

#54
09/10/2024

(O-2025-11)

ORDINANCE NUMBER O- 21861 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 17 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO WAIVING SAN DIEGO MUNICIPAL CODE SECTIONS 98.0501(C) AND 98.0504 AND AUTHORIZING THE ONE-TIME USE OF HOUSING TRUST FUND MONIES IN THE AFFORDABLE HOUSING FUND IN ACCORDANCE WITH THE COUNCIL'S APPROVAL OF THE FISCAL YEAR 2025 AFFORDABLE HOUSING FUND ANNUAL PLAN AND THE HOUSING AUTHORITY'S APPROVAL OF THE SAN DIEGO HOUSING COMMISSION'S FISCAL YEAR 2025 BUDGET.

WHEREAS, in 2003, the Council of the City of San Diego (Council) created an Affordable Housing Fund (AHF) to meet the housing needs of the City of San Diego's (City) very low-, low-, and median-income households as those are defined in San Diego Municipal Code (Municipal Code) section 98.0604; and

WHEREAS, the AHF has two permanent, annually renewing funding sources: (1) the Inclusionary Housing Fund, funded from fees charged to residential development; and (2) the Housing Trust Fund (HTF), funded from fees charged to commercial development; and

WHEREAS, on June 11, 2024, the San Diego Housing Commission (Housing Commission) presented the Fiscal Year (FY) 2025 AHF Annual Plan to Council and Council approved it through adoption of San Diego Resolution R-315628 (June 13, 2024); and

WHEREAS, the FY 2025 AHF Annual Plan approval included an \$8,000,000 reallocation of funds consisting of \$6,000,000 of FY 2025 Notice of Funding Availability (NOFA) funds, \$1,500,000 of Accessory Dwelling Unit Loan funds, and \$500,000 of Homeownership funds, all as identified in Attachments 1 through 5 to the Housing Commission's Report to Council No. CCR24-003 (Apr. 4, 2024), to the City of San Diego Shelter Programs Model Program; and

WHEREAS, by Housing Authority Resolution HA-2015 (June 11, 2024), the Housing Authority of the City of San Diego (Housing Authority) approved the Housing Commission's FY 2025 Budget with the same modifications to the FY 2025 AHF Annual Plan, among others; and

WHEREAS, the approved modifications to the FY 2025 AHF Annual Plan and the Housing Commission's FY 2025 Budget require Council to waive provisions of the Municipal Code applicable to the allocation and use of AHF monies; and

WHEREAS, the reallocation of \$2,000,000 in FY 2025 NOFA funds requires waiver of Municipal Code section 98.0504 because the FY 2025 NOFA is funded for that amount through HTF monies, the purpose and use of which is restricted, requiring their use for the production and maintenance of assisted housing units and related facilities; and

WHEREAS, the total reallocation of \$8,000,000 of AHF monies requires waiver of Municipal Code section 98.0501(c) stating Council's intent to leverage every one dollar of City funds allocated to the AHF with two dollars of non-City subsidy capital funds and funds allocated to the City of San Diego Shelter Programs Model Program may not be matched with non-City funds; and

WHEREAS, the Council now desires to waive the requirements of Municipal Code sections 98.0501(c) and 98.0504 to allow for the one-time reallocation of HTF monies in the AHF in accordance with the FY 2025 AHF Annual Plan and the Housing Commission's FY 2025 Budget; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by Housing Commission staff, and verified by the Housing Commission's

General Counsel, with the understanding that this information is sufficient to allow for a proper and complete analysis of this matter; NOW, THEREFORE,

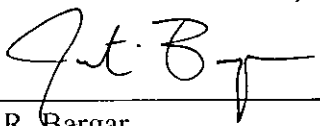
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. The Council waives Municipal Code sections 98.0501(c) and 98.0504 and authorizes the one-time use of Housing Trust Fund monies in the Affordable Housing Fund for the Housing Commission's City of San Diego Shelter Programs Model Program in accordance with the Council's approval of the FY 2025 AHF Annual Plan and the Housing Authority's approval of the Housing Commission's FY 2025 Budget.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Justin R. Bargar
Deputy City Attorney

JRB:cw
07/02/2024
Or.Dept: SDHC
Doc. No.: 3698964

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 10 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 9/17/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 10 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry Foster, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 17 2024

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Krwin, Deputy
For Connie Patterson

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 23 2024, and on SEP 17 2024.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Linda Krwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California

Ordinance Number O- **21861**