

RESOLUTION NO. 21-1199

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AUTHORIZING DOWN PAYMENT ASSISTANCE PROGRAM PREFERENCES, AND CITY ASSISTED AFFORDABLE HOUSING RENTAL AND OWNERSHIP PREFERENCE SYSTEM AMENDMENTS, FOR FIRST RESPONDERS, SCHOOL DISTRICT EMPLOYEES, OTHER PUBLIC EMPLOYEES, AND EMPLOYEES OF SOCIAL SERVICE NOT-FOR-PROFIT AGENCIES

WHEREAS, on October 20, 2020, the City Council approved modifications to the City's Down Payment Assistance Program (DPA) that provides low and deferred interest mortgages that supplement bank financing to assist low (80% of Area Median Income (AMI)) and moderate-income (up to 120% of AMI) persons and households in the purchase of a home in Pleasanton; and

WHEREAS, the Housing Commission has recommended that the City Council also consider a DPA preference or priority for first responders, school district employees, other public employees, and employees of social service not-for-profit agencies when such persons primarily work in Pleasanton; and

WHEREAS, on January 19, 2021, the City Council also considered modifications to the Preference System for City Assisted Affordable Rental and Homeownership Programs; and

WHEREAS, providing preferences to persons who primarily work in Pleasanton increases opportunities for those same persons to live in Pleasanton, thereby reducing commutes and allowing such persons to become more familiar with the community in which they work; and

WHEREAS, Housing Element program 18.4 promotes the "Use of the Lower-Income Housing Fund to ...write down mortgage costs" as provided by the DPA.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. Directs the City Manager's Office and the Housing Division to update the Down Payment Assistance Loan Program (DPA), and the Preference System for City Assisted Affordable Rental and Homeownership Programs, to provide a preference to the persons listed in Exhibit A and Exhibit B, respectfully, thereby superseding Resolution No. 02-012.

SECTION 2. Finds that these preferences or priorities to these programs have no possibility to have a significant effect on the environment per Title 14 California Code of Regulations §15061(b)(3).

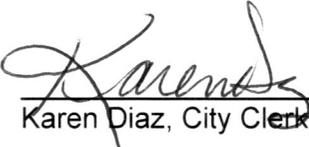
SECTION 3. This resolution shall become effective immediately upon its passage and adoption.

SECTION 4. City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on January 19, 2021.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 19th day of January 2021, by the following vote:

Ayes: Councilmembers Arkin, Balch, Narum, Mayor Brown
Noes: Councilmember Testa
Absent: None
Abstain: None



Karen Diaz, City Clerk

APPROVED AS TO FORM:



Daniel G. Sodergren, City Attorney

Exhibit A

DOWN PAYMENT ASSISTANCE PROGRAM

When there are more applications than funds available for the Down Payment Assistance Program (DPA) in any fiscal year, the DPA shall have a preference for income-qualified persons / households earning up to 120% Area Median Income (AMI) where at least one of the members of the household is:

- An employee (sworn or civilian personnel) of the Pleasanton Police Department, Livermore-Pleasanton Fire Department, or other first responder¹ who primary works in Pleasanton.
- Pleasanton Unified School District or private school employees, including teachers, providing prekindergarten through 12th grade education that are registered with the Alameda County Superintendent of Public Education per Cal. Education Code section 33190 and are located in Pleasanton.
- Public employees of city or county municipalities.
- Employees of not-for-profit agencies granted tax-exempt status by the IRS that provide social services (including, but not limited to, food subsidies, health care, job training, subsidized housing, adoption, support for persons with disabilities, school readiness, etc.) from a Pleasanton location.

Note: To qualify for the preference based on any of the employment categories described above, the applicant must be both: (a) currently employed at such position at the time of application; and (b) have been continuously employed in such position for at least six (6) months prior to the date of application.

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¹ A first responder is a person with specialized training who is among the first to arrive and provide assistance at the scene of an emergency, such as an accident, natural disaster or terrorism. First responders include, but are not limited to, law enforcement officers, paramedics, emergency medical technicians (EMTs) and firefighters.

Exhibit B

Preference System for City-Assisted Affordable Housing Projects

Section 1. Council adopts this revised City preference system described herein to be used for determining eligibility among prospective beneficiaries for existing and future affordable housing projects assisted by the City.²

Section 2. Affordable units will be made available to qualified households based upon the preference categories listed below. The City may modify the preference categories from time to time by giving written notice to Lessor/Owner of such modifications, and Lessor/Owner shall adhere to such preference categories starting no later than ten (10) days following receipt of such notice. Each preference category is assigned a specific number of points as noted below. At the time of application, each applicant household will be assigned to one preference category and a corresponding point allocation in accordance to the criteria listed below. Households with the highest number of points will be given first priority for the affordable units. In the event there is more than one household with the same amount of points, which is likely, a lottery will be held at which time names of households with an equal number of preference points will be randomly drawn and assigned priority.

Section 3. The criteria for preference categories and corresponding point allocations are as follows:

20 POINTS

Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is a Pleasanton resident and a Pleasanton employee at the time of application and has continuously lived and worked in the City of Pleasanton for two years or more prior to the time of application.

18 POINTS

Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is a Pleasanton resident and a Pleasanton employee at the time of application and has continuously lived and worked in the City of Pleasanton less than two years prior to the time of application.

16 POINTS

Households where at least one of the signators of the tenant lease or purchase agreement (and who is a member of the household) is either a Pleasanton resident or a Pleasanton employee at the time of application and has continuously lived or worked in the City of Pleasanton for two years or more prior to the time of application.

14 POINTS

² A project assisted by the City may include, but is not limited to, a project which: (a) has inclusionary units subject to the requirements of the Pleasanton Municipal Code (PMC) Chapter 17.44; (b) receives grants or loans of affordable housing fees pursuant to PMC Chapter 17.40; (c) receives waivers or reductions of development impact fees; or (d) is subject to an affordable housing agreement or development agreement which provides for affordable units.

Households where at least one member of the signators of the tenant lease or purchase agreement (and who is a member of the household) is either a Pleasanton resident or a Pleasanton employee at the time of application and has continuously lived or worked in the City of Pleasanton less than two years prior to the time of application.

12 POINTS

Households where at least one member of the signators of the tenant lease or purchase agreement (and who is a member of the household) has an immediate relative (defined as a son, daughter, brother sister, and/or parent) who is a Pleasanton resident at the time of application, provided the immediate relative has lived in the City of Pleasanton for at least two years prior to the time of application.

10 POINTS

All other households.

Section 4. In addition to the above points, one (1) bonus point will be given to households which meet one or more of the following criteria:

- a) single parent head of household;
- b) disabled person as defined herein;
- c) households in which at least one of the signators of the tenant lease or purchase agreement has been a Pleasanton resident for seven continuous years or longer prior to the time of application.

A maximum of one (1) bonus point may be awarded to any one household.

Section 5. In addition to the above points, a maximum of one (1) additional point will be given to households where at least one of the signators of the tenant lease or purchase agreement is:

- a) An employee (sworn or civilian personnel) of the Pleasanton Police Department, Livermore-Pleasanton Fire Department, or other first responder³ who primary works in Pleasanton.
- b) Pleasanton Unified School District or private school employees, including teachers, providing prekindergarten through 12th grade education that are registered with the Alameda County Superintendent of Public Education per Cal. Education Code section 33190 and are located in Pleasanton.
- c) Public employees of city or county governments.

³ “First Responder” is defined as a person with specialized training who is among the first to arrive and provide assistance at the scene of an emergency, such as an accident, natural disaster or terrorism. First responders include, but are not limited to, law enforcement officers, paramedics, emergency medical technicians (EMTs) and firefighters.

d) Employees of not-for-profit agencies granted tax-exempt status by the IRS that provide social services (including, but not limited to, food subsidies, health care, job training, subsidized housing, adoption, support for persons with disabilities, school readiness, etc.) from a Pleasanton location.

e) To qualify for the maximum one (1) point for the employment categories described in this Section 5, the signator must be both: (a) currently employed at such position at the time of application; and (b) have been continuously employed in such position for at least six (6) months prior to the date of application.

Section 6. For persons who are retired at the time of application, the applicant's work history immediately prior to the date of retirement shall be considered in determining the length of employment in Pleasanton for the first four point categories listed above.

Section 7. For persons who moved away from the City of Pleasanton less than six months prior to the time of application and who resided in the City of Pleasanton continuously for at least ten (10) years immediately prior to moving away, the residency history prior to the date of moving away shall be considered in determining the length of residency in the first four point categories listed above.

Section 8. "Pleasanton Resident" is defined as a person or household who resides permanently and continuously at a residential address which is physically located within the then current incorporated area of the City of Pleasanton and where that location is considered to be the household's permanent place of residence. The City may require applicants to submit a driver's license, voter registration, utility bill, or other evidence as proof of residency in Pleasanton. "*Pleasanton employee*" is defined as a person who is permanently and continuously employed on at least a half-time basis (i.e., 20 or more hours per week) at a business which is physically located within the then current incorporated area of the City of Pleasanton. The City may require applicants to submit pay stubs, W-2 forms, tax returns, or other evidence as proof of employment at a Pleasanton business.

Section 9. "Disabled Person" is defined as a head of household who has a medically documented permanent physical or mental impairment which prevents them from maintaining full time regular employment. Any individual claiming Disabled Person status must submit verification from a licensed doctor of the disability and its effect on the ability to maintain full-time employment. A Disabled Person shall be assigned a number of points as if the person was employed regardless of the Disabled Person's employment status plus one bonus point. If an individual has a disability that substantially limits one or more major life activities and has a medical record of such impairment, but the disability does not prevent the ability to maintain full-time regular employment the individual shall be assigned the appropriate number of points as detailed in Section 3 above plus one bonus point as detailed in Section 4 above. Examples of a disability include limitations on caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, or working.

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