)					Total Grant (5-Year)	City of Hayward Match Commitment					Total Match (5-Year)
		Year 2 CY 2013	Year 3 CY 2014	Year 4 CY 2015	Year 5 CY 2016	Year 1 CY 2012		Year 2 CY 2013	Year 3 CY 2014	Year 4 CY 2015	Year 5 CY 2016		
1. Personnel (Salaries)													
Elected Official: Mayor								\$ 412	\$ 412	\$ 412	\$ 412	\$ 412	\$ 2,062
IT: Technology Services Director	3%							\$ 4,606	\$ 6,141	\$ 7,676	\$ 7,676	\$ 7,676	\$ 26,098
IT: Network Systems Specialist	5%							\$ 8,658	\$ 17,316	\$ 17,316	\$ 17,316	\$ 17,316	\$ 64,936
HH: Library and Community Services Dir.	10%							\$ 16,896	\$ 16,896	\$ 16,859	\$ 16,896	\$ 16,896	\$ 84,245
HH: Homework Center Site Supervisor	100%	\$ 21,000	\$ 31,500	\$ 43,701	\$ 63,000	\$ 159,201							
HH: Supervising Librarian	10%							\$ 8,321	\$ 16,642	\$ 33,284	\$ 33,284	\$ 41,606	\$ 133,137
HH: Librarian I	5%							\$ 3,258	\$ 6,516	\$ 13,032	\$ 13,032	\$ 16,290	\$ 52,129
HH: Senior Library Page	100%							\$ 19,927	\$ 19,927	\$ 19,927	\$ 19,927	\$ 19,927	\$ 79,708
ST: Crime Prevention Specialist - Northern District	4%	\$ 1,341				\$ 1,341		\$ 1,341	\$ -	\$ -	\$ -	\$ -	\$ 1,341
ST: Crime Analyst	3%	\$ 1,666				\$ 1,666		\$ 1,617	\$ 1,666	\$ 1,716	\$ 1,767	\$ 1,820	\$ 8,585
ST: Community Services Officer - B - Northern Dist.	100%	\$ 67,284	\$ 69,302	\$ 71,381	\$ 73,523	\$ 281,490							
ST: Code Enforcement Inspector	100%		\$ 78,447	\$ 80,801	\$ 83,225	\$ 242,472							
ST: Neighborhood Partnership Manager (Supervises Cc	7%							\$ 8,994	\$ 9,263	\$ 10,122	\$ 10,426	\$ 10,738	\$ 49,543
NP: Neighborhood Services Manager	6%	\$ 8,278	\$ 4,326	\$ 4,456	\$ 4,590	\$ 21,650		\$ 17,086	\$ 17,086	\$ 17,086	\$ 17,086	\$ 17,086	\$ 85,431
ST: HPD Chief	0.5%							\$ 2,950	\$ 2,979	\$ 3,009	\$ 3,039	\$ 3,071	\$ 15,048
ST: Captain	2%							\$ 3,199	\$ 3,295	\$ 3,393	\$ 3,495	\$ 3,600	\$ 16,982
ST: Lt. - Northern District Commander	15%							\$ 21,812	\$ 22,466	\$ 23,140	\$ 23,834	\$ 24,035	\$ 115,287
ST: Police Officer - Northern District	5%							\$ 5,264	\$ 5,422	\$ 5,585	\$ 5,753	\$ 5,925	\$ 27,950
ST: Community Services Officer A - Northern Dist.	3%							\$ 1,960	\$ 2,019	\$ 2,079	\$ 2,141	\$ 2,206	\$ 10,404
Subtotal Personnel		\$ - \$ 99,568	\$ 183,576	\$ 200,339	\$ 224,337	\$ 707,820	\$ 91,770	\$ 139,194	\$ 172,901	\$ 176,087	\$ 192,934	\$ 770,824	
2. Personnel (Benefits)													
IT: Technology Services Director	36%								\$ 1,658	\$ 2,211	\$ 2,763	\$ 2,763	\$ 9,395
IT: Network Systems Specialist	47%								\$ 4,069	\$ 8,139	\$ 8,139	\$ 10,173	\$ 30,520
HH: Library and Community Services Dir.	36%							\$ 6,075	\$ 6,075	\$ 5,989	\$ 6,075	\$ 6,075	\$ 30,289
HH: Homework Center Site Supervisor	0%												
HH: Supervising Librarian	35%							\$ 2,876	\$ 5,751	\$ 11,502	\$ 11,502	\$ 11,502	\$ 43,133
HH: Librarian I	35%							\$ 1,156	\$ 2,312	\$ 4,623	\$ 4,623	\$ 5,779	\$ 18,492
HH: Senior Library Page	35%								\$ 6,974	\$ 6,974	\$ 6,974	\$ 6,974	\$ 27,898
ST: Crime Prevention Specialist - Northern District	69%	\$ 1,382				\$ 1,382							
ST: Crime Analyst	54%	\$ 893				\$ 893		\$ 867	\$ 893	\$ 920	\$ 947	\$ 976	\$ 4,603
ST: Community Services Officer - B - Northern Dist.	76%	\$ 51,342	\$ 52,883	\$ 54,469	\$ 56,103	\$ 214,797							
ST: Code Enforcement Inspector	64%		\$ 50,527	\$ 52,043	\$ 53,605	\$ 156,175							
ST: Neighborhood Partnership Manager (Supervises Cc	51%							\$ 4,587	\$ 4,724	\$ 4,866	\$ 5,012	\$ 5,163	\$ 24,352
NP: Neighborhood Services Manager	49%	\$ 3,956	\$ 1,978	\$ 1,978	\$ 1,978	\$ 9,889		\$ 1,978	\$ 1,978	\$ 1,978	\$ 1,978	\$ 1,978	\$ 9,889
ST: HPD Chief	79%							\$ 758	\$ 781	\$ 805	\$ 829	\$ 854	\$ 4,027
ST: Captain	81%							\$ 2,590	\$ 2,668	\$ 2,748	\$ 2,831	\$ 2,915	\$ 13,752
ST: Lt. - Northern District Commander	71%							\$ 15,395	\$ 15,856	\$ 16,332	\$ 16,822	\$ 16,822	\$ 81,227
ST: Police Officer - Northern District	78%							\$ 4,097	\$ 4,220	\$ 4,347	\$ 4,477	\$ 4,611	\$ 21,752
ST: Community Services Officer A - Northern Dist.	76%							\$ 1,495	\$ 1,540	\$ 1,586	\$ 1,634	\$ 1,683	\$ 7,939
Subtotal Fringe Benefits		\$ - \$ 57,573	\$ 105,388	\$ 108,490	\$ 111,686	\$ 383,137	\$ 41,873	\$ 59,500	\$ 73,020	\$ 74,606	\$ 78,268	\$ 327,268	
3. Travel													
Subtotal Travel		\$ - \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4. Equipment													
IT: Wireless Controller for up to 12 APs (one per site)		\$ 6,600				\$ 6,600							
IT: Ethernet Transceiver(one per site)		\$ 480				\$ 480							
IT: 802.11a/g/n Fixed Auto AP		\$ 780				\$ 780							
IT: Ethernet Wifi Router w/ 1000 foot range (one per site)		\$ 1,290				\$ 1,290							
IT: IP Services License (one per site)		\$ 90				\$ 90							
IT: Time-Warner Cable 25 Mbps data utility (annual per site)		\$ 2,400				\$ 2,400							
HH: Brodat library book vending machine, installed		\$ 43,550	\$ 21,864	\$ 21,864	\$ 21,864	\$ 109,142							
HH: Brodat maintenance & support contract		\$ 5,400	\$ 5,400	\$ 7,200	\$ 9,000	\$ 27,000							
HH: Indoor book return bin		\$ 1,900	\$ 950	\$ 950	\$ 950	\$ 4,750							
HH: (25) Netbook PC's + MS Office @ \$300/ea		\$ 15,000				\$ 15,000							
HH: (25) CIPA software installs @ \$25/ea		\$ 1,350				\$ 1,350							
HH: (1) Notebook PC storage cabinet		\$ 1,800				\$ 1,800							
Subtotal Equipment		\$ - \$ 80,640	\$ 28,214	\$ 30,014	\$ 31,814	\$ 170,682	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5. Supplies													
NP: Neighborhood Meeting Supplies - Refreshments, Office Supplies													\$ -
NP: Outreach / Promotions / Advertisements		\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 4,000		\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 4,000
NP: Printing Costs / Signage		\$ 500	\$ 500	\$ 500	\$ 500	\$ 2,000		\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 2,000
HH: (400) Books @ \$12.50 ea.		\$ 10,000				\$ 10,000		\$ 10,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 70,000
HH: School/office supplies		\$ 1,140	\$ 643	\$ 1,000	\$ 1,250	\$ 4,033		\$ 1,000	\$ 1,500	\$ 2,000	\$ 2,000	\$ 2,000	\$ 6,500
Subtotal Supplies		\$ - \$ 12,640	\$ 2,143	\$ 2,500	\$ 2,750	\$ 20,033	\$ -	\$ 12,500	\$ 23,000	\$ 23,500	\$ 23,500	\$ 23,500	\$ 82,500
6. Contractual Services													
NP: Translation Services:		\$ 720	\$ 720	\$ 720	\$ 720	\$ 2,880		\$ 720	\$ 720	\$ 720	\$ 720	\$ 720	\$ 3,600
NP: Childcare Services During Neighborhood Meetings		\$ 540	\$ 540	\$ 540	\$ 540	\$ 2,160		\$ 540	\$ 540	\$ 540	\$ 540	\$ 540	\$ 2,700
TR: Non-HUSD Transportation Services (MV Transportation)		\$ 10,000				\$ 10,000							
EP: East Bay Aviators, Inc. - (MALTA) Project.						\$ -							\$ -
EP: Service Learning and Innovative Civic Engagement (SLICE)			\$ 20,000	\$ 20,000	\$ 20,000	\$ 60,000			\$ 20,400		\$ 20,400		\$ 40,800
EP: St. Rose Hospital - FACES of the Future				\$ 13,500	\$ 13,500	\$ 27,000				\$ 10,848			\$ 10,848
NP: Anti Graffiti Art Project		\$ 50,000				\$ 50,000							
CG: Community/Schools Garden Strategy		\$ 20,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000							
Subtotal Supplies and Services		\$ - \$ 81,260	\$ 31,260	\$ 44,760	\$ 44,760	\$ 202,040	\$ 1,260	\$ 1,260	\$ 21,660	\$ 32,508	\$ 1,260	\$ 57,948	
8. Other													
HH: Volunteer Tutors								\$ 40,000	\$ 60,000	\$ 80,000	\$ 120,000	\$ 300,000	
Subtotal Other		\$ - \$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,000	\$ 60,000	\$ 80,000	\$ 120,000	\$ 300,000	
GRAND TOTAL		\$ - \$ 331,681	\$ 350,581	\$ 386,103	\$ 415,347	\$ 1,483,711	\$ 134,903	\$ 252,455	\$ 350,581	\$ 386,701	\$ 415,963	\$ 1,538,540	

DATE: May 13, 2014

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of Ordinance Repealing Section 10-3.1000 to Section 10-3.1060 of the City of Hayward Municipal Code and Adding Chapter 10, Article 26 to the Hayward Municipal Code Regarding Mobile Home Park Closure or Change of Use

RECOMMENDATION

That the City Council adopts the Ordinance introduced on May 6, 2014.

BACKGROUND

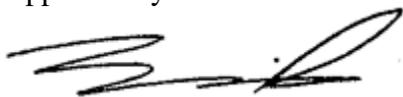
The Ordinance was introduced by Mayor Sweeney at the May 6, 2014 meeting of the City Council with the following vote:

AYES:	Council Members:	Zermeño, Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, May 10, 2014. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment:

Attachment I Summary of Ordinance Published on 05/10/14

PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE REPEALING SECTION 10-3.1000 TO SECTION 10-3.1060 OF THE CITY OF HAYWARD MUNICIPAL CODE AND ADDING CHAPTER 10, ARTICLE 26 TO THE HAYWARD MUNICIPAL CODE REGARDING MOBILE HOME PARK CLOSURE OR CHANGE OF USE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Upon the effective date of this ordinance, Hayward Municipal Code Sections 1-3.1000 through 10-3.1060 are hereby repealed and Article 26 of Chapter 10 of the Hayward Municipal Code is hereby enacted to read in full as follows:

ARTICLE 26

MOBILE HOME PARK CLOSURE OR CHANGE OF USE

Section	Subject Matter
10-26.101	TITLE
10-26.102	PURPOSE
10-26.103	DEFINITIONS
10-26.104	FILING A RELOCATION IMPACT REPORT (RIR)
10-26.105	CONVERSION DUE TO REDUCED OCCUPANCY
10-26.106	RELOCATION ASSISTANCE
10-26.107	RELOCATION IMPACT REPORT
10-26.108	CONTENT OF RELOCATION IMPACT REPORT
10-26.109	RESIDENT QUESTIONNAIRE
10-26.110	PROTECTIONS
10-26.111	NOTICE TO PROSPECTIVE RESIDENTS
10-26.112	HEARING AND NOTICE
10-26.113	HEARING BEFORE THE PLANNING COMMISSION
10-26.114	HEARING BEFORE THE CITY COUNCIL
10-26.115	EXEMPTION FROM RELOCATION ASSISTANCE OBLIGATIONS
10-26.116	EXPIRATION OF APPROVAL OF CONVERSION
10-26.117	ADMINISTRATION FEE
10-26.118	ADJUDICATION OF BANKRUPTCY
10-26.119	ENFORCEMENT

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

ATTACHMENT I

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Section 4. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3, of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

Introduced at the meeting of the Hayward City Council held May 6, 2014, the above-entitled Ordinance was introduced by Mayor Sweeney.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on May 13, 2014, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: May 10, 2014
Miriam Lens, City Clerk
City of Hayward

DATE: May 13, 2014

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Public TEFRA Hearing as Required by the Internal Revenue Code of 1986, and Adoption of a Resolution Authorizing the Issuance of Bonds and the Submission of an Application to the California Debt Limit Allocation Committee, All in Connection with Financing the Construction of the South Hayward BART Affordable Housing Project

RECOMMENDATION

That the City Council:

- a) Conducts a public hearing to consider the issuance of Tax-Exempt Multifamily Housing Revenue Bonds to assist in the financing of the South Hayward BART Affordable Housing Project; and
- b) Adopts the attached resolution: i) approving the use of tax-exempt bond proceeds to reimburse project costs related to the construction of the South Hayward BART Affordable Housing Project; ii) authorizing the filing of an application with the California Debt Limit Allocation Committee for a portion of the State of California's ceiling of private activity bond allocation; and iii) approving the issuance of Tax-Exempt Multifamily Housing Revenue Bonds for purposes of Section 147(f) of the Internal Revenue Code of 1986.

BACKGROUND

On June 14, 2011, Council approved financing for the South Hayward BART Affordable Housing project (the Project) to be developed by Eden Housing, Inc. (Eden). The Project will be located at 28901 and 28937 Mission Boulevard and will include 151 units (86 affordable units to low income-families, 64 affordable units to low-income seniors, and one manager's unit).

Included in the City-approved financing for the Project are \$900,000 in HOME funds, \$830,000 in Neighborhood Stabilization Program II (NSP2) funds, and \$4.25 Million in Housing Authority funds from Low and Moderate Income Housing Funds. The largest source of external financing for the Project is approximately \$21 Million in Low Income Housing Tax Credits (Tax Credits) and up to \$40 Million in Tax-Exempt Multifamily Housing Revenue Bonds (the Bonds). The latter will be issued by the City in order to facilitate the development of the Project.

The Internal Revenue Code of 1986 (the Code) requires that the “applicable elected representatives” of the jurisdiction where a project to be financed with “private activity bonds” is to be constructed, adopt a resolution approving the issuance of such bonds after holding a Tax Equity and Fiscal Responsibility Act of 1985 (TEFRA) hearing, which must be noticed in a newspaper of general circulation.

Furthermore, in order to issue the Bonds, the City and the Project Sponsor (Eden in this case) must apply to the California Debt Limit Allocation Committee (CDLAC) for an allocation of the State’s ceiling of private activity bonds. CDLAC’s rules require that the issuing jurisdiction adopt a resolution approving the submittal of the application prior to filing it with CDLAC. In order to submit a Tax Credit application, the Project Sponsor must also have a CDLAC/bond application on file or must submit it concurrently.

As required by the Code, the City has conducted two duly-noticed public TEFRA hearings (once on was held on May 8, 2012¹ and the other one on March 26, 2013²). Consequently, Eden has filed the CDLAC application for the Project twice. However, due to several project delays staff has appraised Council of on a regular basis, Eden had to withdraw the CDLAC applications in both occasions with the intent to later resubmit them. This was necessary to avoid penalties as CDLAC regulations require both that the bonds are issued and that construction starts within a very short time frame after receiving a bond allocation.

DISCUSSION

Eden is now preparing to resubmit the CDLAC application for consideration by the committee at its July meeting. This means that the Bonds will be issued after May 2014 and that the TEFRA hearing has to be held again as Federal tax law stipulates that the TEFRA hearing be held within a year from the issuance of the Bonds. For this reason, staff is asking the City Council to hold the public TEFRA hearing one more time. As required by the Code, this hearing was noticed in the April 29, 2014 issue of the Daily Review.

Council is familiar with the actions required by the Code to initiate the process to issue tax-exempt bonds for affordable housing or other projects of public benefit. Recently, Council held two TEFRA hearings: one for the issuance of bonds by the City for the Hayward Senior Housing II development (currently under construction) and the other for the issuance of bonds by the California Statewide Community Development Corporation for the Faith Manor Apartments, a rental complex owned by the Glad Tidings Community Development Corporation. More information about tax-exempt bonds may be found in the staff report for the May 8, 2012 meeting, when Council took actions to initiate the process to issue the Bonds for the Project.³

1 The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca050812full.pdf>

2 The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca032613full.pdf>

3 The report is available at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca050812full.pdf>

ECONOMIC IMPACT

Issuing the Bonds for the development of the South Hayward TOD Project will have a significant economic impact on the City by serving as a catalyst for other development in the South Hayward BART station area, including, at a minimum, the development of market-rate housing. The economic benefits of the Project have been discussed at length in previous staff reports about the Project.⁴

FISCAL IMPACT

The issuance of the Bonds does not represent a financial impact to the General Fund and the General Fund is not responsible for repayment of the Bonds. An undetermined amount of revenue will be received by the City upon completion of the Project through Community Facility District Fees and bond issuance and administrative fees. These will help to offset some of the City staff costs associated with implementation of the Project. All costs associated with issuance of the Bonds will be reimbursed through bond proceeds, including the City's bond counsel fees.

NEXT STEPS

Notice of the TEFRA hearing was published in the Daily Review on April 29, 2014. If the City Council adopts the Resolution, staff and its consultants will prepare the necessary documentation for the bond issuance to take place and will bring an item back to Council for approval of final documentation.

Prepared by: Omar Cortez, Housing Development Specialist

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachment I Resolution Authorizing the Issuance of Bonds and Related Actions

⁴ <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2011/CCA11PDF/cca061411full.pdf>. See pages 7-9 of item #7 - "Approval of Certain Financing for Affordable Housing at the South Hayward BART Station Transit-Oriented Development."

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

INTRODUCED BY COUNCILMEMBER _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN
EXPENDITURES FROM PROCEEDS OF QUALIFIED RESIDENTIAL
RENTAL PROJECT BONDS, AUTHORIZING AN APPLICATION TO
THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE TO
PERMIT THE ISSUANCE OF QUALIFIED RESIDENTIAL RENTAL
PROJECT BONDS, AND APPROVING THE ISSUANCE OF QUALIFIED
RESIDENTIAL RENTAL PROJECT BONDS IN ACCORDANCE WITH
SECTION 147(f) OF THE INTERNAL REVENUE CODE**

WHEREAS, the City of Hayward (the “City”) desires to engage in a program (the “program”) of financing the construction of a multifamily rental housing development; and

WHEREAS, Eden Housing Inc., a California not-for-profit corporation (the “Sponsor”), has made a request to the City for assistance with respect to the financing of the acquisition and construction of a 151 unit multifamily rental housing development located at 28901 and 28937 Mission Boulevard, Hayward, California 94544 (the “Project”), which will be developed and owned by the Sponsor or a limited partnership or limited liability company established by the Sponsor or an affiliate thereof (the “Borrower”); and

WHEREAS, all of the units in the Project are expected to be occupied by persons or families of lower or very low income; and

WHEREAS, the assistance requested is the issuance by the City of its qualified residential rental project bonds (the “Bonds”) in an amount not to exceed \$40,000,000, the proceeds of which would be loaned to the Borrower for the purpose of acquiring and constructing the Project; and

WHEREAS, the Borrower expects to pay certain expenditures (the “Reimbursement Expenditure”) in connection with the Project prior to the issuance of the Bonds for the purpose of financing cost associated with the Project on a long term basis; and

WHEREAS, Section 1.103-8(a)(5) and Section 1.150-2 of the Treasury Regulations require the City to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing; and

WHEREAS, the Internal Revenue Code of 1986 and the applicable regulations thereunder require the Borrower to take this action in connection with the payment of certain expenses in connection with the Project prior to issuance of tax-exempt bonds in order to allow the Borrower to be reimbursed for such expenditures; and

WHEREAS, Chapter 11.8 of Division 1 of Title 2 of the Government Code of the State of California governs the allocation in the State of California of the state ceiling established

by Section 146 of the Code among governmental units in the State having the authority to issue private activity bonds; and

WHEREAS, Section 8869.85 of the Government Code requires a local agency to file an application for a portion of the state ceiling with or upon the direction of the California Debt Limit Allocation Committee ("CDLAC") prior to the issuance of private activity bonds; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, requires the City Council of the City (the "City Council"), as the elected representative of the City, the host jurisdiction of such facilities, to approve the issuance of the Bonds after a public hearing has been held following reasonable notice; and

WHEREAS, a public hearing was held by the City on the 13th day of May, 2014, at the City Council's meeting which commenced at the hour of 7:00 p.m. City Council Chambers, 777 B Street, Hayward, California 94541, following duly published notice thereof, and all persons desiring to be heard have been heard; and

WHEREAS, it is in the public interest and for the public benefit that the City Council, as the elected representative of the City, the host jurisdiction of such facilities, approve the issuance and delivery by the City, or by a joint powers authority of which the City is a member, of the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

Section 1. The City finds and determines that the foregoing recitals are true and correct.

Section 2. The City hereby declares its official intent to issue, at one time or from time to time, an aggregate of up to \$40,000,000 principal amount of the Bonds, the proceeds of which are to be loaned to the Borrower to finance costs of the acquisition and construction by the Borrower of the Project, including, for the purpose of reimbursing to the Applicant and the Borrower costs incurred for the Project prior to the issuance of the Bonds. The City Council hereby further approves the issuance of the Bonds in the amount of up to \$40,000,000 for purposes of Section 147(f) of the Internal Revenue Code of 1986.

Section 3. The Bonds will be payable solely from the revenues to be received by the City or by a trustee or agent of the City from the Borrower pursuant to a loan agreement or other agreement or agreements to be entered into between the City and the Borrower in connection with the financing of the Project.

Section 4. The issuance of the Bonds is subject to the following conditions: (a) the City and the Borrower shall have first agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the Bond indenture, trust agreement, loan agreement, regulatory agreement and/or other related documents for the financing of the Project; (b) all requisite governmental approvals shall have first been obtained; (c) a resolution approving the financing documents to which the City will be a party shall have been adopted by the City Council; and (d) an allocation of tax-exempt bond authority with respect to the Bonds shall have been received from the California Debt Limit Allocation Committee ("CDLAC").

Section 5. The officers and agents of the City are hereby authorized to submit an application to CDLAC for an allocation of a portion of the State Ceiling (as that term is used in the California Government Code) in an amount not to exceed \$40,000,000 for application towards the issuance of the Bonds by the City to finance the Project. The officers and agents of, and financial advisors to, the City are hereby authorized, on behalf of the City, to submit to CDLAC all such other documents as may be required pursuant to the California Government Code in furtherance of the application. A cash deposit equal to one-half of one percent of the amount of allocation requested (not to exceed the maximum deposit pursuant to CDLAC guidelines), to be provided by or on behalf of the Borrower, is hereby authorized to be placed into an escrow account, and the officers of the City are hereby authorized to execute a deposit agreement with the Borrower as may be required with respect to such deposit, and to certify to CDLAC that such funds are available.

Section 6. It is intended that this Resolution shall constitute “some other similar official action” towards the issuance of bonds within the meaning of Section 1.103-8(a)(5) of the Treasury Regulations and “official intent” within the meaning of Section 1.150-2 of the Treasury Regulations, each as applicable under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 7. The law firm of Jones Hall, A Professional Law Corporation, is hereby designated as Bond Counsel to the City in connection with the issuance of the Bonds. The financial advisory firm of CSG Advisors Incorporated is hereby designated as Financial Advisor to the City in connection with the issuance of the Bonds. The fees and expenses of such firms for matters related to the Bonds shall be payable solely from the proceeds of the Bonds or other sources of funds of the Borrower.

Section 8. This resolution is intended to supplement Resolution No. 12-072 adopted on May 8, 2012 and Resolution No. 13- 036 adopted on March 26, 2013 in order to extend the effective date of the approval required by Section 147(f) of the Internal Revenue Code of 1986.

Section 9. This Resolution shall take effect from and after its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2014.

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: May 13, 2014
TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Proposed FY 2015 Annual Operating Budget

RECOMMENDATION:

That Council receives and comments on the FY 2015 Annual Operating Budget.

BACKGROUND:

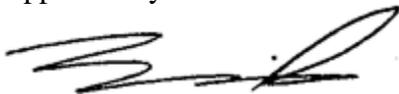
The Proposed FY 2015 Annual Operating Budget is hereby presented to City Council. Tonight is simply a presentation of the document and its contents. The Council will consider the annual budget over the next eight weeks prior to adopting the FY 2015 budget on June 25, 2014.

The highlights of the Proposed FY 2015 Annual Operating Budget can be found in the City Manager's Budget Message in the front of the document.

Prepared and Recommended by:

Tracy Vesely, Director of Finance

Approved by:



Fran David, City Manager

Attachments:

Attachment I: Proposed FY 2015 Annual Operating Budget

DATE: May 13, 2014

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: Residential Rental Inspection Program Updates: Introduction of Ordinance Repealing and Replacing Chapter 9, Article 5 of the Hayward Municipal Code establishing a Self-Certification Program; Introduction of an Ordinance Adopting the 2012 International Property Maintenance Code; and Adoption of a Revised Master Fee Schedule Relating to Fees and Charges for Administrative Hearing Appeals

RECOMMENDATION

That the City Council updates the Residential Rental Inspection Program as follows:

1. Repeals the existing Chapter 9, Article 5 of the Hayward Municipal Code and introduces a new Chapter 9, Article 5 of the Hayward Municipal Code that establishes a Self-Certification Component to the Residential Rental Inspection Ordinance;
2. Introduces an Ordinance Adopting the 2012 International Property Maintenance Code; and
3. Adopts a revised master fee schedule relating to fees and charges for administrative hearing appeals.

SUMMARY

Pursuant to Council direction received during the Residential Rental Inspection Program Work Session on April 15, 2013² staff has updated the report to include the following Council directed recommendations:

1. A one page electronic or hard copy application-affidavit is required for acceptance into the program.
2. Property owners or their designee are only required to maintain an electronic or hard copy self-certification checklist on site. The requirement to also submit a copy of the checklist to the City has been removed.

3. Properties which have more than two (2) serious code enforcement cases with a verified violation within any twelve month period shall not be allowed to participate in the program for five (5) years from the date of correction of the most recent violation.
4. No 100 application cap, staff will process as many applications as possible so long as it does not deter from current code enforcement operations or negatively affect inspection services.
5. Where there is conflict between the IPMC and any California Model Code the CA code shall govern.

The report proposes to repeal and replace the current Residential Rental Inspection Ordinance as part of an ongoing effort to improve efficiencies for which staff seeks approval. Staff anticipates the proposal will strengthen code enforcement services and provide for the continued protection of habitability for tenants by maintaining property. Staff proposes as follows:

- I. Self-Certification Program – in response to requests from rental property owners, staff has developed a proposal to allow owners who provide effective and high-quality maintenance of their rental properties, to apply for a self-certification program instead of participating in the regular cycle of rental inspections.
- II. Administrative Updates – Provides for the adoption of the most recent International Property Maintenance Code as the authority under which rental inspections are performed and allows for the adjustment of rental inspection services in the focus and non-focus inspection areas.
- III. Administrative Hearing Fees – Allows the City to recover staff costs associated with preparing cases for the administrative hearing appeal process.

On September 17, 2013¹, staff presented these recommended changes to Council as part of a work session. Following further discussions with the Rental Housing Association and other stakeholders, staff brought this item back to Council for approval.

BACKGROUND

The purpose of the Residential Rental Inspection Program (RRIP) is to identify and eliminate housing violations, which will ensure the on-going safety and protection of residents and conservation of existing rental housing stock by ensuring properties are compliant with current housing and building codes. In addition, the program supports compliance with the City's legal obligation to ensure rental units meet minimum housing requirements. The proposed repeal and

¹ **September 17, 2013 Staff Report, Item 2:** <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca091713full.pdf>

² **April 15, 2014 Staff Report, Item 9:** <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2014/CCA14PDF/cca041514full.pdf>

replacement of the Residential Rental Inspection Ordinance are in line with the City's goal to strive for progressive and appropriate programs while being mindful of limited staffing and resources.

The City of Hayward first initiated a comprehensive RRIP in 1982 and has periodically implemented ordinance revisions to the program. There are approximately 21,000 rental units in Hayward. Single-family residences comprise approximately 1,000 of those rental units. Multi-family units, which include duplexes, condominiums, townhomes, hotels, and motels, comprise the other 20,000 rental units. Rental inspections are classified as mandatory, referral, or complaint-driven. The RRIP currently resolves over 3,000 health and safety violations annually, including, but not limited to: housing violations involving water heaters, smoke detectors, carbon monoxide detectors, wall heaters, loose stairs/railings, illegal garage conversions, and alterations of electrical, mechanical, plumbing, and structural features.

The current pro-active inspection process involves the systematic identification of properties by census-tract and includes mailing survey inspection notices to both property owners and tenants informing them of the scheduled inspection. Notices are normally sent thirty days in advance and include the time and date for the scheduled inspection to ensure staff is allowed access to the rental unit(s). A referral or complaint-based response can, depending on the severity of the violation, require a site inspection of the unit before the property owner is notified in writing of the complaint. Upon completion of the site inspection, and if applicable, a "Notice of Violation" is mailed to the property owner/responsible party informing them of the violation(s) and corrective actions required. In both circumstances, the property owner is provided the opportunity to correct any identified violation(s) before fees/penalties are assessed for non-compliance.

In 2003, the City Council adopted focus and non-focus areas within the Residential Rental Inspection Ordinance. Focus areas were selected based on factors including, but not limited to: age of rental housing stock; condition of rental housing stock; and history of previous code violations. The focus areas currently include: South Garden; Burbank; Santa Clara/Jackson Triangle; Harder-Tennyson; and South Hayward BART/Dixon St. Currently, the focus areas are inspected on an average of every four to five years while those areas outside of the focus area are inspected on an average of every seven to ten years.

Rental housing complaint data for a twelve-month reporting period has shown that complaint-based rental cases are dispersed equally across the current focus and non-focus areas. The recent re-organization/consolidation of the Community Preservation and Rental Housing programs has also provided an opportunity to reevaluate the need for focus areas due to the reorganization and new technology. In addition, approximately 50% of all rental properties inspected have a code violation. As a result of the efficiencies created from the consolidation of Community Preservation and Rental Housing, and in conjunction with the self-certification program if approved, staff anticipates the ability to perform City-wide pro-active rental inspections (regardless of focus area) on a five-year average inspection schedule. Additionally, with the implementation of the self-certification program proposed in this report, the number of rental units requiring annual inspections would decrease annually, providing staff the opportunity to further concentrate inspections on "problem" properties.

On September 17, 2013, a City Council Work Session was held to discuss initial recommendations for revisions to the City's Residential Rental Inspection Ordinance. Council

members generally expressed support for a self-certification program and offered the following recommendations: re-engage stakeholders in discussions concerning the proposed amendments; present information that encourages participation by responsible property owners; establish performance benchmarking; identify and reward responsible landlords and require irresponsible landlords to attend trainings and maintain their properties according to program standards; and revisit the self-certification fee structure. This report and the proposed ordinance reflect the direction provided by the Council at the September 17 work session as well as additional conversation with stakeholders.

On April 15, 2014, a City Council Legislative Business Session was held to approve repealing and replacing Chapter 9, Article 5 of the Hayward Municipal Code, adopting by Ordinance the 2012 International Property Maintenance Code; and revising the master fee schedule relating to fees and charges for administrative hearing appeals. This report and the proposed ordinance reflect the direction provided by the Council at the April 15th Legislative Business Session.

DISCUSSION

Staff is recommending repealing and replacing the Residential Rental Inspection Ordinance with an updated and revised Ordinance. The revisions to the current Residential Rental Inspection Program (RRIP) fall into three areas: 1) creation of a new self-certification program; 2) administrative changes; and 3) updates to the administrative hearing fees. The most significant of these is the creation of the self-certification program, but all of the proposed changes are described in more detail below.

I. Self-Certification Program:

Self-certification is a voluntary program that provides responsible property owners an opportunity to opt out of mandatory rental inspections for an indefinite period of time provided they comply with all the requirements set forth to participate in the self-certification program. In order to qualify, property owners must show a history of responsible property ownership², submit a no-fee self-certification one page electronic or hard copy application-affidavit, complete and maintain on site an electronic or hard copy checklist, and, if applicable, pass a qualifying site inspection, which requires that a minimum of 20% of the units be inspected. Those properties that are successful through the application process will be awarded a certificate of compliance that can be publically displayed and will have opportunity to have their rental property posted on the City's web-site as a recognized "Self-Certified" Hayward property rental. If a property's condition requires further inspection services, staff can initiate inspections of more units in accordance with rental inspection program guidelines.

² A property must have the following characteristics to participate in the Self-Certification Program: a.) No current complaint of code violations on the property; b.) No previously-identified and uncorrected code violations at the time of application; c.) No more than two (2) code enforcement case with a verified violation within any twelve month period. No outstanding fees, charges and/or penalties due to the City of Hayward; and d.) No code enforcement liens and/or special assessments on the property.

In response to Council concerns, staff does not propose requiring all property owners to participate in the eight-hour Crime-Free training as a condition of Self-Certification eligibility. However, to address those more problematic properties, staff will assist and encourage property owners and their managers/landlords with additional remedies and recommendations such as participation in the Hayward's Crime Free Multi- Housing Program, which includes, but is not limited to: Crime Prevention through environmental design;, landlord tenant screening and/or evictions; and community awareness training.

The core responsibility of the RRIP is to ensure the on-going safety of residents with a goal of accomplishing this without overly burdening rental property owners or City staff. Self-certification will provide a streamlined inspection/certification alternative to property owners who have a verified history of providing safe and sanitary housing conditions to their tenants.

Eligible property owners will continue to be required to pay the annual RRIP fees, but will not be subject to mandatory rental inspections. If the City receives a complaint about the condition of a property or its units, the property owner may remain in the program as long as (1) violations are not serious or threaten the health and safety of the tenants, and (2) they correct any identified violation by the time of the first progress check inspection for the property.

A property may be removed from the self-certification program upon confirmation of the existence of two serious code violation(s) on the property and failure to correct the violation by the first progress check. A property owner has the right to contest a factual finding of a violation at an administrative hearing. If the administrative hearing officer determines that a code violation exists upon the property, the owner must correct the violation or the property may be removed from the program.

Properties determined to be ineligible to participate in the self-certification program shall be ineligible to participate for a period of five years from the date of correction of the violation and shall be subject to inspection fees/penalties pursuant to the City's Master Fee Schedule.

Northern California cities that currently operate a Self-Certification program are: Richmond, Berkeley, Concord, Pittsburg, Santa Cruz, Sacramento, and Stockton. Staff has incorporated aspects of these programs into the proposed model, but it aligns most closely with the City of Concord. A jurisdictional analysis revealed that code enforcement staff has caseloads which on average are 50% higher than neighboring jurisdictions. Staff is proposing to incorporate the administrative and inspection duties of self-certification into the existing workflow of its current Code Enforcement staff. Staff will be responsible for reviewing and processing submitted completed and verified applications into the program. Upon completion of the background check of the property and qualifying site inspections, if applicable, eligible properties will receive their self-certification approval and certificate.

The length of time required to receive, review, and process self-certification applications will fluctuate depending on unit count and number and complexity of violations (if any). Since it is unknown how many properties will apply for the program and their number of units, or how this will impact current code enforcement operations, of the self-certification program. Staff will process as many applications as possible as long as it does not negatively affect code

enforcement operations . Upon completion of the first year, staff will have developed a better understanding of the impact self-certification has on existing code enforcement services. All applications received would be processed and prioritized on a first-come, first-served basis. As an additional performance measure, staff proposes to bring this matter back before Council one year from the date of implementation of the self-certification program.

II. Administrative Updates:

- a. *International Property Maintenance Code:* The Residential Rental Inspection Program (RRIP) currently enforces the 2009 International Property Maintenance Code (IPMC). The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings. Previous code adoptions by the City of Hayward included the adoption of the 1997 Uniform Housing Code and the initial adoption of the 2006 IPMC. Staff recommends adoption of the most recent version of the IPMC for use in rental inspections. Where there is conflict between the IPMC and any California Model Code the CA code shall govern.

The IPMC is considered the industry standard with respect to the maintenance of existing buildings. The first edition of the IPMC (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by the International Code Council (ICC). It consisted of representatives of three statutory members of the ICC at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time.

The IPMC is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Changes to the IPMC only occur through an open code development process. The 2012 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2010.

The IPMC provides a more in-depth approach to recognizing identifiers for substandard residential structures as well as expanding on other criteria related to clarification and correction of identified violations. For example, while the California Health and Safety Code states that “inadequate heating” is a substandard building condition, it does not define what heating is considered adequate. The IPMC fills the gap and states that for residential occupancies, the following applies:

IPMC 602.2: “Dwelling units shall be provided with heat facilities capable of maintaining room a temperature of 68⁰ F (20⁰C) in all habitable rooms... Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

The RRIP currently utilizes the 2009 IPMC on a daily basis to ensure properties are compliant with minimum heating standards. Inspectors routinely observe rental properties using portable heaters to keep adults and children warm during the winter season. According to the National Fire Protection Association, in 2003 space heaters were the source of three out of every five fire-related injuries in the home. In 2006, the association reported that home heating was the second highest cause of fires in the home. In 2013, an apartment complex in the City caught fire and the functional smoke detectors which had been inspected by RRIP staff successfully alerted the adults and children of the danger and allowed them safely exit the apartment building.

The IPMC focus is on maintenance and safety regulations as well as providing enforcement agencies guidance on identifying code violations. The adoption of the updated IPMC will continue to provide the necessary technical provisions and administrative authority for code enforcement inspectors to pursue unsafe building conditions with no outward changes to the city's code enforcement program. In sum, the use of the IPMC allows residents of Hayward to reside in safe and well maintained living environments.

- b. *Elimination of Focus Areas*: The recent reorganization of the Residential Rental Housing Inspection and Community Preservation Programs and analysis of complaint based inspections city-wide provided staff an opportunity to re-examine the need for the focus and non-focus inspection areas. The cross-training of Community Preservation Inspectors in Rental Inspection duties will provide efficiencies in response times and consolidation of inspection services. In addition to the reorganization, software has also provided for enhanced tracking of reports, clear and uniform enforcement letters, and paperless case management. This extremely efficient software program was first implemented within the Community Preservation program in 2009, resulting in effective and efficient case management.

The re-organization, effective computer software, and implementation of the self-certification program will allow staff to perform all mandatory (non-Self-Certified) rental inspections approximately every five years city-wide. The inspection cycle is based on staff's current inspection average of 60 rental units per inspector per month. . In addition, staff conducted a one-year analysis of complaints received within focus and non-focus areas (Attachment VI). This analysis provided data showing that equal concerns and violations were found in both focus and non-focus areas. Thus, staff is recommending eliminating focus areas to allow a more thoughtful approach to resource allocation. The removal of the focus area designation from the Residential Rental Inspection Ordinance will allow staff to focus on areas in greatest need of inspection services based on calls for service or observed violations rather than having to allocate resources to properties simply because they are in the focus areas and even though they may exhibited no problem behaviors.

III. Administrative Hearing Fees:

The third element of the proposed ordinance revisions involve applying and collecting administrative hearing fees similar to other jurisdictions in order to partially off-set staff costs associated with preparing reports and presenting testimony relating to administrative hearing appeals. The City currently charges a \$50 flat rate fee for the administrative hearing appeal process, which does not fully cover city costs. Staff responds to approximately forty administrative hearing requests annually and spends approximately three hours per case to prepare staff reports and provide testimony. Staff reports are a detailed case summary intended to provide the hearing officer an expansive overview of the case and include city issued permits (if applicable), case photos, county records, and any corroborating evidence to support staff's testimony. Incorporating a flat rate fee of \$225 for staff time into the administrative hearing process will allow the City to recoup all the costs associated with both of these duties. If the Administrative Hearing Officer does not sustain the City's actions, the \$225 will be refunded to the Hearing Applicant, and no additional charge will be assessed.

ECONOMIC IMPACT

A vibrant and well-maintained housing stock in the City dramatically improves economic value for the City, property owners, and business owners. If a community is well-maintained, petty crime is often reduced, property values remain high and people will want to further invest in the community. The RRIP helps to ensure that all property owners are maintaining their rental properties up to local, State, and federal laws and ordinances, and community standards.

FISCAL IMPACT

Staff estimates some fiscal impact to the City in staff time and effort spent on processing and reviewing self-certification applications. Existing resources will be reallocated and adjusted to accommodate for the new program. Should Council also direct staff to process more applications than initially proposed, some additional cost in time and resources would be involved.

Staff originally proposed application fees that would cover the cost of two additional FTE's (one administrative clerk and one code enforcement inspector). This was initially considered in order to support an expeditious process. However, based on current economic conditions and the objections of the affected community, staff is willing to implement the program on a trial basis without additional fees or staff. Although this new approach will support the ultimate goals and objectives of the program, it will be on a much more gradual track. If it proves to be an issue, staff will come back to Council with a request for fee implementation.

To participate in the Self-Certification Program, a property owner will not need to pay any additional fees; they only need to meet the criteria for acceptance into the program. They will still be subject to the annual Residential Rental Inspection Program fees but, once admitted to the Self-Certification Program, will no longer be subject to mandatory inspections.

PUBLIC CONTACT

On November 7, 2012, staff discussed the proposed self-certification program at the Downtown Business Improvement Area board meeting (DBIA). Many board members were in support of the proposed program. The DBIA informed City staff that the proposed program supports their number-one priority of providing for a safe and clean Downtown.

On November 15, 2012, staff provided a powerpoint presentation about the proposed self-certification process at the Keep Hayward Clean and Green Task Force meeting and received general support by those in attendance.

On December 4, 2012, a meeting with the Rental Housing Association (RHA) was held to discuss revisions to the first two components of the program and general support was received for the concept.

On January 4, 2013, and February 28, 2013, meetings with the Rental Housing Association (RHA) were held to expand dialogue with the RHA and seek input and opinions regarding specific ordinance revisions that which been incorporated into the staff report. Issues expressed included: support for the Concord program model; incorporating a common violation list on the City's website; incorporating a data-tracking system; participating as presenters for the self-certification training; removal of the focus areas; waiving the mandatory class requirement for property owners who have previously participated in an approved training class; and concerns raised over the cost associated with the proposed fee schedule for self-certification.

On October 3, 2013, a meeting was held with the members of the Rental Housing Association (RHA) and David Stark of the BAY-EAST Realtors Association. Staff discussed the Residential Rental Ordinance amendments brought forth to Council on September 17. Staff asked for and received comments regarding various components of the self-certification proposal including, but not limited to: the base-line inspection requirement; self-certification application costs; the 8-hour training class for participants; and the sunset stipulation to the proposed program. The RHA advised City staff that they would seek additional input from members who did not attend the meeting and will provide additional comments.

On October 17, 2013, the RHA informed City staff that they had reached out to the members who did not attend the October 3 meeting and no additional comments or concerns regarding the self-certification proposal were submitted.

On December 6, 2013 an executive summary of the residential rental ordinance amendments were e-mailed to the RHA. The summary included modifications to the City's initial proposal that resulted from follow-up conversations with the RHA. The modifications include, but are not limited to, the no fee application, 100 application cap for the 1st year and no sunset for properties in good standing.

On January 14, 2014, city staff received a follow up e-mail from representatives of the RHA regarding the City's executive summary. RHA rebuttal comments include but are not limited to

the initial number of participants, method of notification for those seeking to participate, and other fee structure changes.

On January 24, 2014, City staff provided an e-mail update to the RHA regarding their rebuttal comments to the initial executive summary. Rebuttal comments included: initial number of participants cap is based on existing staff being required to process applications; notification of the new program will be done via US mail to property owners; and no program fee structure changes are being proposed.

On April 28, 2014, City staff received a follow up e-mail from representatives of the RHA regarding the City's Administrative Session held on April 15th. RHA rebuttal comments include but are not limited to raising the program entry threshold, continued self-certification on property transfer, the use of an inspection affidavit for properties in the mandatory inspection program, notations on the checklist that reference citing authority, assessment of a fee against a tenant for refusal to grant access, and other fee structure changes.

Since January 2014, staff has kept in monthly communications with the RHA regarding proposed dates for this item being brought forward to Council for consideration. While developing the proposed self-certification program, staff and the RHA have addressed numerous concerns.

City staff followed up with the RHA again after the April 15, 2014 Council Work Session to further discuss their comments. Staff is in agreement with the RHA in regards to allowing properties to remain in the program upon transfer of ownership and including links on the self-certification checklist that reference the Hayward Municipal Code, California Model Codes, and the International Property Maintenance Codes. At this time, staff does not support the recommendations of the RHA to raise the program entry threshold, use of the inspection affidavit for properties in the mandatory inspection program, assessing fees to tenants for refusal to grant access, and adjusting the annual rental program fees for properties in self-certification. All of these items will be reevaluated after all parties gain some experience with the program.

Staff recommends maintaining the current annual Residential Rental fee assessment in accordance within the City's Master Fee Schedule. A property could be inspected at any time via a complaint thus necessitating inspections in accordance with current rental inspection guidelines. In FY12/13 staff addressed over 620 complaints resulting in over 550 Health and Safety code violations.

The IPMC is kept up through peer review by enforcing officials; industry representatives, design professionals and others interested parties as noted within this report. Staff also believes the minimal changes in the new IPMC would not adversely affect the current inspection process and staff welcomes the RHA's feedback on the IPMC and its application to rental inspections. Although these are minimal code changes they are not of less importance, as they provide a more comprehensive and uniform approach for providing guidance on identifying code violations. The IPMC augments existing state and federal Health and Safety laws and as a recognized industry standard as numerous California cities have also adopted and utilize the IPMC. To date there have been no administrative appeals contesting violations referenced within the IPMC. Additionally, in FY12 and FY13 staff has not received any concerns or specific objections to the use of the IPMC.

Staff will continue to work in partnership with the RHA to ensure safe and sanitary rental units are provided to the community.

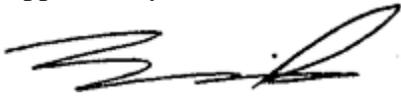
NEXT STEPS

If introduced on May 13, 2014 the City Council will consider adoption of the two ordinances on May 20, 2014. The ordinances will become effective thirty days after adoption.

Prepared by: Stacey Bristow, Neighborhood Partnership Manager

Recommended by: Kelly McAdoo, Assistant City Manager

Approved by:



Fran David, City Manager

Attachments:

- Attachment I** Ordinance repealing and replacing Chapter 9, Article 5 of the Hayward Municipal Code
- Attachment II** Ordinance Adopting the 2012 International Property Maintenance Code
- Attachment III** Resolution: Revising Master Fee Schedule by modifying Hearing Fees
- Attachment IV** Fee Schedule: Update Master Fee Schedule by modifying Hearing Fees
- Attachment V** Self-Certification Flow Chart
- Attachment VI** City-Wide Complaint Driven Rental Inspections

ORDINANCE NO._

ORDINANCE REPEALING AND REPLACING CHAPTER 9,
ARTICLE 5, OF THE HAYWARD MUNICIPAL CODE
REGARDING THE HAYWARD RESIDENTIAL RENTAL
INSPECTION ORDINANCE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD
DOES ORDAIN AS FOLLOWS:

Section 1. Upon the effective date of this ordinance, Chapter 9, Article 5, of the Hayward Municipal Code is hereby repealed and, in substitution thereof, a new Article 5 of Chapter 9 of the Hayward Municipal Code is hereby enacted to read in full as follows:

ARTICLE 5

RESIDENTIAL RENTAL INSPECTIONS

Section	Subject Matter
9-5.101	TITLE
9-5.102	PURPOSE
9-5.103	SCOPE

DEFINITIONS

9-5.201	GENERAL
9-5.202	ENFORCEMENT OFFICIAL
9-5.203	HEARING OFFICER
9-5.204	HOTEL AND MOTEL
9-5.205	IMMINENT HAZARD
9-5.206	RENTAL HOUSING UNIT
9-5.207	OWNER

Section	Subject Matter
GENERAL RESPONSIBILITIES	
9-5.301	ADMINISTRATION
9-5.302	MANDATORY INSPECTION PROGRAM
9-5.303	EXEMPTION FROM MANDATORY INSPECTION
9-5.304	SELF-CERTIFICATION PROGRAM
9-5.305	CAUSE FOR INSPECTIONS
9-5.306	NOTICE TO TENANTS
9-5.307	RETALIATION
9-5.308	NOTICE AND ENTRY
9-5.309	CORRECTION NOTICE
9-5.310	ADMINISTRATIVE HEARING
9-5.311	ENFORCEMENT: REPORT TO FRANCHISE TAX BOARD
9-5.312	NOTICES
FEES/PENALTY CHARGES	
9-5.401	FEES/PENALTY CHARGES
RECOVERY OF FEES/PENALTY CHARGES	
9-5.501	NOTICE OF LIEN/SPECIAL ASSESSMENT
9-5.502	LIEN/SPECIAL ASSESSMENT HEARING
9-5.503	REPORT OF FEES AND PENALTY CHARGES
9-5.504	NOTICE OF REPORT
9-5.505	COLLECTION ON TAX ROLL
9-5.506	ANNUAL REPORT OF ENFORCEMENT OFFICIAL
9-5.507	PROCEDURE NOT EXCLUSIVE

ARTICLE 5

RESIDENTIAL RENTAL INSPECTION

SEC. 9-5.101 TITLE. These regulations shall be known as the Residential Rental Inspection Ordinance of the City of Hayward, may be cited as such, and will be referred to herein as "this code."

SEC. 9-5.102 PURPOSE. The purpose of this code is to safeguard the stock of decent, safe, and sanitary rental housing units within the City and to protect persons entering or residing in them by providing for inspection of rental housing units and the common areas when certain indicators show that violations of State or local codes may exist in a unit or pursuant to a systematic area-wide inspection program.

SEC. 9-5.103 SCOPE. The provisions of this code shall apply to all rental housing units and to all hotel and motel units as herein defined. Provisions of this code shall be supplementary and complementary to all of the provisions of the Hayward Municipal Code, State law, and any law cognizable at common law or equity, and nothing herein shall be construed, read, or interpreted in any manner so as to limit any existing right or power of the City of Hayward to abate and prosecute any and all nuisances or to enforce any other conditions in violation of State or local codes, including, but not limited to, any building, housing, property maintenance, plumbing, mechanical, electric, substandard buildings, and public nuisance codes and/or ordinances.

DEFINITIONS

SEC. 9-5.201 GENERAL. For the purpose of this code, certain words, phrases, and terms, and their derivatives shall be construed as specified herein. Words, phrases, and terms used in this code, but not specifically defined herein, shall have the meanings assigned to them as stated in the applicable State or local code. Where not defined in this code or in the applicable State or local code, such words, phrases, and terms shall have the meaning generally prescribed by dictionary definition.

SEC. 9-5.202 ENFORCEMENT OFFICIAL. Enforcement Official shall mean the City Manager or his/her designee authorized to administer the provisions of this code.

SEC. 9-5.203 HEARING OFFICER. Hearing Officer shall mean the City Manager or his/her designee authorized to conduct hearings pursuant to this code.

SEC. 9-5.204 HOTEL AND MOTEL. A hotel or motel of common Ownership on a single parcel is any structure or group of attached or detached structures containing six or more guest rooms intended or designed to be used, or which are used, rented or leased to be occupied, or which are occupied for sleeping purposes by guests. For the purpose of this definition, common Ownership shall be deemed to exist whenever a single individual or entity has any kind of Ownership interest whether as an individual, partner, joint venturer, stock Owner, or some other capacity.

SEC. 9-5.205 IMMINENT HAZARD. All buildings or portions thereof which are determined after inspection by the Building Official to be unsafe, substandard, or dangerous, as defined by California Health and Safety Code Section 17920.3 et seq., the California Building Code, or Article 9, Chapter 3 of the Hayward Municipal Code, Building Abatement Ordinance, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal as specified in the Hayward Building Abatement Ordinance.

SEC. 9-5.206 RENTAL HOUSING UNIT. A rental housing unit is any residential dwelling in a single structure, or in a group of attached or detached structures containing one or more such dwelling units on the same parcel of land under common Ownership that (a) contains one or more rooms with a single kitchen designed for living and sleeping purposes as an independent housekeeping unit, and (b) is occupied or intended to be occupied on a rental basis. For the purposes of this section, the following types of dwelling units or facilities are not considered rental housing units:

- a. Accommodations in any hospital, extended care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an educational institution.
- b. Accommodations in a nonprofit cooperative that is owned, occupied, and controlled by a majority of the residents.

For the purpose of this section, common Ownership shall be deemed to exist whenever a single individual or entity has any kind of Ownership interest whether as an individual, partner, joint venturer, stock Owner, or some other capacity.

SEC. 9-5.207 OWNER. Shall mean any person owning rental property as shown on the last equalized assessment roll for City taxes or his/her designee.

GENERAL RESPONSIBILITIES

SEC. 9-5.301 ADMINISTRATION. The City Manager, or his/her designee, hereinafter known as the Enforcement Official, is authorized to administer the provisions of this code.

SEC. 9-5.302 MANDATORY INSPECTION PROGRAM. The City of Hayward hereby institutes a systematic code enforcement program that will ensure that residential rental units, hotels, and motels are inspected over time. The program will include mandatory inspection of units based on factors including, but not limited to: Age of rental housing stock, condition of rental housing stock, and history of previous code violations. The Mandatory Inspection Program is a part of the City of Hayward overall effort to encourage conservation of existing rental housing units, motels, and hotels. Owners of these types of structures will be required to bring these units to applicable State and local code standards. Owners, managers and tenants shall allow for the inspection of these units. If an Owner, manager or tenant refuses to permit an inspection, the Enforcement Official is authorized to procure an inspection warrant.

SEC. 9-5.303 EXEMPTION FROM MANDATORY INSPECTION. Exemption from the mandatory inspection shall be available for well-maintained properties that qualify under the Self-Certification Program. A property must have the following characteristics to participate in the Self-Certification Program:

- a. No current complaint of code violations on the property;
- b. No more than two verified code violation on the property within the previous twelve-month period.
- c. No previously-identified and uncorrected violations of the California Code of Regulations, State Housing Code, California Health and Safety Code, California Building, Plumbing, Mechanical or Electrical Codes, Uniform Code for the Abatement of Dangerous Buildings, International Property Maintenance Code or provisions of the Hayward Municipal Code at the time the applicant submits the application for self-certification;
- d. No outstanding fees, charges and/or penalties due to the City of Hayward; and
- e. No code enforcement liens and/or special assessments on the property.
- f. Notwithstanding an exemption, the City retains the right to inspect any exempted unit or property upon information that a code violation may exist thereon. Cause for inspection of an exempted unit or property shall be the same as the causes set forth in Section 9-5.305.

SEC. 9-5.304 SELF-CERTIFICATION PROGRAM.

- a. Application for Self-Certification: A property owner or his/her designee must complete an Application for Self-Certification to obtain an exemption from mandatory inspection. As part of the Application process, a property owner or his/her designee must:
 1. Conduct a self-inspection of all rental units, including interior conditions, exterior conditions, common areas and site conditions, and
 2. Certify that conditions at the property achieve the interior, exterior, and site standards as listed on the Self-Certification Checklist.
- b. Qualifying Inspections: Qualifying inspections shall be required for properties that have not been the subject of a Residential Rental inspection within the 10 years preceding application for the Self-Certification Program. Upon receipt of the application to participate in the Self-Certification Program, the City shall inspect a minimum of 20% of the property's total units. Any fraction thereof will be calculated as a whole unit.
 1. Minimum Inspection: For qualifying participants, the number of inspections will be limited to a minimum of 20% of the complex's total units, and, upon verification of compliance, the property shall be allowed to remove itself from the mandatory inspection requirement, provided that the conditions do not deteriorate to the point where the property

would no longer meet eligibility standards for program participation.

2. Notice to Tenants: The property owner or his/her designee must notify the individual tenants of any inspection and ensure access to units which will be randomly selected for inspection by City staff.
- c. Violations during Qualifying Inspections: If during the course of a qualifying inspection the Enforcement Official discovers a code violation(s), the violation must be corrected by the first progress check in order to be eligible for participation in the Self-Certification Program. A property owner who fails to correct a violation by the first progress check shall be ineligible to participate in the Self-Certification Program for a period of five years from the date of correction and shall be subject to inspection fees/penalties pursuant to the City's Master Fee Schedule.

Where the Enforcement Official discovers a violation during the qualifying inspection process, the Enforcement Official shall give written notice to the Owner of said property stating the section(s) being violated. The notice shall direct the property Owner to correct the violation(s), set forth a reasonable time limit for the Owner to correct the condition, which shall be no less than 10 calendar days from the date of the notice, and which may also set forth suggested methods of correcting the violation(s). If the Enforcement Official finds that a violation constitutes an imminent danger to the public health or safety, he or she shall have the authority to require immediate correction.

- d. Annual Self-Certification Affidavit: If the Enforcement Official determines that the property is qualified to participate in the Self-Certification Program, the property owner shall thereafter be required to conduct an annual self-inspection and complete the self-certification affidavit each year in which the property remains in the self-certification program.
- e. Expiration: An exemption from the mandatory inspection shall expire upon a failure to correct a confirmed code violation(s) on the property by the first progress check. A property shall be ineligible to reapply for Self-Certification for a period of five years from the date of correction of the code violation.

SEC. 9-5.305 CAUSE FOR INSPECTIONS. A rental housing unit, motel, or hotel shall be inspected for violations of the California Code of Regulations, State Housing Code, California Health and Safety Code, California Building, Plumbing, Mechanical or Electrical Codes, Uniform Code for the Abatement of Dangerous Buildings, International Property Maintenance Code or provisions of the Hayward Municipal Code as part of the City of Hayward mandatory inspection program or whenever information from the following sources indicates that a pertinent code violation may exist therein:

- a. Complaints from the tenant of a rental housing unit, motel unit or hotel unit that a code violation may exist;
- b. Records maintained by the Enforcement Official which were established during previous apartment inspection programs and which reflect the prior existence of code

violations and/or the absence of correction of such violations;

- c. Direct referrals for inspection from other City officials with code enforcement responsibility or from officials of a federal, state, or local agency, or from officials with a public or private utility; or
- d. Reports that the exterior condition of a rental housing unit, motel, or hotel reflects the existence of code violations.

SEC. 9-5.306 NOTICE TO TENANTS. Owners of rental units covered under the provisions of this code shall be required to provide notice of the availability of the Residential Rental Inspection Program and its complaint procedures to each tenant upon execution of a lease or rental agreement. Such notice shall be in a form set forth by the City and made available to each Owner of rental housing by the City.

SEC. 9-5.307 RETALIATION. No landlord may retaliate against a tenant for exercising his or her right under Section 9-5.305 of this code to file a complaint with the City that a code violation may exist. In any action by or against the tenant, evidence of the exercise by the tenant of his/her right under Section 1942.5 of the Civil Code occurring within six months of the alleged retaliation shall create a presumption that the landlord's conduct was in retaliation for the tenant's exercise of rights under this code.

SEC. 9-5.308 NOTICE AND ENTRY. The City shall serve written notice of the date and time of any inspection, including initial inspections and any follow-up inspections, to be conducted pursuant to this code, by mailing such notice at least fourteen (14) calendar days prior to the date of the inspection. Notice shall be mailed to the Owner or the Owner's designated representative at their last known address. In the case of multiple owners of the same property, notice to any one of the Owners is sufficient. The City shall also mail a copy of the inspection notice to the rental housing units on the property.

It shall be the responsibility of the Owner or the Owner's designated representative to make a good faith effort to obtain the consent of the tenants to inspect the subject rental housing units or otherwise obtain legal access to the units. If consent to enter on to any rental housing property or any rental housing unit is refused or otherwise cannot be obtained, the Enforcement Official is authorized to seek an inspection warrant from a court of competent jurisdiction.

The Owner or the Owner's designated representative shall be present at the rental housing property at the time of the inspection. The time of the inspection shall be at the time indicated in the notice issued pursuant to this code, or the time that the inspection was properly rescheduled in accordance with the provisions of this code. Violations of this paragraph may result in a re-scheduling fee.

An inspection may be rescheduled once by the Owner or the Owner's designated representative by giving notice to the Enforcement Officer at least five (5) calendar days prior to the scheduled inspection date. An inspection may only be rescheduled to a date within fourteen (14) calendar days of the previously scheduled inspection date. Violations of this paragraph may result in a re-scheduling fee.

SEC. 9-5.309 CORRECTION NOTICE. Whenever the Enforcement Official determines that a rental property is being maintained in violation of one or more of the provisions of applicable State or local code, the Enforcement Official shall give written notice to the Owner of

said property stating the section(s) being violated. The notice shall set forth a reasonable time limit for the Owner to correct the condition, which shall be no less than 10 calendar days from the date of the notice, and which may also set forth suggested methods of correcting the violation(s). The notice shall direct the property Owner either to correct the violation(s) or request an Administrative Hearing to show cause why the condition(s) does not constitute a violation(s). If the Enforcement Official finds that a violation constitutes an imminent danger to the public health or safety, he or she shall have the authority to require immediate correction.

SEC. 9-5.310 ADMINISTRATIVE HEARING. An Owner may file a written request with the Enforcement Official for an Administrative Hearing within 10 days from the date of service of a correction notice. If the notice period is less than 10 days due to health and safety concerns, an Owner may request an administrative hearing at any time prior to the expiration of that notice. The purpose of an Administrative Hearing is to allow the Owner to dispute the factual findings of the violation(s). If a Hearing is requested, at the time fixed for the Administrative Hearing, the Hearing Officer shall hear and consider all relevant evidence, objections, or protests offered on behalf of the Owner which show why the condition should not be corrected. The Hearing Officer may also consider rebuttal evidence offered by the City. If, at the conclusion of the hearing, based upon the record, the Hearing Officer is satisfied that the violation exists and concludes that it should be corrected, he/she shall issue a written decision setting forth his/her finding and shall cause the same to be served upon the Owner and the persons attending the hearing. The right to Judicial Review shall be governed by section 1-7.13 Administrative Citation – Right to Judicial Review.

SEC. 9-5.311 ENFORCEMENT: REPORT TO FRANCHISE TAX BOARD. The Enforcement Official shall take appropriate action to cause the correction, repair, or abatement of violations that are found as a result of any inspection required by this code. In addition to employing the applicable enforcement measures that are or may hereafter be provided by law, including but not limited to the enforcement provisions of the following codes: California Code of Regulations, State Housing Code, California Health and Safety Code, California Building, Plumbing, Mechanical or Electrical Codes, Uniform Code for the Abatement of Dangerous Buildings, International Property Maintenance Code or provisions of the Hayward Municipal Code. The Enforcement Official shall also comply with the provisions of sections 17299(c) and 24436.5(c) of the Revenue and Taxation Code of the State of California.

SEC. 9-5.312 NOTICES. The notice informing a property Owner of a mandatory inspection or any follow-up inspection shall be by first class mail. All other notices, including notices of Administrative and Lien/Special Assessment Hearing, shall be provided in accordance with state law. Delivery will be made to the Owner's address as it appears on the last equalized assessment roll or as known to the Enforcement Official. The failure of any person to receive notice properly given shall not affect the validity of any proceedings hereunder.

FEES/PENALTY CHARGES

SEC. 9-5.401 FEES/PENALTY CHARGES. The annual fee and fees or penalty charges for any inspection or re-inspection performed pursuant to the provisions of this code shall be established from time to time by resolution of the City Council. Payment of such fees shall be made by Owner of the rental housing unit or hotel or motel upon demand by the City.

RECOVERY OF FEES/PENALTY CHARGES

SEC.9-5.501 NOTICE OF LIEN/SPECIAL ASSESSMENT: Pursuant to Government Code Sections 38773.1 and 38773.5, prior to placing any liens or special assessments against a property for unpaid inspection fees, charges or penalties, all Owners shall be properly notified in writing of past due amounts, and of the right to have a Lien/Special Assessment Hearing as described herein.

SEC. 9-5.502 LIEN/SPECIAL ASSESSMENT HEARING. Any owner may request a Lien/Special Assessment Hearing by written request within 10 days of receipt of the notice of lien/special assessment. The purpose of the Lien/Special Assessment Hearing is to provide an opportunity for any objections which may be raised by any person liable to be charged for the work of abating cited code violations and related charges associated with his or her property. The Enforcement Official shall attend said Lien/Special Assessment Hearings with his or her record thereof, and upon the hearing, the Hearing Officer may make the modifications in the proposed lien/special assessment as deemed necessary. When a Lien/Special Assessment Hearing is requested, the amount of the cost of abating cited code violations that are upheld by the Hearing Officer, including inspection charges and administrative expenses, shall, after being confirmed by the City Council, constitute a lien or special assessment on the property for the amount of the charges until paid. The right to Judicial Review shall be governed pursuant to section 1-7.13 Administrative Citation – Right to Judicial Review.

SEC. 9-5.503 REPORT ON FEES/PENALTY CHARGES. The Enforcement Official shall keep an itemized account of the fees and penalty charges incurred in administering the provisions of this code. Once a year the Enforcement Official shall prepare and file with the City Clerk a report specifying the date and nature of the inspections performed, the amount of unpaid program and other fees and penalty charges imposed in the prior year, and the names and addresses of the Owner of the rental housing unit or hotel or motel, and any mortgagee or beneficiary under a deed of trust of the property, as such names and addresses appear on the last equalized assessment roll of Alameda County or as known to the Enforcement Official. The City Council shall review and confirm the annual report and lien/special assessment list, amended as necessary, by way of resolution.

SEC. 9-5.504 NOTICE OF REPORT. The City Clerk shall post a copy of the report and lien and special assessment list on the bulletin board designated for the posting of agendas for City Council meetings together with a notice of filing thereof and of the time and place when and where it will be submitted to the City Council for confirmation by way of resolution. A notice shall also be published once in a newspaper of general circulation that is published and circulated within the City. The posting and first publication of the notice shall be made and completed at least 10 days before the time the report is considered by the City Council.

SEC. 9-5.505 COLLECTION ON TAX ROLL. After City Council confirmation of the fees charged, the same shall become a lien or special assessment against the property affected. A copy of the report and lien/special assessment list shall be given to the City Finance Director, who may receive payment thereon until a list of unpaid assessments shall have been sent annually to the County Auditor for effecting collection on the tax roll at the time and in the manner of ordinary municipal taxes. The descriptions of the property reported shall be those used for the same property on the County Assessor's map books for the current year. All laws and ordinances applicable to the levy, collection, and enforcement of City taxes are hereby made applicable to the assessment hereby

imposed, and the special assessment shall have priority of the taxes with which it is collected.

SEC. 9-5.506 ANNUAL REPORT OF ENFORCEMENT OFFICIAL. The Enforcement Official shall prepare a report each year concerning the administration of this code. The annual report shall describe the number of units inspected, whether the inspection was mandatory or complaint generated, the nature of violations observed, enforcement measures taken, and the status of all billings for fees that have been made. The Enforcement Official shall submit the annual report to the City Manager each calendar year at such a time that it may be submitted to the City Council with the proposed City budget for the following fiscal year.

SEC. 9-5.507 PROCEDURE NOT EXCLUSIVE. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law. Nothing in this code shall be deemed to prevent the City Council from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law.

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Section 4. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3, of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

IN COUNCIL INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 6th day of May, 2014, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2014, by the following votes of members of said City Council.

- AYES:
- NOES:
- ATTEST:
- ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO. _

AN ORDINANCE OF THE CITY OF HAYWARD ADOPTING BY
 REFERENCE THE 2012 INTERNATIONAL PROPERTY
 MAINTENANCE CODE AS THE CITY OF HAYWARD
 PROPERTY MAINTENANCE CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD
 DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts and incorporates by reference, as set forth in full in this section, the 2012 International Property Maintenance Code, as published by the International Code Council.

The various parts of this Code, along with the amendments and deletions adopted in this section, shall constitute and be known as the City of Hayward Property Maintenance Code and shall be kept on file in the office of the City Clerk.

SEC. 1.00. Deletion of Chapter 1, except Sections 101, 102 and 108

Chapter 1 of the International Property Maintenance Code is hereby deleted, except Sections 101, 102 and 108

SEC. 1.01. Subsection 101.1 amended – Title.

Section 101.1 of the International Property Maintenance Code is amended to read as follows:

101.1 Title. This ordinance shall be known as the City of Hayward Property Maintenance Code, hereinafter referred to as “this code.”

SEC. 1.02. Subsection 102.3 amended – Application of other codes.

Section 102.3 of the International Property Maintenance Code is amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or change of occupancy, shall be done in accordance with the procedures and provisions of applicable codes adopted by the City of Hayward. Nothing in this code shall be construed to cancel, modify, or set aside any provisions of the Hayward Zoning Code.

SEC. 1.03. Subsection 201.3 amended – Terms defined in other codes.

Section 201.3 of the International Property Maintenance Code is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the California Building Code, California Fire Code, California Mechanical Code or California Plumbing Code, such terms shall have the meanings ascribed to them as stated in those applicable codes.

SEC. 1.04. Subsection 304.1.1 amended – Unsafe conditions.

Section 304.1.1 of the International Property Maintenance Code is amended to read as follows:

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or other applicable codes:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached

thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SEC. 1.05. Subsection 305.1.1 amended – Unsafe conditions.

Section 305.1.1 of the International Property Maintenance Code is amended to read as follows:

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or other applicable codes:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SEC. 1.06. Subsection 306.1.1 amended – Unsafe conditions.

Section 306.1.1 of the International Property Maintenance Code is amended to read as follows:

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or other applicable codes:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration;
 - 2.2. Ultimate deformation;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;

- 3.4. Ultimate deformation;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. Deterioration;
 - 4.2. Ultimate deformation;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration;
 - 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;

- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

- 1. When substantiated otherwise by an approved method.
- 2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SEC. 1.07. Subsection 401.3 amended – Alternative devices.

Section 401.3 of the International Property Maintenance Code is amended to read as follows:

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code shall be permitted.

SEC. 1.08. Subsection 502.5 amended – Public toilet facilities.

Section 502.5 of the International Property Maintenance Code is amended to read as follows:

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SEC. 1.09. Subsection 505.1 amended – General.

Section 505.1 of the International Property Maintenance Code is amended to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California Plumbing Code.

SEC. 1.10. Subsection 602.2 amended – Residential occupancies.

Section 602.2 of the International Property Maintenance Code is amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

SEC. 1.11. Deletion of Section 602.3

Section 602.3 of the International Property Maintenance Code is hereby deleted.

SEC. 1.12. Subsection 604.3.1.1 amended – Electrical equipment.

Section 604.3.1.1 of the International Property Maintenance Code is amended to read as follows:

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 1. 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;

16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

SEC. 1.13. Subsection 604.3.2.1 amended – Electrical equipment.

Section 604.3.2.1 of the International Property Maintenance Code is amended to read as follows:

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SEC. 1.14. Subsection 702.1 amended – General.

Section 702.1 of the International Property Maintenance Code is amended to read as follows:

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the California Fire Code.

SEC. 1.15. Subsection 702.2 amended – Aisles.

Section 702.2 of the International Property Maintenance Code is amended to read as follows:

702.2 Aisles. The required width of aisles in accordance with the California Fire Code shall be unobstructed.

SEC. 1.16. Subsection 702.3 amended – Locked doors.

Section 702.3 of the International Property Maintenance Code is amended to read as follows:

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the California Building Code.

SEC. 1.17. Subsection 704.1 amended – General.

Section 704.1 of the International Property Maintenance Code is amended to read as follows:

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the California Fire Code.

SEC. 1.18. Subsection 704.2 amended – Smoke alarms.

Section 704.2 of the International Property Maintenance Code is amended to read as follows:

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the California Fire Code.

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Section 4. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3, of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

IN COUNCIL INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 6th day of May, 2014, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2014, by the following votes of members of said City Council.

AYES:
NOES:
ATTEST:
ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO _____

Introduced by Councilmember _____

RESOLUTION ADOPTING A REVISED MASTER FEE SCHEDULE FOR FY 2014, INCLUDING A REVISED FINE SCHEDULE, RELATING TO FEES AND CHARGES FOR THE RESIDENTIAL RENTAL INSPECTION PROGRAM.

WHEREAS Section 15273 of the California Environmental Quality Act CEQA Guidelines

states that CEQA does not apply to the establishment modification structuring restructuring or approval of rates tolls fares and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses including employee wage rates and fringe benefits
2. Purchasing or leasing supplies equipment or materials
3. Meeting financial reserve needs and requirements
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas or
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by city Charter and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby adopts fees relating to administrative hearing appeals and incorporates said fees as part of the City’s Master Fee Schedule. A copy of the schedule of administrative hearing appeals is attached hereto as Attachment A.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby adopts certain changes in both the Master Fee Schedule and the Fine and Bail Schedule relating to fees and charges for all departments of the City of Hayward either on its face or as applied the invalidity of such provision shall not affect the other provisions of this Master Fee Schedule and the Fine and Bail Schedule and the applications thereof and to that end the provisions of this Master Fee Schedule and the Fine and Bail Schedule shall be deemed severable.

BE IT FURTHER RESOLVED that this resolution shall become effective as of April 15, 2014

IN COUNCIL HAYWARD CALIFORNIA April __, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS
MAYOR

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL

ATTEST: _____

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Update to
FY 2013 Master Fee Schedule

City Manager

B. COMMUNITY PRESERVATION PROGRAM

3. Hearing Fee: (Administrative, Special Assessment, Administrative Citation and Lien Hearings) \$225.00/Hearing

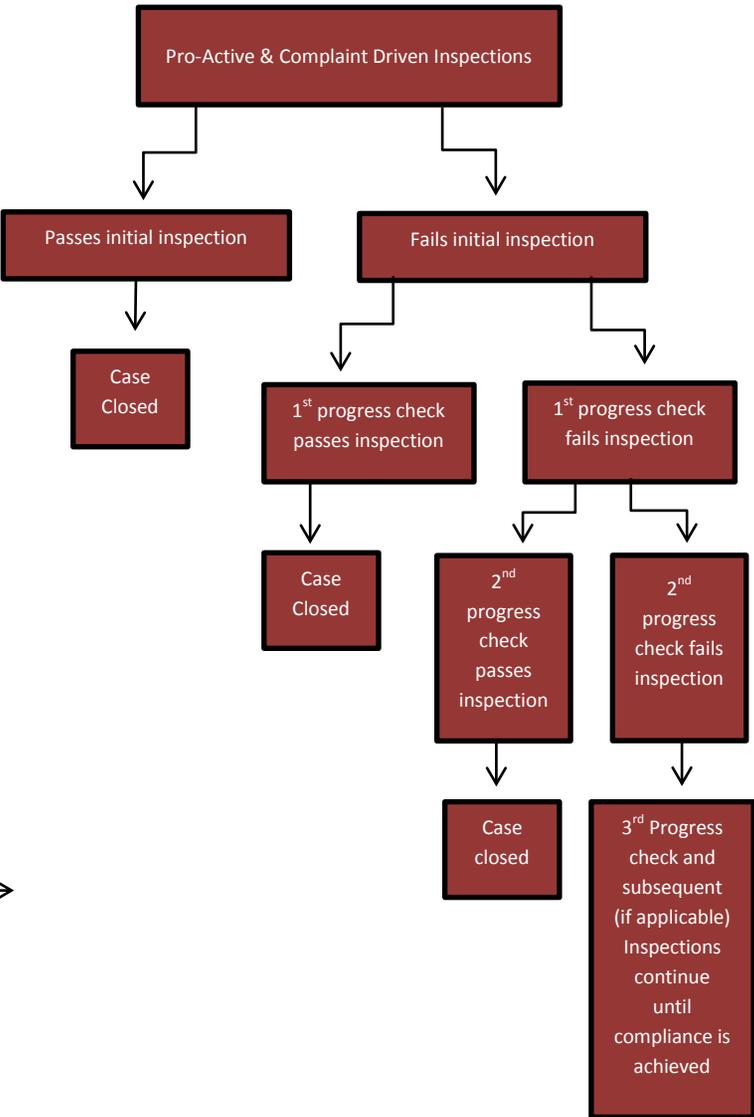
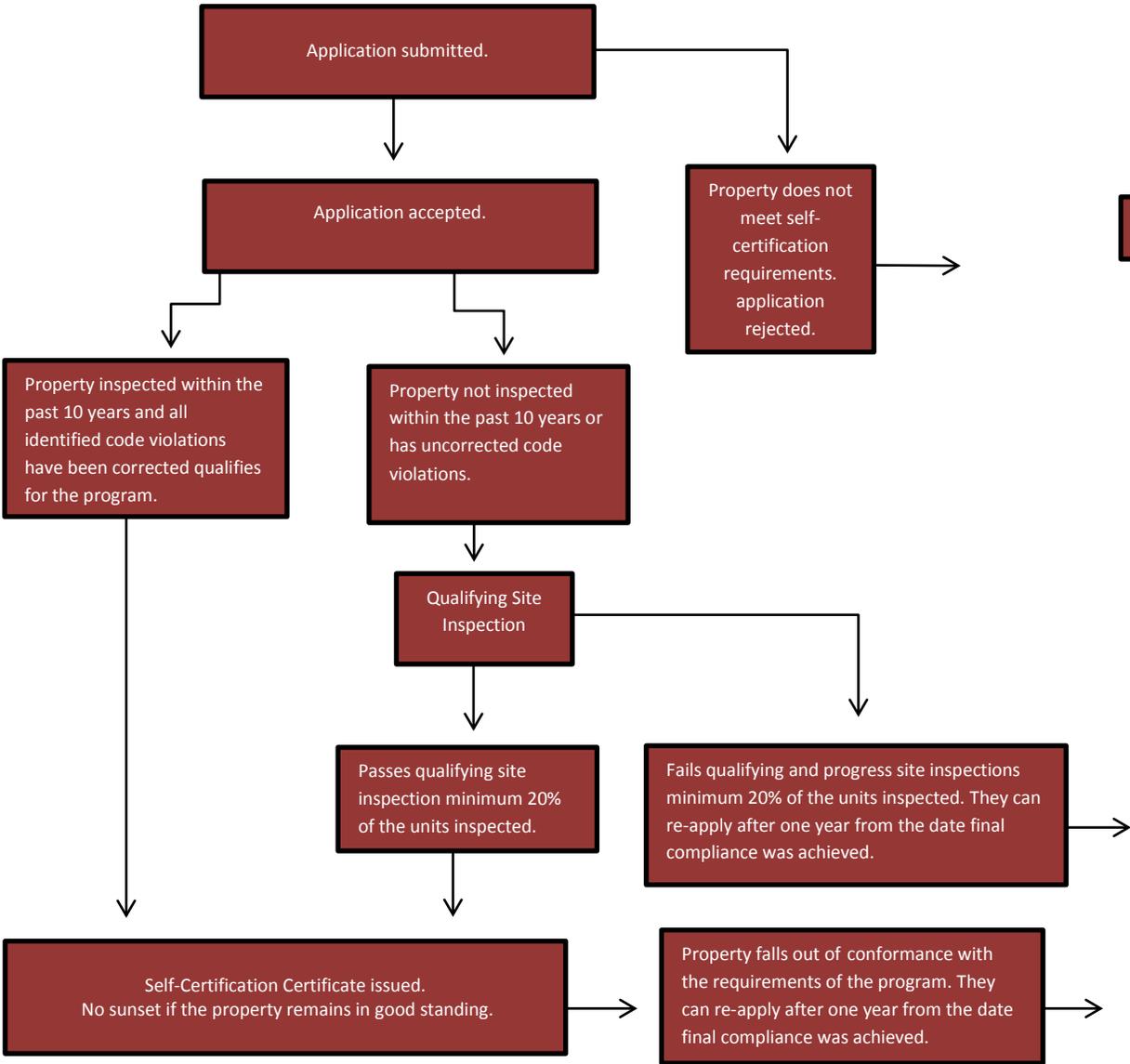
D. RENTAL HOUSING & HOTEL INSPECTION FEES AND PENALTIES

7. Hearing Fee: (Administrative, Special Assessment, Administrative Citation and Lien Hearings) \$225.00/Hearing

RESIDENTIAL RENTAL INSPECTION PROGRAM

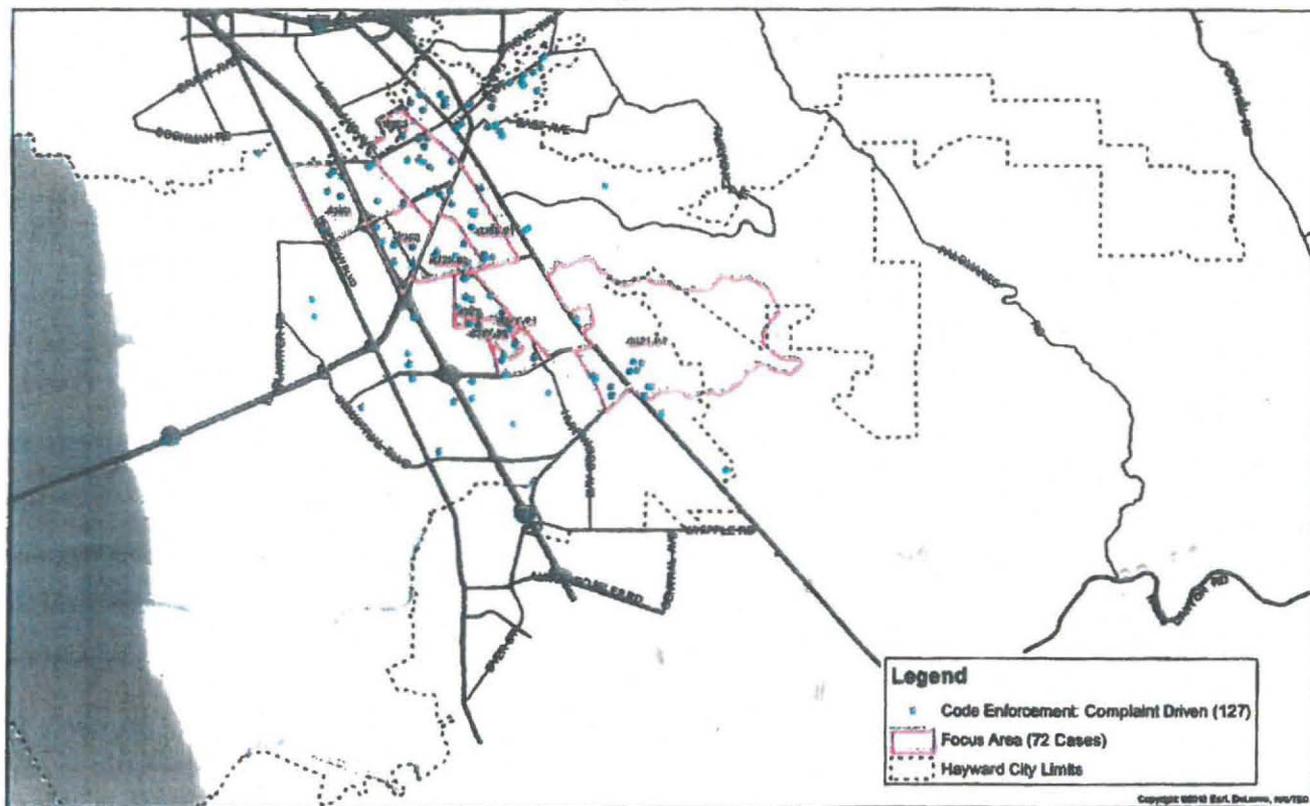
SELF-CERTIFICATION

MANDATORY INSPECTION PROGRAM



May 6, 2014

Code Enforcement Rental Cases - November 2012 Through June 2013



May 13, 2014

DATE: May 13, 2014

TO: Mayor and City Council

FROM: City Manager

SUBJECT: Adoption of a Resolution Supporting Measure AA, Alameda County Healthcare Safety Net Reauthorization, on the June 2014 Ballot (*Continued from May 6, 2014*)

RECOMMENDATION

That Council adopts the attached resolution supporting Measure AA on the June 2014 ballot, which would extend and amend the county-wide half-cent health care sales and use tax.

BACKGROUND AND DISCUSSION

In April, Council directed staff to return with a resolution supporting the renewal of the county-wide half-cent sales tax measure that will be on the June 2014 ballot. This report outlines some additional background on Measure AA for the Council's information and provides a resolution supporting the measure for Council consideration.

On February 11, 2014¹, the Alameda County Board of Supervisors unanimously voted to place a measure for renewal of the county-wide half-cent sales tax on the June 2014 ballot. On March 2, 2004, 71% of Alameda County voters approved Measure A, the essential health care services tax ordinance. That original measure authorized Alameda County to impose a one-half of one percent (0.5%) sales and use tax to provide for health care services for indigent, low-income, and uninsured residents in Alameda County. The original measure required 75% of the revenue be transferred to the Alameda County Medical Center. The County Board of Supervisors distributes the remaining 25% of the revenue throughout the county to fund:

- 1) Critical medical services provided by community-based health care providers;
- 2) To partially offset uncompensated care costs for emergency care and related hospital admissions; and
- 3) Essential public health, mental health and substance abuse services.

¹ Board of Supervisors Agenda Item 13.1:
http://alamedacounty.granicus.com/DocumentViewer.php?file=alamedacounty_d3c7a26496434759a3307f97928bdee8.pdf&view=1

Since 2004, Measure A has generated over \$1.02 billion in tax revenues, which have been allocated to the County's health care organizations and monitored by an Oversight Committee. In previous years, funding has gone to the following Hayward-specific providers: St. Rose Hospital; Tiburcio Vasquez Health Center; the Hayward Day Labor Center; La Familia Counseling Service; and many county-wide programs and providers that also support Hayward residents. Prior annual spending reports and reports from the Oversight Committee can be found on the County's website: <https://www.acgov.org/health/indigent/measureA.htm>.

In June 2013, the Board of Supervisors convened a 32-member Blue Ribbon Task Force to advise the Board about options for obtaining voter approval for renewal of Measure A prior to the scheduled sunset date of June 30, 2019. The task force recommended that a measure with the existing ballot language and funding formula be placed on the June 2014 ballot to extend the measure for another fifteen years after the sunset date of June 30, 2019. As this is a special tax, it will require approval by 2/3 of the registered voters in the County. The approval of Measure AA is anticipated to continue to generate approximately \$120 million annually for county-wide healthcare services. The ballot language is as follows:

Without increasing the existing half-cent sales and use tax for essential health services, to provide trauma and emergency medical service and primary, preventative healthcare for local residents, including indigent, low-income and uninsured children, families and seniors, to prevent closure of county clinics and hospitals and to recruit/retain highly qualified nurses and healthcare professionals, shall Alameda County extend the essential healthcare services measure until June 2034 with annual fiscal oversight/review?

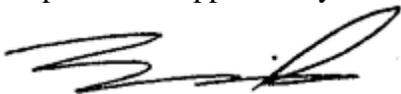
FISCAL AND ECONOMIC IMPACT

The continued provision of funding for Hayward-based healthcare and safety-net providers ensures that Hayward residents have access to adequate and affordable health care. Agreements appear to have been worked out between the County Board of Supervisors and St. Rose Hospital that continues a funding stream to St. Rose.

UPDATE

At the May 6, 2014 meeting, Council continued the matter and asked that staff arrange for representatives of Alameda County and St. Rose attend this meeting to engage in a conversation with Council to address some lingering questions of various Council Members.

Prepared and Approved by:



Fran David, City Manager

Attachments:

Attachment I: Resolution in Support of Measure AA, the Healthcare Safety Net Sales Tax Reauthorization

HAYWARD CITY COUNCIL
RESOLUTION NO. _____

Introduced by Council Member _____

A RESOLUTION IN SUPPORT OF MEASURE AA: HEALTHCARE SAFETY NET SALES
TAX REAUTHORIZATION

WHEREAS, the provision of adequate and affordable healthcare to Alameda County residents is a critical and ongoing issue, and

WHEREAS, it is estimated that more than 45,000 County residents will not be eligible for any health insurance programs under the Affordable Care Act or cannot afford coverage under Covered California, and

WHEREAS, Measure A, previously approved by Alameda County voters in 2004, generates approximately \$125 million annually to provide for the critical and urgent medical needs of low-income and uninsured adults, children, families, and seniors in Alameda County, and

WHEREAS, Hayward healthcare providers, like St. Rose Hospital, Tiburcio Vasquez Health Center, and the Hayward Day Labor Center, have and continue to receive funding from Measure A, and

WHEREAS, the Alameda County Board of Supervisors has voted unanimously to place a measure on the June 2014 ballot to extend and reauthorize the one-half percent Healthcare Safety Net sales tax, and

WHEREAS, if approved by the voters, Measure AA would guarantee continued and dedicated funding for essential healthcare services through 2034.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward expresses its support for Measure AA, the Healthcare Safety Net Sales Tax, and encourages residents of Hayward to vote for this measure on the June 2014 ballot.

IN COUNCIL, HAYWARD, CALIFORNIA, _____, 2014

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward