



Housing Authority
of the
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

AGENDA **REGULAR MEETING OF THE BOARD OF COMMISSIONERS**
DATE & TIME **Wednesday, January 15, 2025 - 6:30 PM**
LOCATION

Independence Plaza, 703 Atlantic Avenue, Alameda - Ruth Rambeau Memorial Community Room

PUBLIC PARTICIPATION Public access to this meeting is available as follows:

Join Zoom Meeting

<https://us06web.zoom.us/j/83030077310?pwd=fv5xIYAEFr5k4f7GI6KQMDOK4vRw4g.1>

Meeting ID: 830 3007 7310

Passcode: 790402

Persons wishing to address the Board of Commissioners are asked to submit comments for the public speaking portion of the Agenda as follows:

- Send an email with your comment(s) to jpolar@alamedahsg.org and vcooper@alamedahsg.org prior to or during the Board of Commissioners meeting
- Call and leave a message at (510) 871-7435.

When addressing the Board, on agenda items or business introduced by Commissioners, members of the public may speak for a maximum of three minutes per agenda item when the subject is before the Board.

Persons in need of special assistance to participate in the meetings of the Housing Authority of the City of Alameda Board of Commissioners, please contact (510) 747-4325 (voice), TTY/TRS: 711, or jpolar@alamedahsg.org. Notification 48 hours prior to the meeting will enable the Housing Authority of the City of Alameda Board of Commissioners to make reasonable arrangements to ensure accessibility or language assistance.

PLEDGE OF ALLEGIANCE

1. **ROLL CALL**
2. **AB2449 COMPLIANCE** "AB2449 Compliance: The Chair will confirm that there are 4 members in the same, properly noticed meeting room within the jurisdiction of the City of Alameda. Each board member who is accessing the



meeting remotely must disclose verbally whether they are able to be remote under AB2449: (1) just cause (max. 2 per year), or (2) emergency circumstances.” For Emergency Circumstances, the request must be approved by a majority vote of the Board of Commissioners for the emergency circumstances to be used as a justification to participate remotely. Remote Commissioners must provide a general description of the circumstances relating to need to appear remotely at the given meeting. Commissioner must also publicly disclose at the meeting, prior to any action, whether any other individuals 18 years or older are present in the room with the member at the remote location, and the general nature of the member’s relationship with such individuals. Note: A Commissioner cannot participate in meetings of the Board of Commissioners solely by teleconference from a remote location for a period of more than 3 consecutive months or 20% of the regular meetings for AHA within a calendar year, or more than 2 meetings if the Board of Commissioners regularly meets fewer than 10 times per calendar year.

3. COMMISSIONER RECUSALS
4. Public Comment (Non-Agenda)
5. Closed Session - 6:30 p.m. - Adjournment to Closed Session to Consider:
 - 5.A. Conference with Legal Counsel-Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code Section 54956.9: One potential case
 - 5.B. Public Employee Performance Evaluation (Ca. Government Code § 54957)
Title: Executive Director
 - 5.C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9 (d)(1))
Kathleen Moore v. Housing Authority of the City of Alameda, Alameda Affordable Housing Corporation, Mariel Rivera and Does 1-30, inclusive (Alameda County Superior Court Case No. 23CV042958)
6. Adjournment of Closed Session
7. RECONVENE REGULAR MEETING
8. Announcement of Action Taken in Closed Session, if any.
9. Public Comment (Non-Agenda)
10. CONSENT CALENDER
Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Commissioners or a member of the public.
 - 10.A. Accept the Annual Review of the Investment Policy. **Page 4**
 - 10.B. Approve 2024-25 Goals for the Executive Director and Approve Changes to the 2014 Contract with the Executive Director. **Page 14**
 - 10.C. Approve Changes to the Administrative Plan **Page 18**



- 10.D. Approve the Annual Intern Program and Continuation of a One-Year Rotating Fellowship Program for Graduates of the Intern Program. **Page 90**
- 10.E. Authorize the Executive Director or Designee to sign an amendment with Aleshire & Wynder, LLP for special counsel services to increase the budget by \$150,000 in an amount not to exceed \$300,000, to add HR legal Services, and to extend the contract for one additional year to 2026. **Page 93**
- 10.F. Authorize the Executive Director to execute the fourth amendment to the agreement with Nova Commercial Company, Inc. for janitorial services to extend by one month. **Page 105**
11. AGENDA
- 11.A. Review Analysis of Impediments Draft Report and approve AHA to commit to recommended actions. **Page 109**
- 11.B. Authorize the Executive Director to Execute Amendment No.2 with Rincon Consultants, Inc. for \$85,000 and to Execute Amendments Up To \$351,162 for Environmental Consulting Services for The Poplar (2615 Eagle Avenue). **Page 301**
12. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)
13. WRITTEN COMMUNICATIONS
14. EXECUTIVE DIRECTOR'S COMMUNICATIONS
15. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)
16. CONTINUATION OF CLOSED SESSION OF HOUSING AUTHORITY BOARD OF COMMISSIONERS – IF NEEDED
17. Announcement of Action Taken in Closed Session, if any.
18. ADJOURNMENT

*** Note ***

- Documents related to this agenda are available on-line at: <https://www.alamedahsg.org/meetings/>
- Know Your RIGHTS Under The Ralph M. Brown Act: Government's duty is to serve the public, reaching its decisions in full view of the public. The Board of Commissioners exists to conduct the business of its constituents. Deliberations are conducted before the people and are open for the people's review. In order to assist the Housing Authority's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the Housing Authority accommodate these individuals.





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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Louie So, Chief Financial Officer

Date: January 15, 2025

Re: Accept the Annual Review of the Investment Policy.

BACKGROUND

In February 1996, the Housing Commission adopted by resolution a revised Investment Policy for the investment of program funds provided by the U. S. Department of Housing and Urban Development (HUD) and to allow for less restrictive investment of non-HUD program funds. Because of legislation passed by the Federal and State governments during 1995 and 1996, all government agencies are required to review the investment policy at a public meeting of their officials once each year.

DISCUSSION

California Government Code Section 53646 requires that the Housing Authority Chief Financial Officer file an annual investment policy with the Board of Commissioners. It also requires that the Chief Financial Officer file a quarterly report with the Board of Commissioners on the status of all investments, including compliance with the adopted investment policy and a certificate that the expenditure requirements for the next six months can be met. California Government Code Section 53600.3 provides that each person or governing body investing public funds is a Trustee and, therefore, is a fiduciary subject to the Prudent Investor Standard. It further provides that the primary objectives when investing public funds are the safety of principal, preservation of liquidity and the return of an acceptable yield, in that order. The regulation also prohibits the use of specific investment vehicles and limits the use of others, including reverse repurchase agreements. HUD also mandates that housing authorities establish cash management procedures and comply with requirements governing the type of instruments in which they may invest. The types of investments permitted under the State and Federal legislation are not different from the types of investments currently held by the Housing Authority. Our current investments are with Local Agency Investment Fund (LAIF) and California Asset Management Program (CAMP) as previously approved by the Board. Note that the California Employers' Retiree Benefit Trust (CERBT) is a Section 115 trust dedicated to prefunding Other Post-Employment Benefits and is held by CalPERS.



The attached redline version has been reviewed by the Housing Authority of the City of Alameda's (AHA) General Counsel. There are only a few minor changes this year.

FISCAL IMPACT

Fiscal impact is dependent on the returns generated from these investments in LAIF, CAMP, and CERBT.

CEQA

N/A

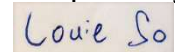
RECOMMENDATION

Accept the Annual Review of the Investment Policy.

ATTACHMENTS

1. AHA Investment Policy 2025 - (TRACKED CHANGES)

Respectfully submitted,



Louie So, Chief Financial Officer

INVESTMENT POLICY

Updated January ~~2024~~2025

SCOPE:

This Investment Policy (the “Policy”) applies to all liquid assets of the Housing Authority of the City of Alameda (the “Housing Authority” or the “Authority”) and its legal affiliates, including Alameda Affordable Housing Corporation, Island City Development and various controlled limited liability companies and limited partnerships. These funds are accounted for in the ~~Authority’s Annual~~ Comprehensive ~~Annual Audited Financial Statements~~ Financial Report (Audited Financial Statements), which includes various federal and local sourced funds, including the Housing Choice Voucher program and the Single Room Occupancy Program.

PRUDENCE:

The standard of prudence to be used by investment officials shall be the “prudent investor” standard (California Government Code 53600.3) and shall be applied in the context of managing an overall portfolio. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, persons acting on behalf of the Housing Authority shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

OBJECTIVE:

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities, shall be:

1. **Safety.** Safety of principal is the foremost objective of the investment program. Housing Authority investments will be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. **Liquidity.** The investment portfolio will remain sufficiently liquid to enable the Housing Authority to meet all operating requirements which might be reasonably anticipated and shall always have the ability to convert sufficient securities in the portfolio to cash to meet contingency needs. A portion of the portfolio may be placed in money market mutual funds or funds which offer same-day liquidity for short-term funds.

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- 3. Return on Investments.** The investment portfolio will be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio. (California Government Code 53600.5)

DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from Section 401(E) of the HUD/PHA Annual Contributions Contract and California Government Code Sections 53601, et seq. Management responsibility for the investment program is hereby delegated to the Executive Director, who shall establish written procedures for the operation of the investment program consistent with this investment policy.

Procedures should include references to safekeeping, Public Securities Administration repurchase agreements, wire transfer agreements, collateral/depository agreements, banking services contracts, as appropriate. Such procedures will include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Executive Director.

The Executive Director is responsible for all transactions undertaken and will establish a system of controls to regulate the activities of subordinate officials. The Executive Director is a trustee and a fiduciary subject to the prudent investor standard. (California Government Code 53600.3)

The Executive Director may delegate day-to-day investment decision making and execution authority to an investment advisor, subject to Board selection and approval of that advisor and written agreement with the advisor. The Authority must be able to revoke the investment advisor's authority at all times and without notice. Eligible investment advisors must be registered with the Securities and Exchange Commission (SEC) under the Investment Advisors Act of 1940. The advisor will follow the Policy and such other written instructions as are provided by the Authority.

ETHICS AND CONFLICTS OF INTEREST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

Officers and employees involved in the investment process will refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

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AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Executive Director will select financial institutions on the basis of credit worthiness, financial strength, experience and minimal capitalization that are authorized to provide investment services. No public deposit shall be made except in a qualified public depository as established by State laws.

For brokers/dealers of government securities and other investments, the Executive Director will select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Executive Director will have received from said firm a signed Certification Form. This form will attest that the individual responsible for the Housing Authority's account with that firm has reviewed the Authority's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the Housing Authority that are appropriate under the terms and conditions of the Investment Policy.

AUTHORIZED AND SUITABLE INVESTMENTS:

1. The Housing Authority is empowered by HUD Notice PIH 96-33 (reinstated by PIH 2002-13) to invest HUD funds in the following:
 - a. United States Treasury Bills, Notes and Bonds;
 - b. Obligations issued by Agencies or Instrumentalities of the U. S. Government;
 - c. State or Municipal Depository Funds, such as the Local Agency Investment Fund (LAIF) or California Asset Management Program (CAMP) or pooled cash investment funds managed by County treasuries;
 - d. Insured Demand and Savings Deposits, provided that deposits in excess of the insured amounts must be 100 percent collateralized by securities listed in "a" and "b" above;
 - e. Insured Money Market Deposit Accounts, provided that deposits in excess of the insured amount must be 100 percent collateralized by securities listed in "a" and "b" above;
 - f. Insured Super NOW Accounts, provided that deposits in excess of the insured amount must be 100 percent collateralized by securities listed in "a" and "b" above;
 - g. Certificates of Deposit (CDs) issued by federally- or state-chartered banks or associations. Not more than 30 percent of surplus funds can be invested in CDs;

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- h. Repurchase/Reverse Repurchase Agreements of any securities authorized by this Section. Securities purchased under these agreements will be no more than 102 percent of market value; (See special limits in HUD Notice 96-33 and CGC 53601.0.)
 - i. Sweep Accounts that are 100 percent collateralized by securities listed in "a" and "b" above;
 - j. Shares of beneficial interest issued by diversified management companies investing in the securities and obligations authorized by this Section (i.e., Money Market Mutual Funds) Such Funds must carry the highest rating of at least two (2) national rating agencies. Not more than 20 percent of surplus funds can be invested in Money Market Mutual Funds;
 - k. Funds held under the terms of a Trust Indenture or other contract or agreement, including the HUD/PHA Annual Contributions Contract, may be invested according to the provisions of those indentures or contracts;
 - l. Principal only STRIPS; and
 - m. Any other investment security authorized under the provisions of HUD Notice PIH 96-33.
2. The Housing Authority is empowered by California Government Code (CGC) Sections 5922 and 53601 et seq. to invest non-HUD funds in the following investment instruments authorized for California local agencies under the provisions of California Government Code Sections 5922 and 53601:
- a. Bonds issued by the City of Alameda;
 - b. United States Treasury Bills, Notes and Bonds;
 - c. Registered state warrants or treasury notes or bonds issued by the State of California;
 - d. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California;
 - e. The California Local Agency Investment Fund (LAIF), California Asset Management Program (CAMP), and other pooled investment funds sponsored by the State of California, County Treasuries, and other local agencies or Joint Powers Authorities;
 - f. Obligations issued by Agencies or Instrumentalities of the U. S. Government;

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- g. Bankers Acceptances with a term not to exceed 180 days. Not more than 40 percent of surplus funds can be invested in Bankers Acceptances and no more than 30 percent of surplus funds can be invested in the bankers acceptances of any single commercial bank;
- h. Commercial Paper of “prime” quality of the highest ranking or of the highest letter and number rating as provided for by a national recognized statistical rating organization (NRSRO) with a term not to exceed 180 days. Commercial paper cannot exceed 10 percent of total surplus funds, provided, that if the average maturity of all Commercial paper does not exceed 31 days, up to 25 percent of surplus funds can be invested in Prime Commercial paper. Additionally, the Housing Authority may purchase no more than 10 percent of the outstanding commercial paper of any single issuer;
- i. Negotiable Certificates of Deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the California Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Negotiable Certificates of Deposit shall be rated in a rating category of “A” or its equivalent or better by an NRSRO. Not more than 30 percent of surplus funds can be invested in Negotiable Certificates of Deposit;
- j. Repurchase/Reverse Repurchase Agreements of any securities authorized by this Section. Securities purchased under these agreements will be no less than 102 percent of market value. Reverse repos cannot constitute more than 20 percent of AHA’s portfolio. Reverse repos are also limited to 92 days unless the minimum spread between the rate on investment and cost of funds is guaranteed in writing. (See special limits in CGC 53601.)
- k. Medium term notes, not to exceed five (5) years of U. S. corporations organized and operating within the United States which are rated in a rating category of “A” or its equivalent or better by an NRSRO. Not more than 30 percent of surplus funds can be invested in medium term notes;
- l. Shares of beneficial interest issued by diversified management companies investing in the securities and obligations authorized by this Section (i.e., Money Market Mutual Funds). Such Funds must carry the highest rating of at least two national rating agencies. Not more than 15 percent of surplus funds can be invested in Money Market Mutual Funds. In addition, no more than 10 percent of AHA’s portfolio may be invested in any single mutual fund.
- m. Funds held under the terms of a Trust Indenture or other contract or agreement may be invested according to the provisions of those indentures or agreements;
- n. Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (UCC) or applicable federal security regulations;

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- o. Any mortgage pass-through security, collateralized mortgage obligation, mortgaged backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate or consumer receivable backed bond of a maximum maturity of five (5) years. Securities in this category shall be issued by an issuer rated in a rating category of "A" or its equivalent or better for the issuer's debt as provided by an NRSRO and rated in a rating category of "AA" or its equivalent or better by an NRSRO. No more than 20 percent of surplus funds can be invested in this category of securities; and
- p. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank of Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO and no more than 30 percent of surplus funds can be invested in this category of securities.

The Authority will limit investments in any one non-government issuer, except investment pools and money market funds, to no more than 5% regardless of security type.

The Board of Commissioners may, at times, further reduce the selection of types of investment to be used by the Advisor or Executive Director by a formal vote.

Where this Policy specifies a percentage limitation for a particular security type, that percentage is applicable only on the date of purchase. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.

Credit criteria listed in this Policy refers to the credit rating at the time the security is purchased. The Authority may from time to time be invested in a security whose rating is subsequently downgraded. In the event a rating drops below the minimum allowed by this Policy, the Executive Director will review and recommend an appropriate plan of action to the Board no less frequently than quarterly. If the Authority has an Investment Advisor, the Investment Advisor will notify the Executive Director and recommend a plan of action.

- 3. Also, see CGC 53601 and Attachment A to HUD Notice 96-33, "HUD Approved Investment Instruments," for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC 53601 and Attachment A are attached and included by reference in this Investment Policy.
- 4. The Housing Authority will not invest any funds covered by this Investment Policy in

INVESTMENT POLICY

inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

COLLATERALIZATION:

1. The percentage of collateralization on repurchase agreements will conform to the amount required under CGC 53601 (i)(2).

SAFEKEEPING AND CUSTODY:

1. All security transactions entered into by the Housing Authority will be conducted on delivery-versus-payment (DVP) basis.
2. All securities purchased or acquired will be delivered to the Board of Commissioner of the Authority by book entry, physical delivery, or by third-party custodial agreement. (CGC 53601)

DIVERSIFICATION:

It is the policy of the Housing Authority to diversify its investment portfolio. The Authority will diversify its investments by security type and, within each type, by institution. Assets will be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies will be determined and revised periodically. In establishing specific diversification strategies, the following guidelines will apply:

1. Portfolio maturities will be matched against projected liabilities to avoid an over concentration in a specific series of maturities.
2. Maturities selected will provide for stability and liquidity.
3. Disbursement and payroll dates will be covered by the scheduled maturity of specific investments, marketable U. S. Treasury Bills or Notes or other cash equivalent instruments, such as money market mutual funds.

MAXIMUM MATURITIES:

To the extent possible, the Housing Authority will attempt to match its investments with anticipated cash flow requirements. Where there is no anticipated cash flow requirement on an investment, no investment shall be made in any security, which at the time of the investment, has a term remaining to maturity in excess of five years, unless the Board had granted express authority to make that investment no less than three months prior to the investment (CGC 53601).

INTERNAL CONTROL:

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The Housing Authority shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

PERFORMANCE STANDARDS:

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

REPORTING:

The Executive Director shall submit to each member of the Board of Commissioners a quarterly investment report. The report will include:

1. A complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed by third party contractors.
2. The source of the portfolio valuation. In the case of funds invested in the Local Agency Investment Fund (LAIF), and California Asset Management Program (CAMP), FDIC Insured accounts or county investment pools, current statements from those institutions will satisfy the above reporting requirements. The report will also include a certification that:
 - a. All investment actions executed since the last report have been made in full compliance with the Investment Policy; and
 - b. The Housing Authority will meet its expenditure obligations for the next six months. [CGC 53646(b)]
3. The Executive Director will maintain a complete and timely record of all investment transactions.



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701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Vanessa Cooper, Executive Director

Date: January 15, 2025

Re: Approve 2024-25 Goals for the Executive Director and Approve Changes to the 2014 Contract with the Executive Director.

BACKGROUND

The evaluation process for the Executive Director was held on November 20, 2024.

DISCUSSION

The Board is asked to approve the following contract changes:

1. Approve the 2024-25 Executive Director goals.
2. To approve a pay increase to Step 2 per the Board approved 2024-25 Pay Schedule to be retroactive to September 29, 2024 - the end of the prior evaluation period.
3. To extend the period by which the prior approved sabbatical can start to June 30, 2026. The Executive Director will provide 30 days written notice to the Board of the final dates.
4. Authorize the Board Chair or Vice Chair to negotiate a revised contract with Ms. Cooper and to bring it back to the Board for approval in 2025.
5. Amend the current contract with the Executive Director as follows to bring the contract in line with revision to the agency's handbook and telecommute policy. Language removed is stricken out and added language is in bold. These changes are line with current practice.

“3.0 Exempt Employee. Cooper shall be an exempt employee under the Fair Labor Standards Act. Cooper shall devote all necessary productive time, ability, and attention to the business and affairs of the Authority during the Authority's normal work day and work week for the term of this Agreement. The foregoing requirement does not include holidays, official travel, sick leave or vacation time, but permits such additional work time each week as voluntarily provided by Cooper in addition to such stipulated work time without additional compensation. The Parties recognize that in order to fully discharge the duties of this unique position of Executive Director-Secretary, the work



*week cannot be limited to normal work periods. In addition, Cooper is encouraged to participate in local service organizations in the community, provided such services shall not directly or indirectly conflict with the interest or the policies of the Authority. Notwithstanding the provisions of this Section 3.0, ~~the Authority's regular work schedule,~~ including a flexible, **early arrival and telecommute** schedule as needed, shall also be available to Cooper.*

FISCAL IMPACT

Funding is covered by the approval of the 2024-2025 budget and will be built in to the 2025-26 budget as needed.

CEQA

N/A

RECOMMENDATION

Approve Changes to the 2014 Contract with the Executive Director.

ATTACHMENTS

1. Item 10.B - ED Goals 2024-25 final

Respectfully submitted,



Vanessa Cooper, Executive Director

Executive Director Goals September 2024 – September 2025

| | Lead Department | Goal | Deadline |
|----|--|---|---------------------------------------|
| 1 | Housing Development | <ul style="list-style-type: none"> • Completion of the Estuary I and Linnet construction and leasing. Hire consultant. • Complete soil off haul prior to Certificate of Occupancy | Per funder documents June 30, 2025 |
| 2 | Housing Development | <ul style="list-style-type: none"> • Implement enhanced decision-making procedures for Housing Development and extend them to other departments, as necessary. • Provide environmental training. | June 1, 2025 March 1, 2025 |
| 3 | Housing Development | <ul style="list-style-type: none"> • Continue predevelopment work on the Poplar, utilize the ECRG grant and AUSD available funding. • Take down existing AUSD legacy maintenance buildings. | Ongoing October 1 2025 |
| 4 | Data & Policy | <ul style="list-style-type: none"> • Bring PBV Policy to Board. • Manage self-awards to AHA pipeline projects. (Subject to available HAP.) | June 30, 2025 |
| 5 | Data & Policy | <ul style="list-style-type: none"> • Bring updated Language Access Plan (LAP) as required under LEP policies to Board. | September 30, 2025 |
| 6 | Data & Policy | <ul style="list-style-type: none"> • Manage and monitor MTW compliance through quarterly quality control of Housing Programs department. • Complete the 5-year plan on time. Provide an MTW update report to the Board. | Ongoing April 15, 2025 |
| 7 | Data & Policy | <ul style="list-style-type: none"> • Complete the waitlist opening and related activities so waitlist names can be pulled as needed. • Overhaul the waitlist processing systems for PBV and streamline where possible. | April 30, 2025 |
| 8 | Admin & Services | <ul style="list-style-type: none"> • Complete implementation of MyCase legal and Bonfire procurement systems. • Complete various Yardi upgrades and procure RA software. | March 30, 2025 Sept. 30, 2025 |
| 9 | Admin & Services | <ul style="list-style-type: none"> • Complete and publish the Strategic Plan for 2025-2030. • Host 85th anniversary events | March 30, 2025 Though 2025 |
| 11 | Housing Programs (with others) | <ul style="list-style-type: none"> • Conduct a full review of Housing Programs systems and outcomes. Propose and implement process changes as needed. A consultant may be hired to do this work. | Update to Board by April 30, 2025 |
| 12 | Housing Programs (with D&P and Finance) | <ul style="list-style-type: none"> • Manage the Housing Choice Voucher Program, including any budget or regulatory changes in 2025; which includes Budget Shortfall, HOTMA and NSPIRE. | Ongoing |

Executive Director Goals September 2024 – September 2025

| | | | |
|----|---|---|---------------------------------------|
| 12 | Housing Programs | <ul style="list-style-type: none"> Improve Housing Programs Customer service, timelines, accuracy including training and technology updates. | Update to Board by Sept 30, 2025. |
| 13 | Human Resources | <ul style="list-style-type: none"> Re-do compensation survey and make proposals to encourage both staff retention and strong performance. Include a review of moving to “at will” for all new hires. | September 30, 2025 |
| 14 | Human Resources and Finance | <ul style="list-style-type: none"> Procure an HRIS system and implement. Consider whether to change payroll systems | September 30, 2025 |
| 15 | Finance & Housing Dvt. | <ul style="list-style-type: none"> Bring a revised Reserves Policy to the Board with long term projections | September 30, 2025 |
| 16 | Property Operations (with Admin & Services): | <ul style="list-style-type: none"> Establish the PSH processes and onboard and train staff and partners. Set up for success as the new PSH projects are occupied. Manage timely lease up for both Estuary I and Linnet. Ensure contracts and measurables are in place prior to leasing. | May 31, 2025 Per funder documents |
| 17 | Property Operations: | <ul style="list-style-type: none"> Implement new leases throughout the portfolio including new insurance requirements for tenants. Maximum occupancy & minimize accounts receivable and accounts payable | May 31, 2025 Ongoing |
| 18 | Property Operations: | <ul style="list-style-type: none"> Continue to monitor FPI closely. Push for full use of Yardi and other technology to maximize efficiency of the operations and transparency and to minimize errors. Continue quarterly meetings with FPI senior management. | Update to the Board by Sept. 30, 2025 |
| 19 | Asset Management | <ul style="list-style-type: none"> Complete Asset Management Plans for all non-LIHTC projects. | May 31, 2025 |
| 20 | Executive | <ul style="list-style-type: none"> Continue to build strong relationships with the City, including the new City Council members, Continue creating a plan for senior staff to step into an external-facing role during ED’s upcoming sabbatical. | Ongoing and by May 1, 2025 |
| 21 | Executive | <ul style="list-style-type: none"> Assess optimal operations for front desk activities for the whole agency. | Review by February 28, 2025. |



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Sepideh Kiumarsi, Management Analyst

Date: January 15, 2025

Re: Approve Changes to the Administrative Plan

BACKGROUND

The Administrative Plan for the Housing Choice Voucher Program (HCV) for the Housing Authority of the City of Alameda (AHA) establishes the policies and procedures whereby AHA will administer HCV tenant-based and project-based rental assistance programs under contract to Department of Housing and Urban Development (HUD) and in accordance with applicable statutes, HUD regulations, and state and local law.

In 2016, Congress approved the Housing Opportunity Through Modernization Act (HOTMA) which required many changes to the HCV program. The HOTMA regulations have been released by HUD in batches ever since. Accordingly, the AHA will bring the Administrative Plan to the Board of Commissioners per the release of each subsequent HOTMA policy change.

HUD delayed the original implementation date of HOTMA, which was January 1, 2025, since PHAs could not fully implement the changes without the Housing Information Portal (HIP), the Department's replacement for the IMS/PIC legacy system.

DISCUSSION

On December 17, 2024, HUD issued PIH Notice 2024-38 which announced that PHAs must transition to using the Form HUD-9886-A and must also start implementing policies related to the revocation of consent by February 1, 2025. The AHA had previously revised its policies to utilize Form HUD-9886-A but is now revising its Administrative Plan policies to implement the revocation of consent. HUD also identified additional provisions in Sections 102 and 104 of HOTMA that PHAs must comply with no later than July 1, 2025, but may comply with immediately. The AHA has chosen to implement these provisions for all reexaminations processed on or after February 1, 2025. These provisions include additions and revisions to the income exclusions listed in 24 CFR 5.609 (b), revisions to the definitions listed in 24 CFR 5.100, 5.403, and 5.603, and revisions to the de minimis errors regulations listed in 24 CFR 5.609(c)(4); 882.515(f); 882.808(i)(5); 960.257(f); and 982.516(f).



The AHA is also removing language regarding the applicability of its PBV policies to its Public Housing units. This language was included for the AHA's Faircloth to RAD conversion but is now being removed since the conversion has been completed and the AHA no longer has Public Housing units.

The AHA is also updating language in its reexaminations chapter regarding the payment standard application policy which was previously approved in the November 2024 Board of Commissioners meeting.

Lastly, AHA has made some formatting changes to the waitlist for ease of viewing, has retitles mentions of a "senior" preference to "elderly" preference, and has updated the table of contents.

FISCAL IMPACT

Not Applicable.

CEQA

Not Applicable.

RECOMMENDATION

Approve Changes to the Administrative Plan.

ATTACHMENTS

1. HUD PIH Notice 2024-38
2. Administrative Plan Revisions 2025-01 Table of Contents Revisions
3. Administrative Plan Revisions 2025-01 Chapter 4 Revisions
4. Administrative Plan Revisions 2025-01 Chapter 6 Revisions
5. Administrative Plan Revisions 2025-01 Chapter 7 Revisions
6. Administrative Plan Revisions 2025-01 Chapter 11 Revisions
7. Administrative Plan Revisions 2025-01 Chapter 16 Revisions
8. Administrative Plan Revisions 2025-01 Glossary Revisions

Respectfully submitted,



Sepideh Kiumarsi, Management Analyst



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

SPECIAL ATTENTION OF:

Office Directors of Public Housing;
Regional Directors; Public Housing
Agencies

NOTICE PIH 2024-38

Issued: December 17, 2024

Expires: This notice remains in effect until amended, superseded or rescinded.

Cross References: Notice PIH 2023-27, Notice H 2024-09

Subject: Housing Opportunity Through Modernization Act (HOTMA) Sections 102 and 104: Updated Guidance to Public Housing Agencies (PHAs) on Compliance

I. Purpose

The purpose of this Notice is to identify which income and assets provisions from Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA) that Public Housing Agencies (PHAs) must comply with no later than July 1, 2025.¹

Section 6.1 of Notice PIH 2023-27 previously established a compliance deadline of January 1, 2025, by which PHAs had to fully comply with the HOTMA final rule.² This Notice supersedes, in part, Section 6.1 of Notice PIH 2023-27. This Notice indicates that for the specific HOTMA provisions identified below, the new deadline for PHA compliance is July 1, 2025. For all other provisions that are not identified in this Notice, HUD will not enforce PHA compliance by January 1, 2025.

II. Background

HOTMA was signed into law on July 29, 2016 (Pub. L. 114-201). The final rule implementing Sections 102 and 104 of HOTMA (88 FR 9600) became effective January 1, 2024. HUD initially provided, in the HOTMA Section 102 and 104 Implementation

¹ References to form HUD-50058 in this notice take on the meaning of form HUD-50058 MTW for MTW PHAs and form HUD-50058 MTW Expansion for MTW Expansion PHAs.

² [Housing Opportunity Through Modernization Act of 2016; Implementation of Sections 102, 103, and 104](#). 88 Fed. Reg., 9,600. February 14, 2023.

Guidance (Notice PIH 2023-27),³ that PHAs could set a compliance date between January 1, 2024, and January 1, 2025, based on when the PHA’s software could submit to HIP.

Due to further IT system development delays, HUD will not enforce compliance with all Section 102 and 104 income and assets provisions by January 1, 2025.⁴ PHAs will not have software capable of submitting HOTMA-compliant forms to HIP by January 1, 2025, because HIP development has not been completed. The IMS/PIC legacy system reflects pre-HOTMA requirements in many places. When the timeline for completion of HIP development and PHA migration is known, HUD will issue further guidance on the deadline to comply with any outstanding provisions of Sections 102 and 104. HUD will provide regular updates on the progress of systems development.

III. Applicability

This notice applies to PHAs administering Office of Public and Indian Housing (PIH) programs (HCV [including Project-Based Vouchers], Moderate Rehabilitation, Moderate Rehabilitation SRO, Public Housing), including PHAs that participate in the Moving to Work (MTW) Demonstration.⁵

IV. PHA Compliance with HOTMA Sections 102 and 104

A. HUD Enforcement Prior to July 1, 2025

1. Earned Income Disregard

Regulation: 24 CFR 5.611

PHAs must have ceased enrolling families into the Earned Income Disregard (EID) as of December 31, 2023. EID will not apply to any family that was not eligible for and already participating in the disregard as of December 31, 2023. Please refer to Notice PIH 2023-27, Attachment G, Section G.20, for guidance on the end of EID.⁶

2. Form HUD-9886-A

Regulation: 24 CFR 5.230, 5.232

PIH communicated by letter on February 23, 2024, that PHAs may begin having families sign the new Form HUD-9886-A (Authorization for the Release of Information/Privacy Act Notice) on January 1, 2024. The Form HUD-9886-A instructs readers to use the HUD-9886-A for reexaminations effective on or after January 1, 2024, and to use Form HUD-9886 for reexaminations effective prior to January 1,

³ Notice PIH 2023-27, [Implementation Guidance: Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 \(HOTMA\)](#). Re-issued February 2, 2024.

⁴ PIH Message to Public Housing Agencies. “[HOTMA 102/104 Income and Assets Rule Compliance](#).” September 18, 2024.

⁵ The contents of this notice apply to PHAs participating in the MTW program except where an approved MTW waiver is in place. For example, MTW PHAs that have previously developed a different method of measuring prior-year income as part of the Rent Reform Demonstration or Stepped and Tiered Rent Demonstration may continue to use those methods after this notice takes effect.

⁶ PIH Message to Public Housing Agencies. “[Updates on HIP and HOTMA Implementation](#).” February 23, 2024.

2024. Please refer to Notice PIH 2023-27, Attachment J, Section J.1 for guidance on the authorization for release of information form. Form HUD-9886 expires on January 31, 2025, at which point the Form HUD-9886-A will be the only approved version of the authorization for release of information form. PHAs must transition to using the Form HUD-9886-A by February 1, 2025.

PHAs that have begun use of the Form HUD-9886-A must also start implementing policies related to the revocation of consent. Please refer to Notice PIH 2023-27, Attachment J for guidance on the new authorization for the release of information form (HUD-9886-A) and the family's ability to revoke consent. Section J.1 provides guidance on the use of the Form HUD-9886-A. Notice PIH 2023-27, Attachment J, Section J.2 provides guidance on revocation of consent.

B. HUD Enforcement Beginning July 1, 2025

This Notice identifies additional provisions in Sections 102 and 104 of HOTMA that PHAs must comply with no later than July 1, 2025. HUD has determined that PHAs can comply with these specific provisions while they remain in IMS/PIC, prior to the availability of HOTMA-compliant HUD-50058 forms in HIP. All transactions with an effective date on or after July 1, 2025, must be processed using these HOTMA policies. Since the reexamination process typically starts 90-120 days prior to the effective date of the transaction, this means that PHAs may need to utilize such policies in reexaminations as soon as March 3, 2025.

This compliance deadline does not apply to other provisions, which require systems development. For provisions not on this list, HUD either identified technical obstacles in IMS/PIC that PHAs would encounter when trying to report HUD-50058 transactions that used such provisions, or the provision is closely linked to other HOTMA provisions that have similar obstacles. For example, HOTMA raised the Elderly/Disabled Family deduction to \$525 effective January 1, 2024, but PHAs in IMS/PIC are unable to comply with this change, because they are unable to submit transactions at the higher amount.

PHAs may immediately begin complying with HOTMA provisions identified below, once they have made any necessary updates to their materials and processes. HUD encourages PHAs to consult with their software vendors prior to beginning to implement these provisions, to ensure HUD-50058 transactions are submitted successfully.

1. Income Exclusions

Regulation: 24 CFR 5.609(b)

PHAs may immediately begin to implement income exclusions in 24 CFR 5.609(b), on all income examinations including at new admissions, annual, or interim reexaminations. For all income examinations with an effective date on or after July 1, 2025, PHAs must utilize the list of income exclusions. Please note that Notice PIH 2023-27 does not reference all income exclusions, but rather provides guidance on

new or revised income exclusions. For the full list of income exclusions, please refer to the regulations at 24 CFR 5.609(b).

Please refer to Notice PIH 2023-27, Attachment G, for guidance on the following new and revised exclusions:

- Nonrecurring Income (24 CFR 5.609(b)(24))
- Lump-Sum Additions to Net Family Assets (24 CFR 5.609(b)(24)(vii))
- Income Earned on Amounts Placed in a Family's Family Self Sufficiency (FSS) Account (24 CFR 5.609(b)(27))
- Income of Live-in Aides, Foster Children, and Foster Adults (24 CFR 5.609(b)(8))
- Payments Received for the Care of Foster Children or Foster Adults or State or Tribal Kinship or Guardianship Care Payments (24 CFR 5.609(b)(4))
- Insurance Payments or Settlements (24 CFR 5.609(b)(5))
- Civil Action Recoveries or Settlements (24 CFR 5.609(b)(7))
- Earned Income of Dependent Full-Time Students (24 CFR 5.609(b)(14))
- Adoption Assistance Payments (24 CFR 5.609(b)(15))
- Veterans Regular Aid and Attendance (24 CFR 5.609(b)(17))
- Home-Based Care Payments for a Family Member(s) with one or more Disabilities (24 CFR 5.609(b)(19))
- Loan Proceeds (24 CFR 5.609(b)(20))
- Certain Payments Received by Tribal Members (24 CFR 5.609(b)(21))
- Exclusions from Other Federal Statutes (24 CFR 5.609(b)(22))
- Replacement Housing Gap Payments (24 CFR 5.609(b)(23))
- Student Financial Assistance (24 CFR 5.609(b)(9))
- Achieving a Better Life Experience (ABLE) Accounts (24 CFR 5.609(b)(22))
- Income and Distributions from Coverdell Education Savings Accounts, 529 Accounts, and "Baby Bond" Accounts (24 CFR 5.609(b)(10))
- Gross Income from Self-Employment or Operation of a Business (24 CFR 5.609(b)(24) and 5.609(b)(28))
- Civil Rights Settlements or Judgments (24 CFR 5.609(b)(25))

Please refer to Notice PIH 2023-27, Attachment F, Section F.4.d.iii for guidance on the income exclusion at 24 CFR 5.609(b)(2):

- Certain distributions of irrevocable trusts or revocable trusts outside the control of the family or household (including most Special Needs Trusts) (24 CFR 5.609(b)(2))

Note that adoption of some new or revised definitions below may affect the calculation for certain income exclusions. For example, the revised definition of the term "health and medical care expenses" may affect the income exclusion at 24 CFR 5.609(b)(6):

- Amounts for or in reimbursement of the cost of health and medical care expenses (24 CFR 5.609(b)(6))

2. Definitions

Regulation: 24 CFR 5.100, 5.403, 5.603

PHAs may immediately begin to use the following definitions. For all transactions with an effective date on or after July 1, 2025, PHAs must use these definitions.

- “Earned income” and “unearned income” (24 CFR 5.100). Please refer to Notice PIH 2023-27, Attachment F, Sections F.2 and F.3 for guidance on these definitions.
- “Family” (24 CFR 5.403). Please refer to Notice PIH 2023-27, Attachment E, Section E.1 for guidance on the definition of family.
- “Day laborer,” “independent contractor,” and “seasonal worker” (24 CFR 5.603). Please refer to Notice PIH 2023-27, Attachment F, Sections F.2.a, F.2.b, and F.2.c for guidance on these definitions.
- “Dependent” (24 CFR 5.603). Please refer to Notice PIH 2023-27, Attachment E, Section E.2 for guidance on the revision to this definition.
- “Foster child” and “foster adult” (24 CFR 5.603). Please refer to Notice PIH 2023-27, Attachment E, Section E.2 for guidance on these definitions. **Note:** The definitions of “foster child” and “foster adult” were added to 24 CFR 982.4 as part of a final rule published on May 7, 2024 (“Housing Opportunity Through Modernization Act of 2016-Housing Choice Voucher (HCV) and Project-Based Voucher Implementation; Additional Streamlining Changes,” 89 FR 38224), and this rule did not have a delayed compliance date.⁷ For the Housing Choice Voucher program [including Project-Based Vouchers], PHAs must already be implementing the definition of “foster child” and “foster adult”.
- “Health and medical care expenses” (24 CFR 5.603). Please refer to Notice PIH 2023-27, Attachment C, Section C.3.b for guidance on this definition.
- “Minor” (24 CFR 5.603).

3. De Minimis Errors

Regulation: 24 CFR 5.609(c)(4); 882.515(f); 882.808(i)(5); 960.257(f); and 982.516(f)

Please refer to Notice PIH 2023-27, Attachment B, Section B.4 for guidance on de minimis errors, which includes guidance on when PHAs must take corrective action to credit or repay a family.

⁷ [Housing Opportunity Through Modernization Act of 2016 – Housing Choice Voucher \(HCV\) and Project-Based Voucher Implementation; Additional Streamlining Changes](#), 89 Fed. Reg., 38,224. May 7, 2024.

C. Summary of Compliance Requirements

The table below summarizes the provisions of Sections 102 and 104 of HOTMA identified in this Notice and their respective compliance deadlines.

| Provisions | Required Compliance Date |
|---|--------------------------------|
| Ceasing Enrollment into Earned Income Disregard (EID) | January 1, 2024 |
| Use of HUD-9886-A | No later than February 1, 2025 |
| Income Exclusions | No later than July 1, 2025 |
| Definitions | No later than July 1, 2025 |
| De Minimis Errors | No later than July 1, 2025 |

HUD will not be enforcing compliance with any other provision by January 1, 2025.⁸ HUD will issue further guidance on the compliance deadline for all other provisions, when there is more information about when PHAs will be able to submit HOTMA-compliant HUD-50058 forms in HIP.

V. Further Information

Questions concerning this notice should be submitted by email to the following Office of Public Housing and Voucher Programs mailbox: HOTMAQuestions@hud.gov.



Richard J. Monocchio
Principal Deputy Assistant Secretary
Public and Indian Housing

⁸ HUD has also determined that PHAs can implement two discretionary provisions of Sections 102 and 104 of HOTMA while they remain in IMS/PIC, prior to the HOTMA-compliant HUD-50058 forms becoming available in HIP. As previously noted, PHAs may start implementing the “Safe Harbor” income verification option of the HOTMA final rule. Please refer to Notice PIH 2023-27, Attachment J, Section J.4 for guidance on Safe Harbor income verification. If a PHA chooses to adopt this policy while in IMS/PIC, they must list the annual income from the other program’s determination in Section 7 of the HUD-50058 for the Head of Household using the “Other Non-Wage Sources” income code. Additionally, PHAs may choose not to use the Enterprise Income Verification (EIV) system to verify tenant employment and income information during an interim reexamination of family composition and income. Please refer to Notice PIH 2023-27, Attachment J, Section J.3, for guidance on mandated and discretionary use of the EIV system. PHAs may choose to continue to use EIV to verify tenant employment and income information at interim reexaminations of family composition and income.

ADMINISTRATIVE PLAN

FOR THE

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

OF

THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA

Approved by the Housing Commission: May 18, 2005

Submitted to HUD: May 23, 2005

Last Revised: ~~November 20~~January 15, 2025⁴

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The AHA must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how a PHA may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 AND 205]

The AHA's HCV and PBV waiting lists must be organized in such a manner to allow the AHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

A waiting list must contain the following information for each applicant listed as a minimum:

- Applicant name;
- Date and time of application;
- Qualification for any local preference; AND
- Racial or ethnic designation of the head of household.

In addition to the HCV tenant-based waiting list, the AHA maintains project-based waiting lists grouped by common unit types and similar bedroom size. All PBV waiting lists will be referred to as "grouped" even if the list only covers one site. The AHA maintains the following waiting lists:

- HCV Program (Section 8 tenant-based programs)
- PBV Program – Properties with an ~~Elderly~~/~~Senior~~ Preference (Anne B. Diamant Plaza, Lincoln Willow, Littlejohn Commons, Independence Plaza (non-RAD units), and Linnet Corner [2025])
- PBV Program - Supportive Services for Disabled (Jack Capon Villa)
- PBV Program - Supportive Services (Park Alameda Apartments)
- PBV Program - Supportive Services for Homeless (Alameda Point Collaborative Property)
- PBV Program - Single/Family units, Breakers at Bayport, China Clipper, Esperanza, The Estuary I [2025], Everett Commons, Parrot Village, Rosefield Village, Shinsei Gardens, Stanford House, Stargell Commons, The Starling, and Rosefield Village)
- PBV Program – Faircloth to RAD (Independence Plaza units assisted under the AHA's Faircloth to RAD initiative)

If a family applies for assistance under the HCV program, the family will be offered the opportunity to be placed on the waiting list (if all applicants are being placed on the waiting list) or in the random lottery (if families will be randomly selected for placement on the waiting list) for any project-based voucher or moderate rehabilitation program the AHA operates if:

- 1) The other program's waiting lists are open, and
- 2) The family is qualified for the other programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

The AHA will not merge the HCV waiting list with the waiting list for any other program the AHA operates. The AHA will offer applicants on the HCV waiting list the opportunity to be added to newly created site- or program-specific waiting lists. HCV applicants will be notified of the opportunity. E-mail notification can fulfill this requirement.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

The AHA will close a waiting list if it has an adequate pool of families for the applicable program. Generally, this will be when the wait for applicants reaches 12 months for the most current applicants. Alternatively, the AHA will continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

The tenant-based waiting list is always open to an otherwise eligible applicant that:

- is eligible as set forth by a HUD award of funding to the AHA for a targeted category of Section 8 eligible families (see Section 4-III.B. Targeted Funding); or
- is an emancipated youth currently receiving housing assistance from AHA pursuant to HUD's Family Unification Program (FUP) regulations effective 2009 or later who, as determined by the Alameda County Social Services Agency, has successfully graduated from FUP and has been referred to the AHA by Alameda County Social Services;
 1. Eligible FUP graduates must be in good standing with the AHA. Good standing is defined as not in violation of Program regulations, not delinquent in paying rent to owner and does not owe a PHA money.
 2. Eligible FUP graduates must be in good standing with the Alameda County Social Services Agency and have met all case management obligations.
 3. Qualifies for the Terminated Preference (see 4-III.C). Subject to the approval of the Executive Director, FUP eligible graduates will be certified for HCV participation 60 days prior to the end date of the 36-month FUP participation deadline. The Housing Choice Voucher will be effective on the first day following the 36-month FUP participation deadline.

FUP graduates must request or accept HCV participation within thirty (30) days from the end of the 36-month FUP participation deadline. Failure to request HCV participation within this time period may result in denial of assistance.

The project-based voucher grouped site-based waiting lists are always open to an otherwise eligible applicant that:

- is Displaced as defined in Section 4.III.C of this chapter, or
- is a *PBV In-Place Family* living in a Project-Based Voucher contract unit approved by the AHA:

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until the AHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

The AHA will announce the reopening of the waiting list prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

The AHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- Alameda Journal,
- Local minority media,
- Local government cable access TV channel; and
- AHA web site and office.

Fair Housing and Equal Opportunity

Refer to Chapter 2 of the Administrative Plan for additional information on non-discrimination, policies related to persons with disabilities, improving access to services for persons with limited English proficiency, and the definition of a person with a disability under federal civil rights laws.

4-II.D. FAMILY OUTREACH

The AHA will conduct outreach as necessary to ensure that the AHA has a sufficient number of applicants on the waiting list to use the resources available.

Because HUD requires the AHA to serve a specified percentage of extremely low-income families (see Chapter 4, Part III), the AHA may need to conduct special outreach to ensure that an adequate number of such families apply for assistance

The AHA will make a special outreach effort to those groups identified in the Consolidated Plan as most in need of affordable housing.

AHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

AHA outreach efforts will be designed to inform qualified families about the availability of assistance under its programs. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies

- Providing application forms or links to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

The AHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in the AHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must inform the AHA of changes in contact information, including current residence, mailing address, e-mail address and phone number as soon as possible. Failure to notify the AHA of changes in contact information may result in the AHA being unable to contact the family during a waiting list update or to offer assistance. The family may update contact information through the AHA's online applicant portal which can be accessed through the AHA's website www.alamedahsg.org. The family must also report changes in household composition or circumstances and any significant changes in income, which could affect the applicant's eligibility, the size or type of unit needed, or the applicant's priority for admission. All changes must be submitted in writing and the AHA may require this to be done on-line unless waived as a reasonable accommodation.

4-II.F. UPDATING A WAITING LIST [24 CFR 982.204]

The AHA has established policies to use when removing applicant names from a waiting list.

Purging the Waiting List

The waiting list will be updated periodically to ensure that all applicants and applicant information are current and timely.

HUD rules do not describe specific procedures to purge a waiting list. However a purge begins with a standardized mailing or e-mailing to waiting list applicants, requiring a verification of continued interest. Applicants must comply with the instructions in the notice and provide all requested information needed for continued placement on the waiting list, such as address and phone number, household composition, income, and type of preference(s) claimed. The update request will provide a deadline by which the requested form or information must be returned, and clearly explain what will happen if the response is not received by the deadline date. The collection of this form may be in an electronic format at the AHA's prerogative. If no response is received by the deadline, the applicant is removed from the waiting list. If a notice is returned by the post office, the applicant will be removed from the waiting list without further notice.

If a family is removed from the waiting list for failure to respond, the family may be reinstated if they submit a written request within 90 days of the date of the update request letter. If more than 90 days have passed, the Executive Director or his/her designee may

reinstate the family if s/he determines the lack of response was due to AHA error, or to circumstances beyond the family's control.

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list may be subject to reasonable accommodation. If the applicant did not respond to an AHA request for information or updates because of the family member's disability, the AHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

Remove from the Waiting List

If at any time an applicant family is on a waiting list, the AHA determines that the family is not eligible for assistance for one or more specific programs (see Chapter 3), the family will be removed from the applicable waiting list or lists. Families will be removed from the HCV tenant-based assistance waiting list in direct response to a family's failure to comply with AHA requirements for participation in the HCV Program and because the family fails to meet the eligibility requirements of the HCV program. The AHA must provide reasonable accommodation to allow equal access of individuals with disabilities.

If a family is removed from the waiting list because the AHA has determined the family is not eligible for assistance, a notice will be sent to either the e-mail provided by the family or the family's address of record. The notice will state the reasons the family was removed from the waiting and will inform the family how to request an informal review of the AHA's decision (see Chapter 15) [24 CFR 982.201(f)].

PART III: SELECTION FOR ASSISTANCE

4-III.A. OVERVIEW

As vouchers or PBV units become available, families on a waiting list will be selected for assistance in accordance with the policies described in this part.

The order in which families receive assistance from the waiting list depends on the selection method chosen by the AHA and is impacted in part by any selection preferences for which the family qualifies. The source of funding also may affect the order in which families are selected from the waiting list.

The AHA will maintain a clear record of all information required to verify that the family is selected from the waiting list according to the AHA's selection policies [24 CFR 982.204(b) and 982.207(e)].

4-III.B. SELECTION AND FUNDING SOURCES

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically named families living in specified types of units (e.g., a family that is displaced by demolition of public housing). In these cases, the AHA may admit families that are not on the waiting list, or without considering the family's position on the waiting list. The AHA must maintain records showing that such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

HUD may award the AHA funding for a specified category of families on the waiting list. The AHA must use this funding only to assist the families within the specified category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

The AHA administers the following types of targeted funding:

- Mainstream Program
- Shelter Plus Care Program
- Bessie Coleman Mod Rehab Program
- Family Unification Program
- Veterans Affairs Supportive Housing (VASH)
- Emergency Housing Vouchers (EHV)
- Stability Vouchers

Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the HCV or any of the PBV waiting lists. In the case of a funding shortage, however, PBV assistance will be provided before HCV assistance. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

4-III.C. SELECTION METHOD

The AHA will describe below the method for selecting applicant families from the waiting list, including the system of admission preferences that will be used [982.202(d)] in the following sections.

When a vacancy exists at a PBV site, the AHA will notify the next families on the applicable waiting list. The AHA's letter to the applicants also will state that if the applicant is interested in residing in the vacant PBV unit, that the applicant will not lose her or his place on the AHA's HCV waiting list.

Applicants indicating interest in the PBV unit may be prescreened by the AHA for Section 8 eligibility. Applicants will be referred to the owner in the order in which the screening has been completed or by position number if AHA and owner screening are completed simultaneously. However, if the tenant selection criteria of the owner include screening for credit and criminal background, these procedures may be performed prior to completion of the full assistance eligibility process. If, on the basis of property owners screening for suitability, including, the credit and criminal background screening process, the owner will not offer tenancy to the applicant, the AHA will not complete the voucher eligibility process and the applicant will be removed from the selected grouped site-based project-based waiting list and sent a notice to this effect.

Waiting list referrals to the PBV owner may remain active for consideration for a PBV vacancy for a period of 120 days from the date of selection from the waiting list. Referred tenants will be screened by the owner and readied for occupancy. If the owner provides documentation of outreach to all applicants at the same time, first ready, is first referred back to the AHA for eligibility determination and leasing. Any abnormalities in outreach

will result in owners being required to process in waiting list order. Readiness is defined to mean having met all of the owner's screening criteria and accepted for tenancy.

In the event that multiple families are made ready for a PBV unit, as a tie breaker for who is assigned the unit, the family who has the highest rank from the referral list of all "ready" families will be processed by the AHA for eligibility determination and offered the available unit.

An owner may continue to work on suitability screening for up to three families from the latest referral list in anticipation of any additional vacancies that may arise during the 120-day referral period. The AHA may also continue the eligibility process for any family made ready by the owner. The AHA will return the family to the waiting list if it is a grouped waiting list and other vacancies are anticipated.

If no unit is scheduled to be vacated by an existing tenant or there are no impending vacancies prior to the expiration of the 120-day period, all unassigned referrals will be returned to the project's PBV waiting list. If there are vacancies at other PBV units on the same waiting list, the family may be referred to the second owner or returned to the waiting list earlier than the 120-day period.

If the AHA referrals do not provide the PBV owner with a suitable tenant for the unit and the waiting list is exhausted, the owner may refer a Section 8 eligible individual or family to the AHA's grouped site-based PBV waiting list if it is open. The referred family must meet the AHA's Section 8 eligibility criteria. See chapter 16 for other options when the waiting list is exhausted.

If any PBV waiting list has been exhausted, and prior to opening the waiting list for targeted outreach, the AHA may query HCV tenants to see if any tenant-based assisted household is interested in a PBV unit. Admission to the PBV program for HCV Tenants will be on a first ready, first served basis. Any additional HCV tenant families interested in PBV units will be informed that the unit(s) has been leased and no further action will be taken on their behalf.

PBV Waiting list applicants shall have priority over all HCV assisted tenants for PBV units.

PBV units approved under the Request for Proposals to supply units for VASH-eligible households can only be filled with families referred by the VA as allowed under the VASH program. As VASH tenant-based and project-based families are referred by the VA, the VA maintains all waiting lists for this program.

Local Preferences and Point Values [24 CFR 982.207]

HUD allows housing authorities to establish local preferences, and the AHA has established local preferences, that give priority to serving families that meet those criteria. All local preferences are consistent with the AHA plan and the consolidated plan, and are based on local housing needs and priorities that are documented by generally accepted data sources.

The AHA has established local preferences for the HCV Program, the PBV Program at the Alameda Point Collaborative (APC) Property, the PBV Program at Jack Capon Villa (JCV), the PBV Program at Park Alameda (PA), the Faircloth to RAD PBV Program, and the PBV Program at all other sites.

These preferences and their point values are:

HCV Program

FUP Graduates (25 Points)

Special Provisions (12 points)

Displaced (9 points)

~~Displaced (9 points)~~

Terminated (7 points)

Residency (6 points)

Family (3 points)

Veteran (2 points)

PBV Program at APC & JCV

~~Displaced (9 points)~~ Supportive Services (10 points)

~~Displaced (9 points)~~

~~Supportive Services (10 pts.)~~

Terminated (7 points)

Residency (6 points)

Family (3 points)

Veteran (2 points)

PBV Program at PA

~~In Place (55 points)~~

Disability-specific Supportive

Services (10 points)

Displaced (9 points)

Terminated (7 points)

Residency (6 points)

Family (3 points)

Veteran (2 points)

PBV Program at Other

~~Displaced (9 points)~~

~~Terminated (7 points)~~

~~Residency (6 points)~~

~~Displaced (9 points)~~ Family (3 points)

~~Terminated (7 points)~~ Veteran (2 points)

~~Residency (6 points)~~

~~Family (3 points)~~

~~Veteran (2 points)~~

PBV Faircloth to RAD Program

In Place (55 points)

~~Senior Elderly~~ (25 points)

Displaced (9 points)

Terminated (7 points)

Residency (6 points)

Veteran (2 points)

PBV Program at Properties with an

~~Senior Elderly~~ Preference

In Place (55 points)

~~Senior Elderly~~ (25 points)

Displaced (9 points)

Terminated (7 points)

Residency (6 points)

Family (3 points)

Veteran (2 points)

Preference points are aggregated to produce the total preference points for each applicant. Applicants with the same total preference points will then be sorted by the method in which they were selected to be placed on the waiting list (i.e., date and time of application or order of random selection). Applicants that have been randomly selected for placement on a waiting list must contact the AHA to notify staff of any change in status. If an applicant submits a change in status that results in a change in preference, the preference must be verified prior to any change in placement on a waiting list. Changes to preference points will be applied to the next available waiting list pull.

FUP Graduates. Emancipated Youth assisted with Family Unification Program (FUP) funding pursuant to FUP regulations dated 2009 or later who were given rental assistance for a fixed term of thirty-six months who are now aging out of that thirty-six-month period and referred by Alameda County Social Service for assistance under the HCV Program. Admissions are limited to five per calendar month for this preference subject to availability of vouchers.

Displaced. Special Admissions are explained in 4-III.B and qualification for the displaced preference is not qualification for a Special Admission. Applicants eligible for the displaced preference must meet one of the following criteria in order to receive the preference points.

A person or persons whose dwelling in AHA's jurisdiction (the City of Alameda), as determined by AHA:

- Has been destroyed, rendered uninhabitable or projected to be uninhabitable for at least 180 days from the date of displacement as a result of action or inaction by a landlord in response to a disaster declared by the Federal Government or the State of California—provided that the family was meeting all conditions of occupancy at the time of its occurrence; or
- Has been, or will be, rendered legally or functionally uninhabitable for, at least, 180 days from the date of displacement as a result of redevelopment activity or actions invoking the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Relocation Act) or Section 104(d) of the Housing and Community Development Act (HCD).

At the time of application, an applicant must be displaced within 120 days of application to qualify for this preference. Applicants on a waiting list are eligible for this preference if they experience displacement after the time of application and prior to being housed upon verification as outlined above.

As of the date that AHA selects the applicant for housing assistance from its waiting list, contingent on AHA's verification of the family's application information, is not living in standard, permanent replacement housing.

- (1) Standard, permanent replacement housing is defined as housing that is decent, safe, and sanitary according to inspection protocols and State and local housing code that is adequate for the family size according to inspection protocols and State and local

code, and that the family is occupying pursuant to a written or oral lease or occupancy agreement.

- (2) Standard, permanent replacement housing does not include transient facilities, hotels, motels, temporary shelters and, in case of Victims of Domestic Violence, housing occupied by the individual who engages in such violence. It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress. Shared housing with family or friends is not considered temporary and is considered standard, permanent replacement housing.

Applicants on any waiting list who claim a preference for being displaced pursuant to the definition above must present third-party evidence of displacement at the time when selected for certification. Failure to present documentation to validate displacement will result in the loss of preference and return to the waiting list.

In Place. Eligible residents who reside in units at the time of the PBV property owner's proposal selection date for Project-based assistance.

Special Provisions. There are two categories of Special Provisions Applicants:

- Applicants who are residents residing in units owned and/or managed by the AHA and who are over-housed or underhoused and for whom there is no appropriate unit in the complex where they live and only with the approval of the Executive Director.
- Family Unification Program (FUP)-eligible families and FUP-eligible youths to which the AHA intends to issue FUP vouchers with available funding provided by HUD for this purpose. [Note: This previously was a separate preference.]

Supportive Services at APC is defined as: Families with a person or more than one person with disabilities offered at Alameda Point Collaborative (APC) in need of supportive services for the homeless or persons/families at risk of homelessness.

Supportive Services at JCV is defined as: Families with a person or more than one person with disabilities in need of the supportive services offered at Jack Capon Villa.

Voluntary, Disability-Specific Supportive Services at Park Alameda is defined as: Persons with disabilities eligible for the disability-specific supportive services offered by Park Alameda under a Ryan White grant from Alameda County. Participation in these services is voluntary, but the family will receive the preference points for being eligible for the services. This preference is allowable under HOTMA regulations. This preference will be limited to the 9 units at Park Alameda specified under the HAP contract as excepted units because the units are specified for families with members with disabilities.

Terminated. Section 8 participants who have been terminated by AHA due to over-leasing or lack of federal funding. At the time a participant is terminated due to over-leasing or lack of federal funding, that person's name will automatically be placed on the waiting list and given the appropriate preference. If more than one family is terminated under the same action, the families will be placed on the AHA's waiting list in a randomly selected order.

Residency. This residency preference is limited to the jurisdictional boundaries of the city of Alameda. Use of the residency preference will not have the purpose or effect of

delaying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family. Applicants who live or work in Alameda, or applicant families including at least one adult member who lives or works in Alameda, at the time of application or during the time on a waiting list qualify for this preference. For homeless applicants, this preference will apply if the applicant had been living in Alameda prior to becoming homeless.

Family. A family including a member 62 years of age or older or a person with disabilities. This revised definition is effective for families whose application was received after November 20, 2014.

Veteran. A member of the military, a veteran who was discharged or released under conditions other than dishonorable, or a surviving spouse (as defined by the Department of Veteran Affairs.)_Providing these preference points for a veteran, preference is given to veterans within each preference category for which the veteran is eligible.

SeniorElderly. A family whose head of household, co-head/spouse, or sole member is a person 62 years of age or older.

At the time of initial application, the applicant certifies as to whether or not it is eligible for a preference, and the AHA will place the applicant on the waiting list according to the preference claimed. Preferences which are critical for proper placement on a particular waiting list may be verified prior to placement on the waiting list and again at time of selection. All other preferences will be verified at the time of selection, and when a change in status is submitted, based on the family's current circumstances. Before the family receives assistance the AHA must verify the family's eligibility for the preference based on current circumstances. If upon verification the AHA determines that the family does not qualify for the preference claimed, the family does not receive the preference. In this situation, the AHA will notify the applicant in writing that they do not qualify for the preference and will be returned to the waiting list with an update to the applicant record.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV and PBV program during the AHA's fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, AHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low-income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

The AHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income-targeting requirement is met.

The admission of applicants who qualify for the absolute In Place preference is not subject to income-targeting [24 CFR 983.251(b)(4)].

The AHA will use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

6-I.D. EARNED AND UNEARNED INCOME [24 CFR 5.100]

Earned Income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare assistance, Social Security, and other governmental subsidies/benefits), or any cash or in-kind benefits.

Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

Types of Earned Income Included in Annual Income

Wages and Related Compensation. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, net income from self-employment, and other compensation for personal services is included in annual income [24 CFR 5.609(b)(1)].

Some Types of Military Pay. All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(~~be~~)(249)]. Income that will not be repeated beyond the coming year (i.e., the 12 months following the effective date of the certification), based on information provided by the family, is considered nonrecurring income and is excluded from annual income. However, income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under 24 CFR 5.609(b)(24), even if the source, date, or amount of the income varies. Income that has a discrete end date and will not be repeated beyond the coming year during the family's upcoming annual reexamination period will be excluded from a family's annual income as nonrecurring income. This does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that can be extended. Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed. Such income is not counted.

Lump-Sum Additions to Net Family Assets. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings, are excluded from annual income. These amounts may count toward net family assets in accordance with 24 CFR § 5.603. [24 CFR § 5.609(b)(24)(vii)]

Income Earned on Amounts Placed in a Family's Family Self Sufficiency (FSS) Account. Income earned on amounts placed in a family's FSS account is excluded from the family's calculation of annual income. [24 CFR § 5.609(b)(27)]

Children's Earnings. Employment income earned by children (including foster children) under the age of 18 years is not included in annual income [24 CFR 5.609(c)(1)]. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students. Earnings in excess of the amount of the deduction for a dependent in § 5.611 \$480 for each full-time student 18 years old or older (except for the head, spouse, or cohead) are not counted [24 CFR 5.609(c)(11)]. Full-time students must be dependent family members for this exclusion to apply. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program.

Income of a Live-in Aides, Foster Children, and Foster Adults. Income of a live-in aide, foster child, or foster adult as defined in 24 CFR 5.403 and 5.603, earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides, foster children, and foster adults.)

Payments Received for the Care of Foster Children or Foster Adults or State or Tribal Kinship or Guardianship Care Payments. Payments received for the care of foster children or foster adults, or state or Tribal kinship or guardianship care payments, are excluded from annual income. This income exclusion also applies to Kinship Guardian Assistance Payments (Kin-GAP), kinship care payments, and other state-based kinship or guardianship payments that are alternatives to traditional foster care programs. [24 CFR § 5.609(b)(4)]

Insurance Payments or Settlements. Insurance payments and settlements for personal or property losses, including but not limited to payments under health insurance, motor vehicle insurance, and workers' compensation, are excluded from annual income. Any workers' compensation is always excluded from annual income, regardless of the frequency or length of the payments. [24 CFR § 5.609(b)(5)]

Civil Action Recoveries or Settlements. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family becoming a person with disabilities are excluded from annual income. Any amounts recovered are excluded irrespective of whether they are received periodically or in a lump sum payment. [24 CFR § 5.609(b)(7)]

Civil Rights Settlements or Judgments. Civil rights settlements or judgments, including settlements or judgments for back pay, are excluded from the calculation of annual income. [24 CFR § 5.609(b)(25)]

Adoption Assistance Payments. Adoption assistance payments in excess of \$480 per adopted child are excluded from the family's calculation of annual income. This amount will be adjusted annually in accordance with the CPI-W. [24 CFR § 5.609(b)(15)]

Veterans Regular Aid and Attendance. Payments to veterans in need of regular aid and attendance are excluded from annual income under 38 U.S.C. 1521. This income exclusion applies only to veterans in need of regular aid and attendance and not to other beneficiaries of the payments, such as a surviving spouse. [24 CFR § 5.609(b)(17)]

Home-Based Care Payments for a Family Member(s) with a Disability(ies). Payments made by or authorized by a state Medicaid agency (including through a managed-care entity) or other state or federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit are excluded from the calculation of the family's annual income. Authorized payments may include payments to a member of the assisted family through the state Medicaid agency (including through a managed-care entity) or other state or federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit. A family member with a disability qualifies for this income exclusion. Amounts received may be intended for items such as services, equipment, and compensation provided to a family member. The payments are excluded from income as long as the amounts are provided to enable a family member with a disability to remain in the family's assisted unit. Both the person providing the care and the person who has the disability must be family members (not household members) and must live in the same assisted household. The exclusion does not apply to income earned by the family for other caregiving services provided to individuals outside of the assisted household. [24 CFR § 5.609(b)(19)]

Loan Proceeds. Loan proceeds (the net amount disbursed by a lender to a borrower under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family to finance the purchase of a car) are excluded from annual income. The loan borrower or co-borrower must be a member of the family for this income exclusion to be applicable. Loan proceeds may include, but are not limited to, personal loans (with a loan agreement) and student loans, regardless of whether the proceeds are received in the form of a refund to the student. [24 CFR § 5.609(b)(20)]

Certain Payments Received by Tribal Members. Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code (IRC) or other federal law, are excluded from annual income. [24 CFR § 5.609(b)(21)]

Exclusions from Other Federal Statutes. This exclusion applies to all amounts that HUD is required by federal statute to exclude from annual income. Please refer to 6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME for a current list. [24 CFR § 5.609(b)(22)]

Replacement Housing Gap Payments. Replacement housing "gap" payments made in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as implemented by 49 CFR Part 24, are excluded from annual income. "Gap" payments offset the increased out-pocket costs of displaced persons who move from one federally subsidized housing unit to another federally

subsidized housing unit. However, replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments. Replacement housing “gap” payments should cover a minimum of 42 months of tenancy at the new unit. [24 CFR § 5.609(b)(23)]

Achieving a Better Life Experience (ABLE) Accounts. Income generated from ABLE accounts is not considered when calculating income from assets. Distributions from these accounts are also excluded from income. [24 CFR § 5.609(b)(22)]

Income and Distributions from Coverdell Education Savings Accounts, 529 Accounts and “Baby Bond” Accounts. Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by Federal, State, or local government are excluded from income. [24 CFR § 5.609(b)(10)]

Income Earned under Certain Federal Programs. Income from some federal programs is specifically excluded from consideration as income [24 CFR 5.609(c)(17)], including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend. Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for the AHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the AHA’s governing board. No resident may receive more than one such stipend during the same period of time [24 CFR 5.600(c)(8)(iv)].

State and Local Employment Training Programs. Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

The AHA defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period to time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

The AHA defines *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, the AHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with the AHA’s interim reporting requirements.

HUD-Funded Training Programs. Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.

6-I.F. BUSINESS INCOME [24 CFR 5.609(B)(2)]

Gross Income from Self-Employment or Operation of a Business

The gross income received by a family through self-employment, or the operation of a business is excluded from income. Gross income is all income amounts received into the business, prior to the deduction of business expenses. The net income from self-employment or the operation of a business is considered income.

Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the

extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

Business Expenses

Net income is “gross income less business expense” .

To determine business expenses that may be deducted from gross income, the AHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit the AHA to deduct from gross income expenses for business expansion.

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD regulations do not permit the AHA to deduct from gross income the amortization of capital indebtedness.

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the AHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require the AHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of \$2,000 to help a business get started, the AHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(B)(3) AND 24 CFR 5.603(B)]

Overview

There is no asset limitation for participation in the HCV program until the AHA implements the provisions of HOTMA sometime in 2024. However, HUD requires that the AHA include in annual income the "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the AHA must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

This section begins with a discussion of general policies related to assets and then provides HUD rules and AHA policies related to each type of asset.

General Policies

Income from Assets

The AHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the AHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) the AHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the AHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

Anytime current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the AHA to show why the asset income determination does not represent the family's anticipated asset income.

For families and participants included in MTW:

The AHA allows self-certification of combined assets of \$50,000 for participants on the program. For assets less than \$50,000, the family must provide a statement with any income earned on the assets under penalty of perjury. No other verification is required. Assets that the family does not have access to such as irrevocable trusts and 401K accounts would not count towards the \$50,000 threshold. New assets under \$50,000 do not need to be reported between triennials. This paragraph applied to families participating in the MTW program.

For families and participants not included in MTW:

The family must provide verification of all assets and the higher of the actual or imputed income will be used as discussed in the next section.

Valuing Assets

The calculation of asset income sometimes requires the AHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash. Examples of acceptable costs include penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions .

Lump Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIP FAQs]. (For a discussion of lump sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3)]

For families and participants not included in MTW:

When net family assets are \$5,000 or less, the AHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, the AHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

For families and participants included in MTW:

Actual income of assets is used if the total value of assets is less than \$50,000. If assets are in excess of \$50,000, the AHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

Determining Actual Anticipated Income from Assets

It may or may not be necessary for the AHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account,

the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the AHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the AHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the AHA will prorate the asset evenly among all owners.

Assets Disposed of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require the AHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The AHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past year exceeds the gross amount received for the assets by more than \$500.

For families and participants not included in MTW:

When the one-year period expires, the income assigned to the disposed asset(s) also expires. If the one-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

For families and participants included in MTW:

See interim policies on income decreases. Requesting a decrease to remove the asset income will count towards the one interim per year cap.

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

Families must sign a declaration form at initial certification and each regular recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The AHA may verify the value of the assets disposed of if other information available to the AHA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

In determining the value of a checking account, the AHA will use the current balance.

In determining the value of a savings account, the AHA will use the current balance.

In determining the anticipated income from an interest bearing checking or savings account, the AHA will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, the AHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the

anticipated rate of return is not known (e.g., stocks), the AHA will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset.

Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- The value of a home currently being purchased with assistance under the HCV program Homeownership Option for the first 10 years after the purchase date of the home [24 CFR 5.603(b)]
- Equity in owner-occupied cooperatives and manufactured homes in which the family lives
- Equity in real property when a family member's main occupation is real estate. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the AHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset.

If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:

- o All distributions from the trust's principal are excluded from income.
- o Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

Nonrevocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the AHA must know whether the money is accessible before retirement .

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset.

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump sum receipt, as appropriate , except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty.

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset.

In determining the value of personal property held as an investment, the AHA will use the family's estimate of the value. However, the AHA also may obtain an appraisal if appropriate to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

Lump Sum Payments for the Delayed Start of a Periodic Payment

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income [CFR 5.609(b)(4)]. Also, lump sum payments from any deferred Department of Veterans Affairs disability benefits or received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled Elouise Cobell et al. v. Ken Salazar et al. are not counted as income [FR 07/24/2012, pp. 43347-43349].

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone) [24 CFR 5.609(c)(2)]

The AHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency .

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]
- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. *Note:* EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b)(4)].
- Lump sums received as a result of deferred Department of Veterans Affairs disability benefits or received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.* are not counted as income (see section 6-I.J.) [FR 07/24/2012, pp. 43347-43349]
- *Guaranteed Basic Income:* Amounts received under the City of Alameda’s Guaranteed Basic Income Pilot Program are not included in annual income for families participating in MTW activities.

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The AHA must make a special calculation of annual income when the welfare agency imposes sanctions on families. The requirements are summarized below. This rule

applies only if a family was receiving HCV assistance at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, the AHA must include in annual income “imputed” welfare income. The AHA must request that the welfare agency inform the AHA when the benefits of an HCV participant family are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

Offsets

The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(B)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

Alimony and Child Support

The AHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

The AHA will count court-awarded amounts for alimony and child support unless the AHA verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments .

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

The AHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries, diapers and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by the AHA. For contributions that may vary from month to month (e.g., utility payments), the AHA will include an average amount based upon past history.

6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(B)(9)]

Section 210(b) of the Consolidated Appropriations Act, 2023, requires that, "for purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children." HUD interprets that "a person over the age of 23" is 24 years old. In 2005, Congress passed a law (for section 8 programs only) requiring that certain student financial assistance be included in annual income. Prior to that, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.

While the Consolidated Appropriations Act, 2023, language is limited to federal fiscal year 2023, this does not rule out the possibility that similar language will be included in future years' appropriations bills.

Funds from a year where HUD's appropriation includes Section 8 student financial assistance limitation.

If the student is the head of household, co-head, or spouse and is under the age of 23 or without dependent children, then both the assistance received under 479B of the HEA and other student financial assistance received by the student will be counted as income to the extent that it exceeds the total of tuition and any other required fees and charges.

In contrast, the student financial assistance received by a Section 8 student who is the head of household, spouse, or co-head of household and is over the age of 23 with

dependent children, all assistance received under 479B of the HEA is excluded from income. Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, exceeds the actual covered costs is not excluded from income.

Actual covered costs include: tuition, books, supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and fees required and charged to a student by an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1087uu)). For a student who is not the head of household, co-head, or spouse, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

Funds from a year where HUD's appropriation does not include Section 8 student financial assistance limitation.

During years in which an appropriations act does not contain the Section 8 student financial assistance limitation (or any other such limitation), then all assistance received under 479B of the HEA is excluded from income. Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, exceeds the actual covered costs is not excluded from income.

Amounts Received Under Section 479B of the Higher Education Act (HEA) of 1965, as amended (20 U.S.C. 1087uu)

Section 479B provides that certain types of student financial assistance are to be excluded in determining eligibility for benefits made available through federal, state, or local programs financed with federal funds. The types of financial assistance listed below are considered 479B student financial assistance programs; however, this list is not exhaustive, and 479B will be updated as of July 1, 2024.

- Federal Pell Grants;
- Teach Grants;
- Federal Work Study Programs;
- Federal Perkins Loans;
- Student financial assistance received under the Bureau of Indian Education;
- Higher Education Tribal Grant;
- Tribally Controlled Colleges or Universities Grant Program;
- Employment training program under section 134 of the Workforce Innovation and Opportunity Act (WIOA).

Other Student Financial Assistance

Other student financial assistance may be paid directly to the student or to the educational institution on the student's behalf. Other student financial assistance includes grants or scholarships received from the following sources:

- The Federal government;
- A state (including U.S. territories), Tribe, or local government;

- A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
- A business entity (such as a corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
- An institution of higher education.

Other student financial assistance does not include:

- Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded under section 479B of the Higher Education Act HEA); or
- Gifts, including gifts from family or friends.

Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9) and FR 4/10/06]

~~The regulation requiring the inclusion of certain student financial assistance applies only to students who satisfy all of the following conditions:~~

- ~~● They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965.~~
- ~~● They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, the project based certificate program, the project based voucher program, or the moderate rehabilitation program.~~
- ~~● They are under 24 years of age **OR** they have no dependent children.~~

~~For students who satisfy these three conditions, any financial assistance in excess of tuition and required fees received: (1) under the 1965 HEA, (2) from a private source, or (3) from an institution of higher education, as defined under the 1965 HEA, must be included in annual income.~~

~~To determine annual income in accordance with the above requirements, the AHA will use the definitions of *dependent child*, *institution of higher education*, and *parents* in Section 3-II.E, along with the following definitions [FR 4/10/06, pp. 18148-18150]:~~

- ~~● *Assistance under the Higher Education Act of 1965* includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.~~
- ~~● *Assistance from private sources* means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV-assisted unit.~~
- ~~● *Tuition* will have the meaning given this term by the institution of higher education in which the student is enrolled.~~

Student Financial Assistance Excluded from Annual Income [24 CFR 5.609(e)(6)]

~~Any student financial assistance not subject to inclusion under 24 CFR 5.609(b)(9) is fully excluded from annual income under 24 CFR 5.609(c)(6), whether it is paid directly to the student or to the educational institution the student is attending. This includes any financial assistance received by:~~

- ~~• Students residing with parents who are seeking or receiving Section 8 assistance~~
- ~~• Students who are enrolled in an educational institution that does **not** meet the 1965 HEA definition of *institution of higher education*~~
- ~~• Students who are over 23 **AND** have at least one dependent child, as defined in Section 3-II.E~~
- ~~• Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.~~

6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17)]. HUD publishes an updated list of these exclusions periodically. It includes:
 - a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
 - b) Payments, including for supportive services and reimbursement of out-of-pocket expenses, to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058) are excluded from income except that the exclusion shall not apply in the case of such payments when the Chief Executive Officer of the Corporation for National and Community Service appointed under 42 U.S.C. 12651c determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) or the minimum wage, under the laws of the

- State where such volunteers are serving, whichever is the greater (42 U.S.C. 5044(f)(1)). This exclusion also applies to assets;
- c) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) This exclusion also applies to assets;
 - d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
 - e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
 - f) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
 - g) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
 - h) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
 - i) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent-product liability litigation*, M.D.L. No. 381 (E.D.N.Y.)
 - j) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
 - k) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
 - l) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)) 1, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the National Housing Act (26 U.S.C. 32(l)). This exclusion also applies to assets;
 - m) The amount of any refund (or advance payment with respect to a refundable credit) issued under the Internal Revenue Code is excluded from income and assets for a period of 12 months from receipt (26 U.S.C. 6409);
 - n) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
 - o) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
 - p) Any allowance paid to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802–05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811– 16), and children of certain Korean and Thailand service veterans born with spina bifida (38 U.S.C. 1821–22) is excluded from income and assets (38 U.S.C. 1833(c)).
 - q) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the

cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)

- r) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
- s) Assistance from the School Lunch Act and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC)
- t) Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1009 (25 U.S.C. 1774f(b))
- u) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437) by Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289, 42 U.S.C. 4501)
- v) Any amounts (i) not actually received by the family, (ii) that would be eligible for exclusion under 42 U.S.C. 1382b(a)(7), and (iii) received for service-connected disability under 38 U.S.C. chapter 11 or dependency and indemnity compensation under 38 U.S.C. chapter 13 (25 U.S.C. 4103(9)(C)) as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269 section 2) to the definition of income applicable to programs under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. 4101 et seq.);
- w) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) and administered by the Office of Native American Programs
- x) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291); This exclusion also applies to assets;
- y) Any amounts in an “individual development account” are excluded from assets and any assistance, benefit, or amounts earned by or provided to the individual development account are excluded from income, as provided by the Assets for Independence Act, as amended (42 U.S.C. 604(h)(4));
- z) Per capita payments made from the proceeds of Indian Tribal Trust Settlements listed in IRS Notice 2013- 1 and 2013-55 must be excluded from annual income unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe’s private bank account in which the Tribe has deposited the settlement proceeds. Such amounts received in excess of the Tribal Trust Settlement are included in the gross income of the members of the Tribe receiving the per capita payments as described in IRS

Notice 2013–1. The first \$2,000 of per capita payments are also excluded from assets unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe’s private bank account in which the Tribe has deposited the settlement proceeds (25 U.S.C. 117b(a), 25 U.S.C. 1407);

- aa) Federal assistance for a major disaster or emergency received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93– 288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)). This exclusion also applies to assets;
- bb) Any amount in an Achieving Better Life Experience (ABLE) account, distributions from and certain contributions to an ABLE account established under the ABLE Act of 2014 (Pub. L. 113–295.), as described in Notice PIH 2019–09/H 2019–06 or subsequent or superseding notice is excluded from income and assets; and
- cc) Assistance received by a household under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 (Pub. L. 116–260, section 501(j)), and the American Rescue Plan Act of 2021 (Pub. L. 117–2, section 3201). This exclusion also applies to assets.

PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

HUD regulations require AHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family’s adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity [AHA] must deduct the following amounts from annual income:

- (1) \$480 for each dependent;
- (2) \$400 for any elderly family or disabled family;
- (3) The sum of the following, to the extent the sum exceeds three percent of annual income:
 - (i) Unreimbursed medical expenses of any elderly family or disabled family;
 - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7.

Anticipating Expenses

Generally, the AHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), the AHA will estimate costs based on historical data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the AHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The AHA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

A deduction of \$480 is taken for each dependent [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or cohead who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of \$400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An *elderly family* is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(A)(3)(I)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted.

Definition of Medical Expenses

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to include costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Medical insurance premiums continue to be eligible health and medical care expenses. However, health and medical care expenses may be deducted from annual income only if they are eligible and not otherwise

~~reimbursed and may only be deducted for elderly or disabled families. mean “medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.”~~

~~The most current IRS Publication 502, Medical and Dental Expenses, will be used to determine the costs that qualify as medical expenses.~~

Summary of Allowable Medical Expenses from IRS Publication 502 *:

| | |
|--|---|
| <ul style="list-style-type: none"> • Services of medical professionals • Surgery and medical procedures that are necessary, legal, noncosmetic • Services of medical facilities • Hospitalization, long-term care, and in-home nursing services • Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor • Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails) | <ul style="list-style-type: none"> • Substance abuse treatment programs • Psychiatric treatment • Ambulance services and some costs of transportation related to medical expenses • The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth) • Cost and continuing care of necessary service animals • Medical insurance premiums or the cost of a health maintenance organization (HMO) |
|--|---|

~~*Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.~~

Families That Qualify for Both Medical and Disability Assistance Expenses

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the AHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(B) AND 24 CFR 5.611(A)(3)(II)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

It is required that all adult applicants and participants sign form HUD-9886-A, Authorization for Release of Information. The purpose of form HUD-9886-A is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the AHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to use form HUD-9886-A to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, the AHA will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with AHA procedures.

Revoking Consent

The executed consent forms will remain effective until the family is denied assistance, the assistance is terminated, or if the family provides written notification to the AHA to revoke consent.

Revocation of consent or refusal to sign the consent forms prohibits the AHA from requesting and accessing income information and financial records, including pulling EIV reports and using the EIV data to verify income (although the data matches between HUD and other agencies will continue to occur automatically if the family is not terminated from the program). AHA will not be able to process interim or annual reexaminations of income, including when a family's income decreases and the family requests an interim reexamination to decrease tenant rent, without the family's executed consent form(s).

Families have the right to revoke consent or refuse signing consent forms by providing written notice to the AHA but are required to sign a new consent form by the next reexamination in order to avoid termination of assistance or be reviewed for eligibility for admission.

AHA must notify the local HUD Field Office of a family's revocation of consent.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy

HUD authorizes the AHA to use six methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the AHA to use the most reliable form of verification that is available and to document the reasons when the AHA uses a lesser form of verification. In order of priority, the forms of verification that may be used are:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) System (not available for income verification of applicants)
- Up-front Income Verification (UIV) using non-HUD system whenever available

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

11-III.A. OVERVIEW

After gathering and verifying required information for a regular or interim reexamination, the AHA must recalculate the family share of the rent and the subsidy amount and notify the family and owner of the changes [24 CFR 982.516(d)(2)]. The AHA will review an interim within 72 hours of receiving the interim request and will complete the interim and notify the participants of the results of the interim within 45 days of receiving the interim request. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

In order to calculate the family share of the rent and HAP amount correctly, changes in payment standards, subsidy standards, or utility allowances may need to be updated and included in the AHA's calculations.

Specific policies governing how subsidy standards, payment standards, and utility allowances are applied are discussed below.

Payment Standards [24 CFR 982.505]

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB Payment Standards PG. 1]. See Chapter 6 for information on how to select the appropriate payment standard.

When the AHA changes its payment standards or the family's situation changes, new payment standards are applied at the following times:

- If the AHA's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
 - If the payment standard amount has *increased*, the increased payment standard will be applied at the next interim or first regular reexamination, whichever occurs first, following the effective date of the increase in the payment standard.
 - If the payment standard amount has *decreased*, the decreased payment standard will be applied at the time of move (transfer) or at the time of an interim or annual reexamination that changes the payment standard due to a change in family composition.
- If the family moves to a new unit, the current payment standard applicable to the family will be used when the new HAP contract is processed.
- If a new HAP contract is executed due to changes in the lease (even if the family remains in place and the family composition stays the same) the higher of the old payment standard or the current payment standard will be used.
- For families included in MTW, if the owner requests a rent increase the most current payment standard will be applied if it is higher than the payment standard used in the last rent calculation for the family.

CHAPTER 16

PROJECT-BASED VOUCHERS

INTRODUCTION

This chapter describes HUD regulations and PHA policies related to the project-based voucher (PBV) program in nine parts:

Part I: General Requirements. General provisions of the PBV program including maximum budget authority requirements, relocation requirements, and equal opportunity requirements.

Part II: PBV Owner Proposals. Policies related to the submission and selection of owner proposals for PBV assistance. This part describes the factors the PHA will consider when selecting proposals, the type of housing that is eligible to receive PBV assistance, the cap on assistance at projects receiving PBV assistance, subsidy layering requirements, site selection standards, and environmental review requirements.

Part III: Dwelling Units. Requirements related to Housing Quality Standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Rehabilitated and Newly Constructed Units. Requirements and policies related to the development and completion of rehabilitated and newly constructed housing units that will be receiving PBV assistance.

Part V: Housing Assistance Payments Contract. HAP contract requirements and policies including the execution, term, and termination of the HAP contract. In addition, this part describes how the HAP contract may be amended and identifies provisions that may be added to the HAP contract at the PHA's discretion.

Part VI: Selection of PBV Program Participants. Requirements and policies governing how the PHA and the owner will select a family to receive PBV assistance.

Part VII: Occupancy. Occupancy requirements related to the lease, and describes under what conditions families are allowed or required to move.

Part VIII: Determining Rent to Owner. Determining the initial rent to owner, and how rent will be redetermined throughout the life of the HAP contract. Rent reasonableness requirements are also discussed.

Part IX: Payments to Owner. Types of payments owners may receive under this program.

~~As part of the Faircloth to RAD process, in the event that units are rented as Public Housing, the applicable regulations for the PBV program and the relevant provisions of this Administrative Plan including the local preferences for Independence Plaza would apply to these units.~~

SEASONAL WORKER. A seasonal worker is defined as an individual who is: 1) hired into a short-term position (e.g., for which the customary employment period for the position is 6 months or fewer); and 2) the employment begins about the same time each year (such as summer or winter).~~An individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.~~

SECRETARY. The Secretary of Housing and Urban Development.

SECTION 8. Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP). A system used by HUD to measure PHA performance in key Section 8 program areas. See 24 CFR part 985.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SHARED HOUSING. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type.

SINGLE-FAMILY BUILDING. A building with no more than four dwelling units (assisted or unassisted).

SINGLE PERSON. A person living alone or intending to live alone.

SINGLE ROOM OCCUPANCY (SRO) HOUSING. A unit for occupancy by a single eligible individual capable of independent living which does not contain food preparation and/or sanitary facilities in accordance with 24 CFR §882.109 and is located within a multifamily structure consisting of more than 12 units.

SITE. The grounds where the contract units are located or will be located after development.

SMALL AREA FAIR MARKET RENTS (SAFMRS OR SMALL AREA FMRS). Small Area FMRs are FMRs established for U.S. Postal Service ZIP code areas and are calculated in accordance with 24 CFR 888.113(a) and (b).

SPECIAL ADMISSION. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which states the special regulatory requirements for different special housing types. Subpart M provisions on shared housing, manufactured home space rental, and the homeownership option do not apply to PBV assistance under 24 CFR 983.3.

SPECIFIED WELFARE BENEFIT REDUCTION. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or

To: Honorable Chair and Members of the Board of Commissioners

From: Vanessa Cooper, Executive Director

Date: January 15, 2025

Re: Approve the Annual Intern Program and Continuation of a One-Year Rotating Fellowship Program for Graduates of the Intern Program.

BACKGROUND

Since 2015, the Board has approved a Summer Internship Program which provides professional development opportunities to both undergraduate and graduate students. The internship is advertised at local colleges and universities, and many qualified applications are submitted. In 2023, AHA received forty applications. Annually, two to five students have been selected to participate in the program.

In 2018-19, the Housing Authority of the City of Alameda (AHA) also participated in a year-long internship through the Non-Profit Housing Association of Northern California. For 2024-2025, AHA hosted a year-long intern in the Administration Department, whose focus is on emergency planning.

In the past, the interns have worked on a multitude of projects including research projects, presentations to the Board, organizing an annual summer “brown bag” learning program for staff, supporting programs at the Reading Room, helping expand the Family Self-Sufficiency program, and assisting with a range of important tasks for various departments. The program was put on hold in 2020 due to COVID-19 and restarted successfully in 2022.

In 2017, AHA received a NAHRO Agency Award of Merit in Housing and Community Development for the Summer Internship Program. Based on this success, and the ongoing need for qualified help, staff requests Board approval to renew the program. Interns are generally paid an hourly salary through a temporary staffing service

DISCUSSION

As the agency has sufficient projects to work on and qualified candidates available during non-summer periods, staff proposes to continue the Internship Program in 2025 and to engage up to four interns, who may work at any point during the year, beginning



in March 2024.

AHA will advertise these internship opportunities at a number of Bay Area colleges, including the College of Alameda, University of California at Berkeley, University of California at Davis, CSU East Bay, and San Francisco State University.

The interns will continue to conduct research and work on projects that support the Housing Programs, Finance, Property Management, HR, Data and Policy, Housing Development, and Administrative Departments. Staff expect at least one intern to be dedicated to assisting with the set up and lease up for North Housing which will be priority for Summer 2025.

Thanks to this variety of professional experience, several of our interns from prior years have gone on to other opportunities in affordable housing, economic development, and community service. AHA has hired some interns as permanent or temporary staff after the internship has ended, as it provides a source of qualified, available candidates familiar with the organization. Nevertheless, AHA does not always have an entry level position to transition interns into, and they move to other organizations. Like other public agencies, AHA is struggling to hire qualified candidates for its positions.

Staff is also proposing up to 3 One-Year Rotating Fellowship Program for graduates of the Intern Program. Successful graduates from the intern will be eligible to be employed temporarily as Fellows. These positions will be in the areas listed above. Year-round training will be provided, but specific tasks and projects will also be assigned. The Fellowship Program was not active in 2023 or 2024, due to staffing limitations.

FISCAL IMPACT

For 2025, staff is requesting a budget of \$60,000 to cover five interns, paid at a higher, tiered rate of up to \$25.00 per hour (\$22 for undergraduates and \$25 for those who have completed an undergraduate degree), to adjust for cost of living increases and for flexibility to address candidate education/training level. A \$500 stipend would also be paid for travel expenses.

The fellowship program would be an additional cost of approximately \$80,000 of salary and benefits costs per Fellow for one year, including salary and benefits. Fellowship opportunities would be limited to three positions, in 2025. Prior and 2025 graduates of the intern program would be eligible for this program.

Current staffing vacancies have provided us with sufficient reserve funds to meet the cost of the intern program through June 2025 and these positions will be budgeted under temp salaries for the future fiscal year.

CEQA

N/A

RECOMMENDATION

Approve the Annual Intern Program and Continuation of a One-Year Rotating Fellowship Program for Graduates of the Intern Program.

ATTACHMENTS

None

Respectfully submitted,



Vanessa Cooper, Executive Director



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Radha Mehta, Management Analyst

Date: January 15, 2025

Re: Authorize the Executive Director or Designee to sign an amendment with Aleshire & Wynder, LLP for special counsel services to increase the budget by \$150,000 in an amount not to exceed \$300,000, to add HR legal Services, and to extend the contract for one additional year to 2026.

BACKGROUND

As a public agency, the Housing Authority of the City of Alameda (AHA) is required to obtain and utilize general counsel services to address its legal needs. Under AHA's procurement policy and procedures, and in compliance with HUD guidelines, it is preferable to enter into a multi-year contract for ongoing general counsel services. AHA has been utilizing Aleshire & Wynder, LLP (Aleshire) for special counsel services, primarily consisting of Informal Hearing Officer services.

DISCUSSION

On April 3, 2023, AHA issued a Request for Proposals (RFP) for General Counsel Services. AHA received seven proposals from legal firms, including Aleshire. In Aleshire's proposal, the firm selected the following counsel roles to provide: General Counsel, Bond Counsel, Eviction and Property Management Counsel, Fair Housing Counsel, Informal Hearing Officer Counsel, Real Estate Counsel, Procurement Counsel, Conflict of Interest Counsel, and Housing Programs Counsel. The Evaluation Committee reviewed and ranked the proposals and the top five firms were invited to interview in-person with an AHA interview panel. The interview panel was composed of AHA staff and a Board member. Aleshire was ranked second by the panelists for legal services and was awarded a contract for a total amount of \$150,000.

Staff recommends amending the agreement with Aleshire to increase the budget for special counsel services. Staff have been receiving a high number of informal hearing requests and additional funds are required to maintain informal hearing services through the contracted period. There have been 24 hearings scheduled between October 1, 2024 to December 31, 2024. Also, in cases which present a conflict of interest for AHA's General Counsel, Aleshire may be appointed to act as the agency's general counsel,



or in other additional capacities, as needed. Aleshire may be assigned tasks such as overseeing informal hearings and providing general counsel services on matters related to the North Housing project. The price proposal included in the table below provides a flat hourly rate for routine legal services, as well as costs associated with tasks beyond the routine scope of services. Proposed hourly rates are inclusive of employee wages and benefits, clerical support, overhead and profit, licensing, insurance, materials, and telephone calls. The Partner is located in Los Angeles, although other staff work out of the Oakland office. Travel costs shall be limited to a maximum of 2.5 hours each way, at the rate of \$250/hr. Due to the travel costs, the firm will primarily provide services remotely, unless specifically authorized to present in-person by the Executive Director.

With this extension, staff are also proposing adding HR services to the scope for Aleshire. In the past AHA contracted with Wiley, Price and Radulovich LLP or HR services (in addition to Liebert, Cassidy and Whitmore). Wiley, Price and Radulovich, LLP were bought out by Aleshire, and several staff were retained by Aleshire and are located in the Oakland office. Aleshire also applied for HR legal services in 2023 and were ranked second. This amendment would allow AHA to utilize Aleshire for HR legal services if needed including training, investigation, leave and employee relations counsel.

The rates for the services have not changed. Hourly rates for the firm remain the same, as indicated in the rates from their original proposal presented below, which are as follows:

| Aleshire & Wynder, LLP | Position | Hourly Fee Year 1 | Hourly Fee Year 2 | Hourly Fee Year 3 | Hourly Fee Year 4 | Hourly Fee Year 5 |
|-----------------------------|------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| General Counsel Services | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Bond Counsel | Partners | \$400 | \$410 | \$420 | \$430 | \$440 |
| | Associates | \$350 | \$360 | \$370 | \$380 | \$390 |
| Eviction/UD's | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Property Management Control | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Fair Housing Counsel | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |

| | | | | | | |
|----------------------|------------|-------|-------|-------|-------|-------|
| Informal Hearing | | | | | | |
| Officer Counsel | Partners | \$285 | \$295 | \$305 | \$315 | \$325 |
| | Associates | \$265 | \$275 | \$285 | \$295 | \$305 |
| Real Estate | | | | | | |
| Counsel | Partners | \$310 | \$320 | \$330 | \$340 | \$350 |
| | Associates | \$290 | \$300 | \$310 | \$320 | \$330 |
| Procurement | | | | | | |
| Counsel | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Conflict of Interest | | | | | | |
| Counsel | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Housing | | | | | | |
| Programs | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| Counsel | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| All Categories | Paralegal | \$160 | \$170 | \$180 | \$190 | \$200 |
| Above | Document | \$150 | \$160 | \$170 | \$180 | \$190 |
| | Clerk | | | | | |
| | Law Clerk | \$160 | \$170 | \$180 | \$190 | \$200 |
| HR Counsel | Partners | \$325 | \$335 | \$345 | \$355 | \$365 |
| | Associates | \$275 | \$285 | \$295 | \$305 | \$315 |
| | Law Clerk | \$160 | \$170 | \$180 | \$190 | \$200 |
| | Paralegal | \$160 | \$170 | \$180 | \$190 | \$200 |
| | Document | \$100 | \$110 | \$120 | \$130 | \$140 |
| | Clerk | | | | | |

FISCAL IMPACT

The Housing Authority's budget includes funding for special counsel services for the current fiscal year. Future budgets will incorporate sufficient funds for services rendered during the remainder of the agreement's four-year term, if the Board chooses to extend the term of the agreement by one year.

CEQA

Not applicable.

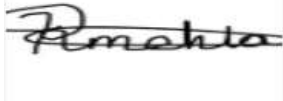
RECOMMENDATION

Authorize the Executive Director or Designee to sign an amendment with Aleshire & Wynder, LLP for special counsel services to increase the budget by \$150,000 in an amount not to exceed \$300,000, to add HR legal Services, and to extend the contract for one additional year to 2026.

ATTACHMENTS

1. Aleshire & Wynder LLP Amendment No. 1

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Radha Mehta", is written over a light gray rectangular background.

Radha Mehta, Management Analyst

FIRST AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this 15th of January, 2025, by and between the HOUSING AUTHORITY OF THE CITY OF ALAMEDA, a public body corporate and politic (hereinafter referred to as "AHA") and ALESHIRE & WYNDER, LLP (a California corporation whose address is 1 Park Plaza, Suite 1000, Irvine, CA 92614 (hereinafter referred to as "CONTRACTOR") is made with reference to the following:

RECITALS:

- A. On October 24, 2023, an agreement was entered into by and between AHA and Contractor (hereinafter "Agreement") with a term date of October 23, 2025 and a not to exceed amount of \$150,000.
- B. AHA and Contractor desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

- 1. The not to exceed amount for the entire Agreement shall be increased by Hundred Fifty Thousand Dollars (\$150,000) to be amended to a not to exceed amount of Three Hundred Thousand dollars (300,000) for services.
- 2. The contract period is extended until October 23, 2026
- 3. The Scope of Services attached to the Agreement as Exhibit A is hereby deleted in its entirety and replaced with the Amended Scope of Services attached hereto as Attachment No. 1 and incorporated herein by this reference
- 4. The Fee Schedule attached to the Agreement as Exhibit B is hereby deleted in its entirety and replaced with the Amended Fee Schedule attached here to as Attachment No. 2 and incorporated herein by this reference
- 5. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of the Agreement to be executed on the day and year first above written.

ALESHIRE & WYNDER

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

Signed by:

Adrian R. Guerra

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Adrian R. Guerra
Equity Partner

Gregory Kats
Director of Administrative Services

Vanessa Cooper
Executive Director

ATTACHMENT NO. 1 **SCOPE OF SERVICES**

Minimum Requirements

- Routine communications via phone and/or emails shall be responded to within 24 hours, except for weekends and holidays.
- Work products shall be provided within 48 business hours unless a different deadline is agreed to between the firm and the Executive Director or designee.
- Attendance on weekly legal office hour meeting with the Executive Director and staff at a fixed time (maximum 1 hour).
- Attendance and guidance during any or all Authority Board of Commissioners meetings (regular or special) and other meetings as requested via Zoom or in-person, as determined by the agency.
- Firm shall provide replacement counsel to meet expectations if assigned counsel is unavailable.

General Counsel Roles

In cases of conflict of interest between the Agency and the General Counsel, Consultant shall be appointed to such projects and shall provide:

- Supervision, as to legality of the official minutes of the Authority.
- Conferring with and advising the officers, employees, and members of the Board of Commissioners of the Authority on legal matters and issues when requested.
- Review of Public Record requests, county records, and legal documents, papers, contracts, agreements, and such other legal drafting may be required.
- Performing all required actions from initiation of an unlawful detainer action to final disposition, including serving the summons and complaint; responding to motions and demurrers, responding to and promulgating discovery, performing research, and drafting of court documents, and appearing in court on behalf of AHA.
- Representation of AHA in court on lawsuits filed against it by contractors, residents, landlords, and others.
- Provide annual in-person training of staff and Board on Brown Act and Public Records Act.
- Provide a quarterly written legal update to be provided by the board.

Bond Counsel

- Drafting and/or review of all legal documents, papers, contracts, agreements, certifications, resolutions, specifications, bonds, waivers, and other such legal drafting as may be required.

Eviction and Property Management Counsel

- Guidance on Housing Authority's third party managed sites.
- Performance of services necessary in the prosecution of contested eviction actions, including unlawful detainers.
- Instituting and bringing to conclusion in court of original jurisdiction, all actions for the recovery of possession of dwelling units or for the collection of rent.
- Weekly call to discuss all pending terminations and a weekly tracking sheet.

- Preparation, modification and approval of dwelling, and Section 8 compliant lease(s).

Fair Housing Counsel

- Advise and assist the Authority on matters subject to the US Federal Fair Housing Act of 1968. (Equal Housing Opportunity)
- Advise and assist on matters relating to the Americans with Disabilities Act including reasonable accommodation and modification related decisions and functions.
- Advise on Property Management.
- Reasonable Accommodation and Fair Housing training for staff.

Informal Hearing Officer Counsel (Cannot also be General Counsel)

- Advise on HCVP, Property Management and Reasonable Accommodations
- Advice and assistance to the Authority in connection with the tenant grievance hearings, including appearances at hearings if requested.

Real Estate Counsel

- Guidance to the Authority and staff regarding real estate procedures, as well as the completion of real estate transactions, including the review of utility easements.
- Guidance to the Authority and staff regarding Low-Income Housing Tax Credit, real estate, mixed-finance transactions, land use, planning, zoning, private partnering, complex financing, environmental and redevelopment issues, and related matters.
- Guidance to the Authority and staff regarding taxation issues (federal, state, and local) relating to real property, non-profit corporations, public corporations, real estate development partnerships, and related matters.
- Review and approval of all documents pertaining to temporary and permanent financing relating to all developments in the Authority inventory.
- All legal work in connection with acquisition and/or disposition of real property, including the examination of abstracts of title and the furnishing of a consolidated opinion of title in accordance with local regulations.
- Review of building and inspection codes and regulations.
- Provide guidance on ICD development projects.

Procurement Counsel

- Review and interpretation of contracting (construction, architect/engineering, professional, general services, supplies, etc.) and procurement issues (U.S. Department of Housing and Urban Development regulatory requirements and advice, California law on public housing procurement, solicitation procedures, bid protests, procurement contract development and review) and any related matters as it relates to development related activities.
- Reviewing, advising, and representing the Authority in connection with disputes arising out of the bid process for AHA, AAHC, and ICD.
- Reviewing, advising, and representing the Authority regarding disputes arising out of contracts between the Authority and its vendors.
- Representation of AHA in court on lawsuits filed against it by contractors, residents, landlords, and others.

- Review of vendor required alternative contracts for agency exposure and federal compliance.

Conflict of Interest Counsel

- Conducts reviews in relations to Board, Staff and Vendors.

Housing Programs Counsel

- Reviewing and advising on Housing Choice Voucher Program (formally known as Section 8) and related HUD Programs including, but not limited to, Project-Based Voucher (PBV), Moderate Rehabilitation, and Shelter Plus Care.
- Review and guidance on PBV and MTW documents.

Human Resources Counsel

- Attorney will retain files for the duration of the contract for a period of seven years and provide copies to the AHA, if requested
- All work to be performed by AHA's HR Legal Services Counsel is to be performed in accordance with professional standards, HUD regulations, requirements and criteria and local codes, regulations, ordinances, and statues. HR Legal Services will perform only work which is authorized by AHA.
- The HR Legal Services will hire additional counsel (sub-contractors) only with the express written authorization of AHA. All sub-contractors are subject to the approval of AHA.
- The HR Legal Services will not undertake any representation or other relationship that places it in an actual or potential conflict of interest position with any other entity. The HR Legal Services Proposer is required to disclose any such conflicts in writing to the Executive Director. Any consent and waiver to the conflict must be obtained in writing.
- All documents produced under contract to AHA must be submitted in a format to which both parties agree. All documents and products created by the HR Legal Services Contractor and any sub-contractors shall become the exclusive property of AHA.
- AHA is committed to affirmatively furthering fair housing for all persons regardless of age, race, color, national origin or ancestry, citizenship, religion, sex, sexual orientation, gender, gender identity, gender expression, physical or mental disability, medical condition, genetic information, marital status, familial status, or any other basis protected by state, federal, or local law. All contractors are required to promote fair housing and comply with the Fair Housing Act and fair housing laws and regulations.
- AHA, HUD, and the Comptroller General of the United States shall at all times have access to any books, documents, papers, and records of the HR Legal Services which are directly pertinent to the specific contract for the purpose of audit, examination, or for excerpts or transcripts. The HR Legal Services shall be required to retain all pertinent records in accordance with AHA's Records Retention Schedule.

*NOTE: Due to the travel costs, the firm will primarily provide services remotely, unless authorized to present in-person by the Executive Director.

ATTACHMENT NO. 2
FEE SCHEDULE

| Aleshire & Wynder, LLP | Position | Hourly Fee Year 1 | Hourly Fee Year 2 | Hourly Fee Year 3 | Hourly Fee Year 4 | Hourly Fee Year 5 |
|---|-----------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| General Counsel Services | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Bond Counsel | Partners | \$400 | \$410 | \$420 | \$430 | \$440 |
| | Associates | \$350 | \$360 | \$370 | \$380 | \$390 |
| Eviction/UD's | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Property Management Control | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Fair Housing Counsel | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Informal Hearing Officer Counsel | Partners | \$285 | \$295 | \$305 | \$315 | \$325 |
| | Associates | \$265 | \$275 | \$285 | \$295 | \$305 |
| Real Estate Counsel | Partners | \$310 | \$320 | \$330 | \$340 | \$350 |
| | Associates | \$290 | \$300 | \$310 | \$320 | \$330 |
| Procurement Counsel | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Conflict of Interest Counsel | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| Housing Programs Counsel | Partners | \$290 | \$300 | \$310 | \$320 | \$330 |
| | Associates | \$270 | \$280 | \$290 | \$300 | \$310 |
| All Categories Above (with the exception of HR Counsel if below pricing is selected) | Paralegal | \$160 | \$170 | \$180 | \$190 | \$200 |
| | Document Clerk | \$150 | \$160 | \$170 | \$180 | \$190 |
| | Law Clerk | \$160 | \$170 | \$180 | \$190 | \$200 |

| HR Counsel | Partners | \$325 | \$335 | \$345 | \$355 | \$365 |
|-------------------|----------------|-------|-------|-------|-------|-------|
| | Associates | \$275 | \$285 | \$295 | \$305 | \$315 |
| | Law Clerk | \$160 | \$170 | \$180 | \$190 | \$200 |
| | Paralegal | \$160 | \$170 | \$180 | \$190 | \$200 |
| | Document Clerk | \$100 | \$110 | \$120 | \$130 | \$140 |

Attorney Time for Travel shall be implemented as follows:

- For travel between Attorney’s offices (in Irvine/Los Angeles/Fresno/Bay Area/San Diego) and Agency’s offices, travel time shall be limited to a maximum of 2.5 hours each way at a rate of \$250/hr.
- For travel while within Alameda County for attendance at in-person meetings, court appearances, depositions, and administrative hearings or other meetings/ appearances, travel time will be based on actual time each way at a rate of \$250/hr.
- For travel between Attorney’s offices (in Irvine/Los Angeles/Fresno/Bay Area/San Diego) to other locations, such as Sacramento or Washington D.C., on behalf of the Agency, travel time will be based on actual time each way at a rate of \$250/hr.

When authorized in the Scope of Services, the following reimbursable expenses will be paid at cost, without mark-up: Mileage will be reimbursed at the IRS published rate. Travel costs including mileage (current IRS rate), parking, airfare, lodging, meals, and incidentals will be charged when traveling outside of counties housing Attorney offices.



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Radha Mehta, Management Analyst

Date: January 15, 2025

Re: Authorize the Executive Director to execute the fourth amendment to the agreement with Nova Commercial Company, Inc. for janitorial services to extend by one month.

BACKGROUND

In Spring 2020, Housing Authority of City of Alameda (AHA) issued an Request for Proposal (RFP) for janitorial services. Nova Commercial Company, Inc. (Nova) was ranked the highest and was selected through the RFP process. On October 26, 2020, an agreement was executed between AHA and Nova for a not-to-exceed amount of \$483,372.00. On March 1, 2021, the agreement was amended and the Scope of Services and Fee Schedule were replaced (Amendment No. 1). The scope of services and fee was updated in the amendment to reflect additional daily tasks. On October 19, 2023, the agreement was amended and the Scope of Services was deleted in its entirety and replaced with the Amended Scope of Services (Amendment No. 2). The scope of services was updated to reflect the removal of properties managed by FPI, which uses its own vendor. On April 2, 2024, the agreement was amended to extend the contract (Amendment No. 3). The total contract value of the agreement has remained \$483,372.00 and the agreement is currently active until January 26, 2024.

DISCUSSION

In an effort to procure the best and most price conscious services available, AHA issued a RFP for janitorial services in Fall 2024. In an effort to provide adequate time for the completion of the evaluation and award based on the latest RFP, it is necessary to extend the agreement with Nova for an additional month, through February 2025, which is within the five-year term limit of the original agreement terms. In the event that another vendor is selected, this will allow an appropriate transition period to comply with all California janitorial worker rights requirements, as well as any other transitional activities that need to be completed. An increase in compensation will not be needed in the execution of this change of term length.

FISCAL IMPACT

There is no anticipated adverse financial impact as these services are included in then



annual budget.

CEQA

Not applicable.

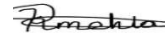
RECOMMENDATION

Authorize the Executive Director to execute the fourth amendment to the agreement with Nova Commercial Company, Inc. for janitorial services to extend by one month.

ATTACHMENTS

1. Nova- Amendment No. 4

Respectfully submitted,



Radha Mehta, Management Analyst

FOURTH AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this 15th day of January 2024, by and between the HOUSING AUTHORITY OF THE CITY OF ALAMEDA, a public body corporate and politic (hereinafter referred to as "AHA") and NOVA COMMERCIAL COMPANY, INC., (a California corporation whose address is 24683 Oneil Ave, Hayward, CA 94544 (hereinafter referred to as "CONTRACTOR") is made with reference to the following:

RECITALS:

A. On October 26, 2020, an agreement was entered into by and between AHA and Contractor for the not-to-exceed amount of \$483,372 with the term date of October 25, 2023 (hereinafter "Agreement").

B. On March 1, 2021, the agreement was amended and the Scope of Services and Fee Schedule were replaced.

C. On October 19, 2023, the agreement was extended to October 25, 2024 and the Scope of Services was deleted in its entirety and replaced with the Amended Scope of Services.

D. On April 2, 2024, the agreement was extended to January 26, 2025.

E. AHA and Contractor desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

1. The contract period is extended until February 26, 2025.

2. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of the Agreement to be executed on the day and year first above written.

NOVA COMMERCIAL COMPANY, INC.

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

Signed by:

Larry Gillis

DF4FCD2D30AB48F...

Larry Gillis
Executive Operations Manager

Gregory Kats

Director of Administrative Services

Vanessa Cooper
Executive Director



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Ana Campos, Management Analyst

Date: January 15, 2025

Re: Review Analysis of Impediments Draft Report and approve AHA to commit to recommended actions.

BACKGROUND

Every five years the U.S. Department of Housing and Urban Development (HUD) requires that jurisdictions provide a Regional Analysis of Impediments (AI) to Fair Housing Choice as part of a greater effort to affirmatively further fair housing. As part of a county-wide regional effort to further housing opportunities in our communities, the Housing Authority of the City of Alameda is collaborating in the County of Alameda's Analysis of Impediments (AI) to Fair Housing. Alameda County leads the effort to form an action plan comprised of recommended actions to identify, evaluate and address potential obstacles affecting a person's ability to choose their place of housing. The analysis looks closely at impediments to fair housing choice based on race, color, sex, disability, familial status or national origin and any effect that such factors may have on restricting the availability of housing.

In 2015, HUD required program participants to comply with the new Affirmatively Furthering Fair Housing (AFFH) rule and develop an Assessment of Fair Housing (AFH) plan pursuant to 24 CFR 5.150. The AFH action plan, developed by leading agency Alameda County, includes community input from all regions of the county, analyzes housing data, identifies fair housing issues and key external factors to set recommended actions. Although HUD reversed this AFH requirement in 2018, California passed Assembly Bill 686, upholding the 2015 HUD requirement for completing a Regional Analysis of Impediments (AI) report and completing an AFH action plan. On February 9, 2023, HUD published a notice in the federal register restoring the previous 2015 AFFH Rule.

DISCUSSION

AHA seeks to provide the Board an overall summary to the county's draft plan (2024) and findings. Most notably, the largest issues found were affordable housing and availability. Contributing factors to these larger issues surrounding segregation, racially/ethnically concentrated areas of poverty (R/ECAPs), access to opportunity,



disproportionate housing needs, publicly supported housing, disability and access, and fair housing were identified. The purpose of the analysis and action plan is to recognize the significant disparities between these groups, analyze trends and address local needs.

AHA Role

AHA staff attended several community meetings throughout the county to collaborate with multiple participating jurisdictions - the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, as well as the region's five housing authorities for the County of Alameda, City of Alameda, Berkeley, Livermore, and Oakland. While AHA is not required to develop a plan on its own, AHA plans to commit to the county's efforts to address the disparities identified in it's Assessment of Fair Housing (AFH).

The AFH action plan identified five goals to address these challenges. Attached is a copy of the proposed goals and actions. It is important to note this a draft plan with proposed actions and the final report for the 2025-2030 Regional AI will be completed in February. The county will be presenting their action plan for comment and public hearing and the purpose of AHA presenting to the board is merely to update on actions we believe we can commit to and to encourage participation in the County's comment period tentatively starting January 17, 2025.

Specifically, AHA is seeking to commit to the following goals:

- 1. Action 2A & 2B: address challenges of displacement among residents in high cost and gentrifying areas (landlord incentives; connect at risk tenants to resources)
- 2. Action 3A: continue to support the creation of new affordable housing opportunities (construction of affordable housing, e.g. North Housing)
- 3. Action 4B: expand housing opportunity for people with special needs (facilitate housing assistance programs for special needs populations e.g. seniors, people with disabilities, etc.)
- 4. Action 5D: enhance coordination across jurisdictions to promote collaboration in meeting regional challenges (meet quarterly)

The above goals fall in line with current actions taking place within the Housing Authority of the City of Alameda and its community and should pose no additional hardships.

FISCAL IMPACT

Not Applicable

CEQA

Not Applicable

RECOMMENDATION

Review and approve the Housing Authority of the City of Alameda's (AHA) commitment to regional efforts in affirmatively furthering fair housing and creating a Regional Analysis of Impediments to Fair Housing and approving the recommended actions for AHA.

ATTACHMENTS

1. Alameda Regional AI - Proposed Actions 2024
2. 2024 Alameda County Regional AI - Administrative Draft

Respectfully submitted,
Ana Campos
Ana Campos, Management Analyst

SUMMARY OF PROPOSED GOALS AND ACTIONS

GOAL ONE: PROMOTE FAIR HOUSING ENFORCEMENT AND EDUCATION THROUGH INTERAGENCY COLLABORATION.

- ACTION 1A: Continue to contract with housing service providers to educate home seekers, landlords, property managers, real estate agents, and lenders regarding fair housing law and recommended practices, including the importance of reasonable accommodation under ADA, protections for source of income, and the impact of using credit, criminal, and eviction history to assess tenant applications.
- ACTION 1B: Coordinate with other jurisdictions on the creation of tenant advocacy materials that will provide easy to understand summaries of tenant rights and information on resources that can help with housing challenges including where to find housing assistance and where to report housing concerns. These materials will be available digitally and on paper for those who do not regularly access the internet.
- ACTION 1C: Seek ways to increase resident access to fair housing services, such as improved marketing of services, strategies for bringing opportunities into the community through partnership with service organizations, and incorporating fair housing considerations as a routine practice of program administration.

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.

- ACTION 2A: Encourage landlords in high resource areas to market their available units to Housing Choice Voucher Holders through education, incentives, and interagency coordination that may help to streamline housing navigation and inspection processes.
- ACTION 2B: Work to connect tenant at risk of eviction or displacement with services that stabilize housing.
- ACTION 2C: Monitor the status of units at risk of conversion and work proactively with property owners to identify strategies that will allow units to remain affordable.
- ACTION 2D: Explore options for limiting redevelopment of existing affordable housing projects to other uses and to require replacement housing be provided when project will result in loss of low-moderate income housing units.
- ACTION 2E: Provide home repair assistance to income-qualified homeowners to allow homeowners to maintain housing safety and remain in their homes.

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

- ACTION 3A: Continue to encourage construction of affordable housing throughout the region, including through the use of public land and enhanced coordination with nonprofit developers.
- ACTION 3B: Encourage construction of accessory dwelling units.
- ACTION 3C: Increase housing density consistent with state requirements and encourage applicants to apply for density bonuses as a tool to produce affordable housing and promote new housing.
- ACTION 3D: Explore enhanced incentives for developers of affordable housing including incentives such as reduced fees, expedited processing, and regulatory streamlining.

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

- ACTION 4A: Provide accessibility improvements in rehabilitation activities to increase the ability of physically disabled people to obtain and retain appropriate housing and live independently.
- ACTION 4B: Facilitate housing development and assistance programs for special needs households, including seniors, farmworkers, persons with disabilities, and the unhoused.
- ACTION 4C: Continue outreach and engagement efforts to assist unhoused residents in securing safe affordable shelter and associated supportive services.

GOAL FIVE: ENHANCE COORDINATION ACROSS JURISDICTIONS TO PROMOTE COLLABORATION IN MEETING REGIONAL CHALLENGES

ACTION 5A: Meet quarterly with the Participating Jurisdictions to discuss fair housing strategies, share information, and provide updates on goals to better coordinate regional fair housing efforts.

GOAL ONE: PROMOTE FAIR HOUSING ENFORCEMENT AND EDUCATION THROUGH INTERAGENCY COLLABORATION.

IMPEDIMENTS ADDRESSED:

- Discriminatory barriers prevent tenants from accessing housing opportunities.
- Residents, homebuyers, and property owners have insufficient understanding of fair housing requirements and protections.
- Systems feel disjoined and hard to navigate for people seeking affordable housing options and access to opportunities.
- Significant housing challenges require coordinated approaches to meeting the needs of communities.

| | County of Alameda | City of Alameda | Albany | Berkeley | Dublin | Emeryville | Fremont | Hayward | Livermore | Newark | Oakland | Piedmont | Pleasanton | San Leandro | Union City | Housing Authority of the City of Alameda | Alameda County Housing Authority | Berkeley Housing Authority | Livermore Housing Authority | Oakland Housing Authority |
|--|-------------------|-----------------|--------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|
| <p>ACTION 1A:</p> <p>Continue to contract with housing service providers to educate home seekers, landlords, property managers, real estate agents, and lenders regarding fair housing law and recommended practices, including the importance of reasonable accommodation under ADA, protections for source of income, and the impact of using credit, criminal, and eviction history to assess tenant applications.</p> | | | | | | | | | | | | | | | | | | | | |

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| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 6.G. | Program 13, 9 | Program 4 | | | | | | | | | | | | | | | | | | |
| ACTION 18: Coordinate with other jurisdictions on the creation of tenant advocacy materials that will provide easy to understand summaries of tenant rights and information on resources that can help with housing challenges including where to find housing assistance and where to report housing concerns. These materials will | | | | | | | | | | | | | | | | | | | | | |

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|--|-------------------|-----------------|-----------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|
| be available digitally and on paper for those who do not regularly access the internet. | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | | Program 13 | Program 4 | | | | | | | | | | | | | | | | | |
| ACTION 1C: Seek ways to increase resident access to fair housing services, such as improved marketing of services, strategies for bringing opportunities into the community through partnership with service organizations, and incorporating fair | | | | | | | | | | | | | | | | | | | | |

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|---|-------------------|-----------------|------------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|--|
| housing considerations as a routine practice of program administration. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | | | Program 2E | | | | | | | | | | | | | | | | | | |

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.

IMPEDIMENTS ADDRESSED:

- Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.
- Property turnover is resulting in displacement of residents and high costs of housing leave few options accessing new housing that is safe, decent, affordable, and near opportunity areas.

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|--|-------------------|-----------------|--------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|--|
| ACTION 2A: Encourage landlords in high resource areas to market their available units to Housing Choice Voucher Holders through education, incentives, and interagency coordination that may help to streamline housing navigation and inspection processes. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | | Program 12 | | | | | | | | | | | | | | | | | | | |
| ACTION 2B: Work to connect tenant at risk of eviction or displacement with | | | | | | | | | | | | | | | | | | | | | |

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|--|-------------------|-----------------|--------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|--|
| services to stabilize housing. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 6.F. | Program 13 | | | | | | | | | | | | | | | | | | | |
| ACTION 2C: | | | | | | | | | | | | | | | | | | | | | |
| Monitor the status of units at risk of conversion and work proactively with property owners to identify strategies that will allow units to remain affordable. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 2.K. | Program 15, 17 | | | | | | | | | | | | | | | | | | | |
| ACTION 2D: | | | | | | | | | | | | | | | | | | | | | |
| Explore options for limiting | | | | | | | | | | | | | | | | | | | | | |

GOAL TWO: ADDRESS CHALLENGES OF DISPLACEMENT AMONG RESIDENTS IN HIGH COST AND GENTRIFYING AREAS.

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| redevelopment of existing affordable housing projects to other uses and to require replacement housing be provided when project will result in loss of lo-moderate income housing units. | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 2.L. | | | | | | | | | | | | | | | | | | | |
| ACTION 2E: Provide home repair assistance to income-qualified homeowners to allow homeowners to maintain housing safety and remain in their homes | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | |

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|-------------------------------------|--------------------|-----------------|------------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 5.A., 5.B. | Program 17 | Program 1B | | | | | | | | | | | | | | | | | |

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

IMPEDIMENTS ADDRESSED:

- The region lacks the number of affordable housing units needed to meet the demands of low to moderate income households.
- Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.
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|--|-------------------|-----------------|------------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|--|
| ACTION 3A: Continue to encourage construction of affordable housing throughout the region, including through the use of public land and enhanced coordination with nonprofit developers. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 2, 3 | Programs 8,9,10 | Program 2G | | | | | | | | | | | | | | | | | | |
| ACTION 3B: Encourage construction of accessory dwelling units. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |

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| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 1.K, 2.C., 2.J. | Program 4, 5, 17 | | | | | | | | | | | | | | | | | | | |
| ACTION 3C: Increase housing density consistent with state requirements and encourage applicants to apply for density bonuses as a tool to produce affordable housing and promote new housing. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 1.A, 2.A, 3.G. | Program 6 | Program 2C, 4G | | | | | | | | | | | | | | | | | | |
| ACTION 3D: Explore enhanced incentives for | | | | | | | | | | | | | | | | | | | | | |

GOAL THREE: CONTINUE TO SUPPORT THE CREATION OF NEW AFFORDABLE HOUSING OPPORTUNITIES

IMPEDIMENTS ADDRESSED:

- The region lacks the number of affordable housing units needed to meet the demands of low to moderate income households.
- Increasing rent costs are pushing residents out of communities where they wish to live and where they have connections to support systems and opportunity.
- Property turnover is resulting in displacement of residents and high costs of housing leave few options accessing new housing that is safe, decent, affordable, and near opportunity areas.

| | County of Alameda | City of Alameda | Albany | Berkeley | Dublin | Emeryville | Fremont | Hayward | Livermore | Newark | Oakland | Piedmont | Pleasanton | San Leandro | Union City | Housing Authority of the City of Alameda | Alameda County Housing Authority | Berkeley Housing Authority | Livermore Housing Authority | Oakland Housing Authority |
|---|-------------------|------------------|--------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|
| developers of affordable housing including incentives such as reduced fees, expedited processing, and regulatory streamlining | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 2 | Program 8, 9, 21 | | | | | | | | | | | | | | | | | | |

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

- IMPEDIMENTS ADDRESSED:**
- The region lacks the accessible units and supportive housing units needed to meet the demands of special needs households.
 - Increasing rent costs have disparate impacts on special needs households that tend to have fixed incomes and fewer options for housing that accommodates their needs.
 - Discriminatory barriers prevent tenants from accessing housing opportunities.

| | County of Alameda | City of Alameda | Albany | Berkeley | Dublin | Emeryville | Fremont | Hayward | Livermore | Newark | Oakland | Piedmont | Pleasanton | San Leandro | Union City | Housing Authority of the City of Alameda | Alameda County Housing Authority | Berkeley Housing Authority | Livermore Housing Authority | Oakland Housing Authority |
|--|-------------------|-----------------|--------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|
| ACTION 4A: Provide accessibility improvements in rehabilitation activities to increase the ability of physically disabled people to obtain and retain appropriate housing and live independently | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 4 | | | | | | | | | | | | | | | | | | | |
| ACTION 4B: Facilitate housing development and assistance programs for special needs households, including seniors, | | | | | | | | | | | | | | | | | | | | |

GOAL FOUR: EXPAND HOUSING OPPORTUNITIES FOR PEOPLE WITH SPECIAL NEEDS

IMPEDIMENTS ADDRESSED:

- The region lacks the accessible units and supportive housing units needed to meet the demands of special needs households.
- Increasing rent costs have disparate impacts on special needs households that tend to have fixed incomes and fewer options for housing that accommodates their needs.
- Discriminatory barriers prevent tenants from accessing housing opportunities.

| | County of Alameda | City of Alameda | Albany | Berkeley | Dublin | Emeryville | Fremont | Hayward | Livermore | Newark | Oakland | Piedmont | Pleasanton | San Leandro | Union City | Housing Authority of the City of Alameda | Alameda County Housing Authority | Berkeley Housing Authority | Livermore Housing Authority | Oakland Housing Authority | |
|---|-------------------|-----------------|---------------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|--|
| farmworkers, persons with disabilities, and the unhoused. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | Program 4 | | Program 3B, 3 | | | | | | | | | | | | | | | | | | |
| ACTION 4C: | | | | | | | | | | | | | | | | | | | | | |
| Continue outreach and engagement efforts to assist unhoused residents in securing safe affordable shelter and associated supportive services. | | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | | | Program 3H | | | | | | | | | | | | | | | | | | |

GOAL XXX: ENHANCE COORDINATION ACROSS JURISDICTIONS TO PROMOTE COLLABORATION IN MEETING REGIONAL CHALLENGES

IMPEDIMENTS ADDRESSED:

- Systems feel disjointed and hard to navigate for people seeking affordable housing options and access to opportunities.
- Significant housing challenges require coordinated approaches to meeting the needs of communities.

| | County of Alameda | City of Alameda | Albany | Berkeley | Dublin | Emeryville | Fremont | Hayward | Livermore | Newark | Oakland | Piedmont | Pleasanton | San Leandro | Union City | Housing Authority of the City of Alameda | Alameda County Housing Authority | Berkeley Housing Authority | Livermore Housing Authority | Oakland Housing Authority |
|---|-------------------|-----------------|--------|----------|--------|------------|---------|---------|-----------|--------|---------|----------|------------|-------------|------------|--|----------------------------------|----------------------------|-----------------------------|---------------------------|
| ACTION 5D: | | | | | | | | | | | | | | | | | | | | |
| Meet quarterly with the Participating Jurisdictions to discuss fair housing strategies, share information, and provide updates on goals to better coordinate regional fair housing efforts. | | | | | | | | | | | | | | | | | | | | |
| <i>Responsible Entity</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Timeframe for Implementation</i> | | | | | | | | | | | | | | | | | | | | |
| <i>Housing Element Tie Back</i> | | | | | | | | | | | | | | | | | | | | |

COUNTY OF ALAMEDA

REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

2024



This report is a joint effort lead by the County of Alameda in partnership with the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, [Unincorporated Alameda County](#), and the Housing Authorities of the City of Alameda, the County of Alameda, Berkeley, Livermore, and Oakland.

HAS YOUR RIGHT TO FAIR HOUSING BEEN VIOLATED?

Examples of actions that could be discriminatory if based on a person's Protected Characteristic include:

- Refusal to sell, rent, or lease rooms, apartments, mobile homes, condos, or houses
- Refusal to negotiate for the sale, rental, or lease of housing
- Informing someone that an apartment is not available for inspection, sale, or rental when it is in fact available
- Denial of a home loan or homeowner's insurance
- Cancellation or termination of a sale or rental agreement
- Refusal to permit, at a disabled tenant's expense, reasonable modifications – such as adding a ramp, widening a doorway, or installing a safety bar in a shower – when necessary to accommodate a disability
- Refusal to make reasonable accommodations in housing rules, policies, practices, or services where necessary to provide a disabled person equal opportunity to use and enjoy a dwelling
- Rules that restrict only on families with children, such as a prohibition against children using an on-site pool or playing in common areas of an apartment complex
- Refusing to rent to a tenant with a section 8 voucher.
- Not complying with the requirements of a rental assistance or subsidy program (such as section 8) by refusing to complete required forms, sign documents, or allow inspections
- Refusing to rent to anyone with a criminal history
- Screening prospective tenants – including when done by a third-party such as a tenant screening company – in a way that discriminates based on a protected characteristic
- Retaliation against someone because they filed a complaint with CRD, requested a reasonable accommodation for a disability, or otherwise tried to protect their rights to be free from housing discrimination

If you feel you have experienced discrimination in the housing industry, please contact:

State of California Civil Rights Department

651 Bannon Street, Suite 200

Sacramento, CA 95811

VOICE: 800-884-1684

TTY: 800-700-2320 or California's Relay Service at 711

EMAIL: contact.center@calcivilrights.ca.gov

U.S. Department of Housing and Urban Development

San Francisco Regional Office

Fair Housing and Equal Opportunity (FHEO)

One Sansome Street, Suite 1200

San Francisco, CA 94104

VOICE: (800) 347-3739 or (415) 489-6400

TTY: California's Relay Service at 711

FILE A REPORT ONLINE: <https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>

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Introduction

The County of Alameda, as lead agency, together with multiple participating jurisdictions—the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City [and Unincorporated Alameda County](#); the housing authorities for the cities of Alameda, Berkeley, Livermore, and Oakland; and the Housing Authority of the County of Alameda—have formed a regional collaborative for the purpose of completing an Analysis of Impediments to Fair Housing Choice (Regional Analysis of Impediments). This Regional Analysis of Impediments helps to meet the partners’ obligation to affirmatively further fair housing, which is a requirement of recipients of funding from the US Department of Housing and Urban Development (HUD). HUD requires that an analysis of impediments be conducted every five years, preferably in conjunction with a five-year Consolidated Plan process, which regional members plan to complete by May 15, 2025.

This Analysis of Impediments (AI) to Fair Housing Choice provides an overview of laws, regulations, conditions, and other possible obstacles that may affect an individual’s or household’s access to housing.

- A comprehensive review of laws, regulations, and administrative policies, procedures, and practices, and an assessment of how they affect the location, availability, and accessibility of housing; and
- An assessment of conditions, both public and private, affecting fair housing choice.

Definitions

Below are terms frequently used throughout this report:

Affirmatively Further Fair Housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means addressing significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially or ethnically concentrated areas of poverty into areas of

opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. See 24 CFR § 5.151

Alameda County includes all Participating Jurisdictions, as defined below.

Consortium includes the geographic areas covered by HOME Consortium members, which are Urban County and Entitlement Cities, excluding Berkeley and Oakland. The Housing Authorities' service areas are covered by these geographies.

Entitlement Cities are the cities of Alameda, Berkeley, Fremont, Hayward, Livermore, Oakland, Pleasanton, San Leandro, and Union City.

Participating Jurisdictions include all the entities in this regional collaboration: County of Alameda; the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City [and Unincorporated Alameda County](#); and the Housing Authority of the County of Alameda, Housing Authority of the City of Alameda, Berkeley Housing Authority, Livermore Housing Authority, and Oakland Housing Authority. Data presented within this document may say Alameda County when referring to the geographic area of Alameda County which includes all these participating jurisdiction geographies.

Protected Characteristics are defined at the Federal and State levels and are discussed in Chapter 4 of this report.

Racially/Ethnically Concentrated Area of Poverty (R/ECAP) is a neighborhood (census tract) that has a poverty rate of 40 percent or more and a racial or ethnic concentration where 50 percent or more of the tract is composed of minority residents.

Region refers to the Alameda County Core Base Statistical Area (CBSA) that is used in comparative analysis. Jurisdictions included in the Alameda County CBSA are Alameda, Contra Costa, San Francisco, and San Mateo.

Urban County refers to Albany, Dublin, Emeryville, Newark, Piedmont, and unincorporated county. This Regional Analysis of Impediments is prepared for the purpose of implementing fair housing rules to affirmatively further fair housing.

Background on AI Requirements

For decades, HUD has required participants of HUD programs, such as states, local governments, insular areas, and PHAs, to engage in Fair Housing Planning. Such planning has previously consisted of the Analysis of Impediments to Fair Housing Choice (AI) and the Assessment of Fair Housing (AFH) and was done in connection with other types of planning required by program requirements, such as the consolidated plan, annual action plan, and PHA plan.

On February 9, 2023, HUD published in the Federal Register a [Notice of Proposed Rulemaking \(NPRM\) entitled “Affirmatively Furthering Fair Housing”](#). During proposed rulemaking, the HUD’s 2021 Interim Final Rule (IFR) remains in effect.

HUD’s 2021 Interim Final Rule, [“Restoring Affirmatively Furthering Fair Housing Definitions and Certifications,”](#) requires program participants to submit certifications that they will affirmatively further fair housing in connection with their consolidated plans, annual action plans, and PHA plans. In order to support these certifications, the IFR creates a voluntary fair housing planning process for which HUD will provide technical assistance and support.

The IFR also rescinded the 2020 Preserving Communities and Neighborhood Choice rule, which caused program participants to certify “compliance” with a regulatory definition that is not a reasonable construction of the Fair Housing Act’s mandate to affirmatively further fair housing. With the IFR, HUD put itself and its program participants back in a position to take meaningful steps towards improved fair housing outcomes. The IFR does not require program participants to undertake any specific type of fair housing planning to support their certifications.

HUD implements the AFFH mandate in other ways, such as through its collection of certifications from program participants, provisions regarding program design in its notices of funding opportunity (NOFOs), affirmative fair housing marketing and advertising requirements, and enforcement of site and neighborhood standards. [The State of California implemented the AFFH mandate through requirements in local Planning Department’s Housing Elements. All Housing Elements must be approved by the State of California.](#)

Understanding Fair Housing and Impediments to Fair Housing

In light of the various pieces of fair housing legislation passed at the Federal and State levels, fair housing throughout this report incorporates the concept of fair housing choice and means:

A condition in which individuals of similar income levels in the same housing market have a range of choices available to them regardless of their characteristics as protected under State and Federal laws.

HUD’s Office of Fair Housing and Equal Opportunity (FHEO) draws a distinction between housing affordability and fair housing. Economic factors that affect a household’s housing choices are not fair housing issues per se. Only when the relationship between household income, household type, race/ethnicity, and other factors create misconceptions, biases, and differential treatments is where fair housing concerns arise.

Tenant/landlord disputes are also typically not related to fair housing. Most disputes between tenants and landlords result from a lack of understanding by either or both parties on their rights

and responsibilities. Tenant/landlord disputes and housing discrimination cross paths when the disputes are based on factors protected by fair housing laws and result in differential treatment.

Within the legal framework of Federal and State laws, and based on the guidance provided by HUD's Fair Housing Planning Guide, impediments to fair housing choice can be defined as:

- Any actions, omissions, or decisions taken because of the characteristics protected under State and Federal laws, which restrict housing choices or the availability of housing choices; or
- Any actions, omissions or decisions which have the effect of restricting housing choices or the availability of housing choices on the basis of characteristics protected under State and Federal laws.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice.

Methodology

The following steps were taken to update the report:

- Analyze current publicly available data regarding the Alameda County demographics and housing;
- Engage with community members and stakeholders via public meetings and correspondence;
- Identify impediments to fair housing choice for Alameda County residents; and
- Develop strategies and actions for removing impediments and affirmatively furthering fair housing choice.

Analysis of demographic and housing trends was completed using data from numerous sources, including the US Census Bureau's 2000, 2010, and 2020 Decennial Census data, American Community Survey (ACS) 2018 – 2022 data, Housing Mortgage Disclosure Act Data from 2023 and other sources identified throughout the plan.

The community engagement process involved six community meetings and stakeholder interviews as well as a digital survey available in multiple languages. Engagement materials were distributed to service organizations who then distributed it to their served populations. The survey was available in English, Spanish, Farsi, Tagalog, Traditional Chinese, and Vietnamese. Residents of the participating jurisdictions as well as specific populations were targeted for engagement, including: racial and ethnic minorities, people experiencing homelessness, people with disabilities, people residing in R/ECAPs, and people with limited English proficiency.

Stakeholders from a variety of organizations were contacted as well, including organizations that provide housing, housing services, homeless services, youth services, nonprofit social services, services for seniors, services for disabled persons, and HIV/AIDS services, as well as government agencies, advocates, emergency service providers, educational organizations, and economic development organizations.

The Community Engagement Process is further discussed in Chapter 2 on Community Participation.

Impediments to Fair Housing Choice and Planned Action

Impediments were identified through an analysis of the collected data and community engagement findings. Regional goals were then developed to address these impediments to create a cohesive strategy and leverage resources. A chart summarizing the identified impediments and proposed actions follows:

[INSERT CHART WHEN COMPLETE]

Chapter 2: Community Engagement Process

Outreach Strategy

Alameda County, along with participating jurisdictions - the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, [and Unincorporated Alameda County](#); the housing authorities for the cities of Alameda, Berkeley, Livermore, and Oakland; and the Housing Authority of the County of Alameda – used a community engagement strategy aimed at gathering a broad and diverse range of responses. There was a focus on reaching residents who are most impacted by fair housing challenges to gain a more qualitative understanding of the experiences, opinions, and feelings of community members. A promotional flyer with information about both the survey and the six (6) community meetings was offered in English. The flyer also included contact information to request accessibility accommodations.

A survey titled *Alameda County Regional Fair Housing Survey (2024)* was distributed across the County through stakeholder organizations working within the community. The survey was offered in English, Chinese, Spanish, Persian, Vietnamese, and Tagalog to reach a diverse range of residents. The survey was offered both electronically and in paper format and accessibility accommodation requests were offered. To offer incentive for participating in taking the survey, residents were offered the opportunity to enter a raffle to win a \$100 gift card. In total, 1,621 survey responses were collected. Of the 1,621 responses received, the highest number of responses came from the City of Alameda (38%), Oakland (13%), and Berkeley (9%).

Outreach also included six (6) community meetings held in Hayward, Berkeley, Dublin, Oakland, and Union City. These locations were chosen due to their proximity to the highest number of priority groups, including racial and ethnic minorities, people experiencing homelessness, people with disabilities, people residing in R/ECAPs, and people with limited English proficiency. Three (3) of these community meetings were also offered as hybrid options where participants could join through Zoom. Participants of the community meetings were also offered the opportunity to enter a raffle to win a \$100 gift card. The community meetings facilitated discussions around the draft report findings, proposed actions to address them, and other fair housing considerations.

Participating jurisdictions also created a list of stakeholders with expertise in various topic areas and who serve diverse populations that were contacted to engage in targeted, topic specific interviews. The focus group discussions included the topics of disability, fair housing and legal assistance, health, seniors, housing development, housing advocates, children and families, homelessness, education and employment, general social services, and finance and lending. Findings from the draft and topics surrounding fair housing were discussed to gather insight and feedback.

Outreach Efforts

The table below summarizes the broad outreach efforts of each Participating Jurisdiction.

Table III-1 - Participating Jurisdiction Outreach Efforts

| Jurisdiction | Activities |
|----------------|---|
| Alameda County | <p><i>The County reached out to: Alameda County HCD staff, Board of Supervisors, the HCD Advisory Committee, the Ashland Cherryland Basic Needs Committee, Age Friendly Council, Service Providers: BOSS, First Pres, Love Never Fails, Women on the Way Recovery Center, Downtown Streets (Hayward), Fairmont Campus Safe Parking, HARD, Mandela Partners, RCD, TVHC, YMCA of the East Bay, Community Child Care Council (4C's), and First 5. Housing Developers: : Resources for Community Development (RCD), Hello Housing, Allied, Eden Housing, SAHA, EAH, MidPen, Bridge, Mercy, and more.</i></p> <ul style="list-style-type: none"> • <i>All Information is posted to our website: Discrimination and Fair Housing – Housing & Community Development Department (achcd.org)</i> • <i>9/7 Castro Valley Fall Festival: County employee engaged with public</i> • <i>9/7-9/10 Published a legal notice advertising community engagement meetings and resident survey in Alameda Times-Star, Tri-Valley Herald, Tri-City Voice, and The Inter-City Express. Alameda County published this notice on behalf of HOME Consortium members.</i> |

| | |
|-----------------|---|
| <p>Alameda</p> | <ul style="list-style-type: none"> ● Disseminated flyers to local services providers and stakeholders – Dignity Village, Village of Love, Building Futures for Women and Children, Eden Council for Hope and Opportunity, Alameda Food Bank, Alameda Point Collaborative, Alameda Family Services, Mastick Senior Center and the Alameda Free Library. ● Contacted Alameda Collaborative for Children, Youth, and their Families committee to ask for assistance with flyer distribution. ● Announced the Regional AI Survey and upcoming community meetings at the Social Service Human Relations Board meeting on August 29th. |
| <p>Berkeley</p> | <ul style="list-style-type: none"> ● The City of Berkeley is conducting outreach to all city of Berkeley residents via a community message and event notice on the Berkeley website, direct outreach to community agencies, neighborhood associations, Berkeley based developers, business groups, commission members, Berkeley housing authority, via an affordable housing newsletter, and posting flyers in senior centers, libraries, and recreation centers. |
| <p>Fremont</p> | <ul style="list-style-type: none"> ● Emailed constant contact lists about the survey and community engagement meetings; encouraged participation in and forwarded the survey to clients, colleagues, and other organizations. |

| | |
|------------------|---|
| <p>Oakland</p> | <ul style="list-style-type: none"> • For the survey: shared on City's social media channels, through our legal services providers, through the CoC and committees, and the HCD's email listserv. • Also did a set of community engagement meetings in August with a targeted list of community partners, and then 3 community engagement meetings in October with City Council members. Fair Housing issues were brought up at these meetings. |
| <p>Hayward</p> | <ul style="list-style-type: none"> • Published on social media the time and place of the community engagement meeting; also published link to the survey. |
| <p>Livermore</p> | <ul style="list-style-type: none"> • Emailed contacts about the survey and community engagement meetings; encouraged participation in and forwarding the survey to clients, colleagues, and other organizations- August 30, 2024. • Emailed City of Livermore Human Service Commissioners about the meeting and survey and encouraged participation - August 30, 2024. • Posted on the City of Livermore Housing and Human Services website- August 28, 2024. • Placed flyers at our Multi Service Center- August 30, 2024. • Handed Out Flyers at the Livermore Farmers Market- August 29, 2024. • Posted on City of Livermore Instagram and Facebook Accounts- August 29, 2024 and September 5, 2024. |

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| <p>Oakland Housing Authority (OHA)</p> | <ul style="list-style-type: none"> ● Presented the flyer to our Board of Commissioners to request survey responses and attendance at the community meetings. ● Hosting the community event during the Resident Advisory Board meeting to ensure attendance from residents. ● Posted on OHA’s website. ● Shared via Tip411 – a mass text communication service through OHA’s Police Department. ● Sent mailers to public housing residents. |
| <p>Piedmont</p> | <ul style="list-style-type: none"> ● Piedmont will announce the community meetings at the announcements portion of the City Council meeting and staff will include a brief description of impediments to fair housing study along with the community meeting dates in the Fair Housing e-newsletter and Planning & Building e-newsletter to be sent to over 900 households. |
| <p>Pleasanton</p> | <ul style="list-style-type: none"> ● Emailed announcements about the Alameda County Regional Fair Housing Survey and about the community engagement meetings to the City’s Housing Interest email listserv that includes residents and individuals and non-profit service providers. ● Encouraged participation on the survey and community meetings by posting information on our housing website and forwarded the flyer and survey to clients, colleagues, non-profits and other organizations throughout the Tri-Valley. |

| | |
|-----------------------------------|---|
| <p>San Leandro</p> | <ul style="list-style-type: none"> • Published a notice about AI outreach efforts in a weekly briefing for City Councilthe City Manager's Weekly Update. • Posted information on the community meetings and survey on the City's Housing Website. • Emailed announcement with flyer to housing and CDBG stakeholders. |
| <p>Union City</p> | <ul style="list-style-type: none"> • Placed information on community meetings and survey on the City's Affordable Housing website: https://www.unioncity.org/309/Affordable-Housing. • Email announcement for participation in the Analysis of Impediments- Fair Housing survey and community meeting to the City's email list serve to residents & service providers who participate in the City's Affordable Housing Interest list and general City interest list. • Multiple email announcements were made leading up to the community meeting and to participate in the survey. |
| <p>Berkeley Housing Authority</p> | |

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|---|--|
| <p>Housing Authority of the City of Alameda</p> | <ul style="list-style-type: none"> ● Posted on website August 29, 2024. ● Included with the August 2024 participant newsletter. ● Announced at the September 9, 2024, quarterly meeting with advocates. ● Sent email blast to list-serv on September 5, 2024. |
| <p>Livermore Housing Authority</p> | <ul style="list-style-type: none"> ● Published survey announcement on agency website. ● Email blast survey announcement to all HCV tenants and landlords ● Posted flyer at property and provided copies in office lobby area ● Emailed to City and Community partner groups ● Announced efforts at Board of Commissioner meetings |
| <p>Housing Authority of the County of Alameda</p> | <ul style="list-style-type: none"> ● Posted survey flyer on agency website on August 27, 2024. ● Posted survey flyer to the public in agency lobby on August 27, 2024. ● Announced at the September 11, 2024, Housing Commission meeting. ● Sent email blast to participants and landlord on September 6, 2024 |

Community Meetings

Alameda County and participating jurisdictions, as part of the effort to update its Regional Analysis of Impediments (AI) to Fair Housing, a five-year plan addressing the County's greatest housing challenges, facilitated six (6) community engagement meetings. –The goal of the meetings was to provide a forum for both the public and nonprofit/housing providers to discuss the challenges and impediments to fair housing faced by the community. Overall, there were ninety-one (91) participants that attended at least one (1) of the six (6) community meetings offered. Community meeting participants lived in various locations throughout Alameda County, including the cities of Berkeley, Oakland, Emeryville, Richmond, Dublin, Pleasanton, Alameda, Fremont, Hayward, and San Leandro, Multiple meetings were offered with both virtualZoom and in-person options~~simultaneously as Zoom meetings~~ to allow for broader participation.

These themes emerged during these meetings:

- Rent amounts are too high, and incomes are insufficient to cover rent, leading to homelessness.
- Deposit requirements and income qualifications make it difficult to secure housing for residents on fixed incomes and for those who work multiple jobs.
- There are not enough accessible housing units or shelters for disabled residents.
- Landlords frequently have policies that prevent the use of housing assistance, or they do not offer this as an option in the application process.
- Residents are being forced into shared living situations (e.g., roommates) to afford rent, reducing personal independence.
- Transitional housing remains insufficient to meet the needs of those at risk of homelessness.
- Residents feel unsupported by the government, and those attempting to bring attention to these issues are often met with dead ends.
- The combination of unaffordability, lack of accessible housing, and inadequate support services puts disabled residents at significant risk of homelessness.
- Affordable housing is often substandard. Local governments are not doing enough to make sure landlords keep buildings safe and livable.
- Maximum occupancy limit ordinances work against families. An extremely low-income household of six can't afford three bedrooms. They can afford two bedrooms, but that is not allowed.
- Residents have been forced to relocate to areas that make it more difficult to commute and decrease their quality of life.
- Residents report a loss of community due to neighbors leaving and gentrification.

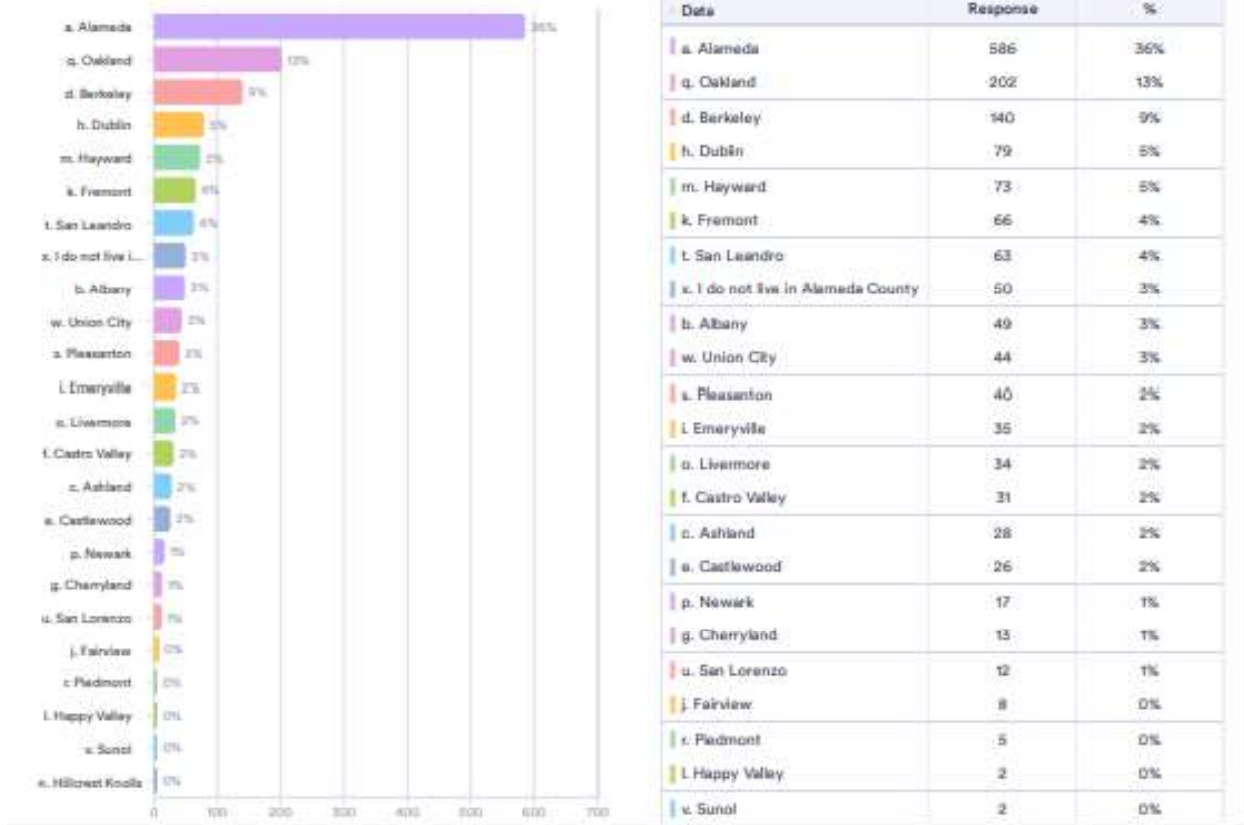
- The number of affordable units in inclusionary zoning is not nearly enough to meet the needs of the community.
- Low-income communities also face challenges like substance abuse and crime.
- Waitlists for low-income housing are too long.
- Developers are buying up distressed properties, fixing them up and driving up rents too high for locals to afford. They prefer to have vacant units than lower the rent.
- Many residents believe they may become homeless in the near future.

Survey

The Alameda County Regional Fair Housing Survey was offered in English, Chinese, Spanish, Persian, Vietnamese, and Tagalog to reach a diverse range of residents. In addition to the survey being available online (using computers, smart phones, and other handheld devices), the survey was also made available to residents in a paper-based version and accessibility accommodations were offered. To offer incentives for participating in taking the survey, residents were offered the opportunity to enter a raffle to win a \$100 gift card. In total, 1,621 survey responses were collected. Access to the survey was provided through the Alameda County participating jurisdictions' websites, through stakeholder email lists, posted in public convening locations, and published in print with QR Codes made available for residents to scan and link to the survey. Background on the Analysis of Impediments process and definitions of fair housing were provided in the survey introduction. The importance of community participation was also highlighted in the survey introduction. A summary of the survey results is below.

Residence: Of the total 1,621 responses received to the survey, the highest number of responses came from the City of Alameda (38%), Oakland (13%), and Berkeley (9%).

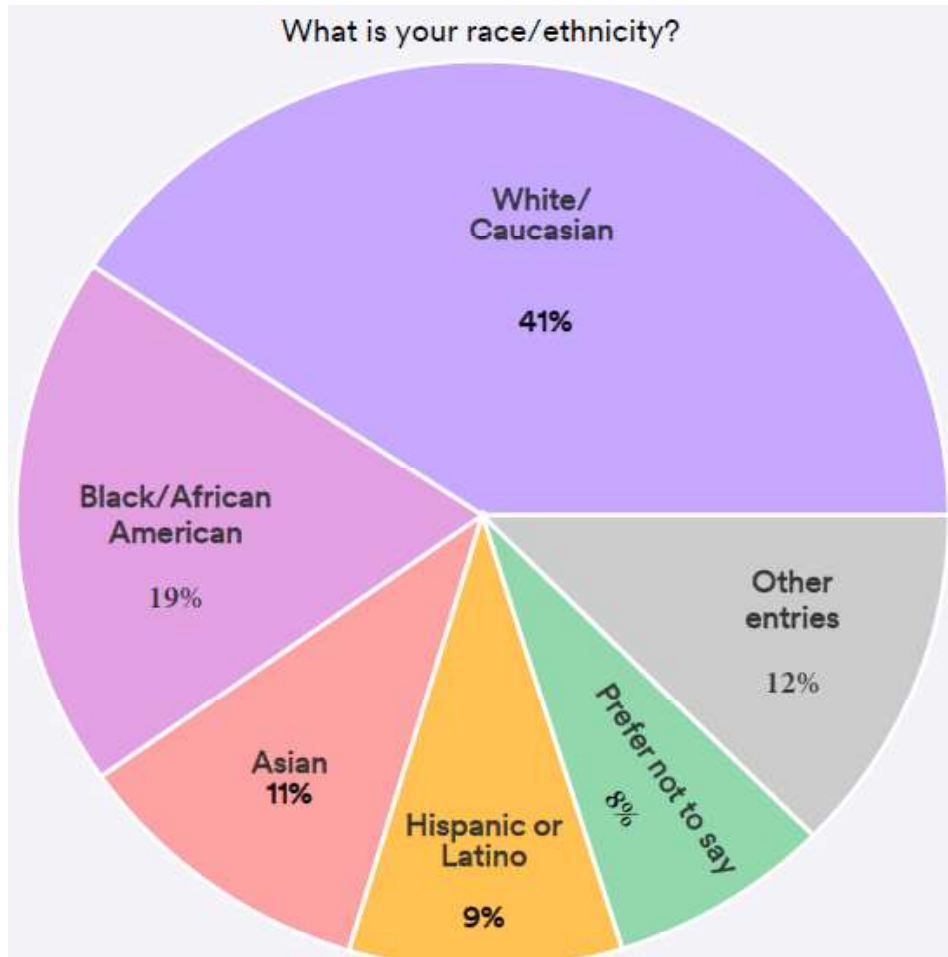
2. What City do you live within Alameda County?



Age: 57% of surveys were completed by residents aged 31-61, 23% were taken by seniors aged 62 or older, and 18% were taken by residents aged 18-30.

Gender: About 65% of surveys were taken by residents who identify as female, 30% identify as male, 3% chose not to say, 1% were transgender, 1% were non-binary, and 1% were questioning. The County’s overall population is nearly 51% female and 49%.

Race: Overall, about 47% of respondents were Whitewhite, 19% were Black/African American, and 11% were Asian. Additionally, about 9% were Hispanic/Latino. In contrast, the racial composition of the County as a whole is 29% White, 9.9% Black/African American, and 32% Asian. About 22% of residents in Alameda County are Hispanic.



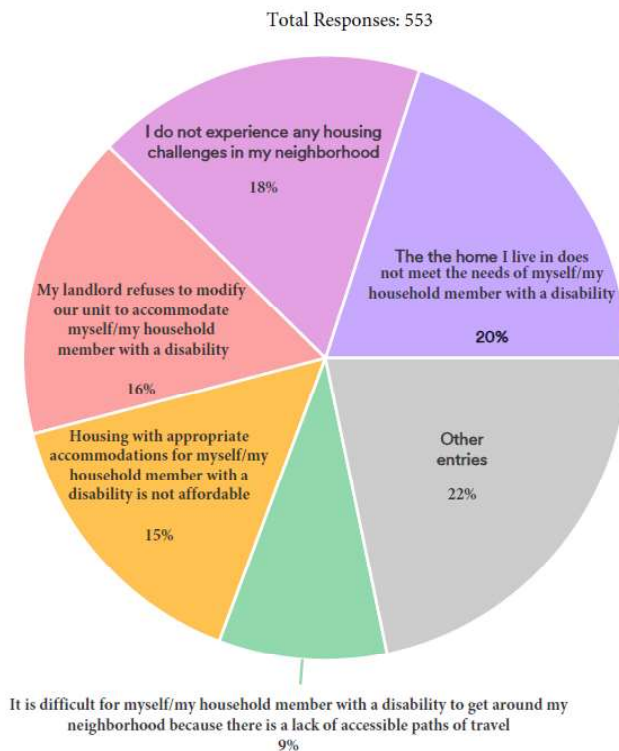
Language: About 5% of respondents stated that the primary language they speak at home is not English. Of those, two percent (2%) stated that their primary language is Spanish, 2% indicated their primary language is Chinese, 1% indicated their primary language is Arabic. About 5% chose the “other” option and specified languages including American Sign Language, Armenian, Ethiopian Amharic, Farsi, French, German, Greek, Gujarati, Hindi, Korean, Punjabi, Samoan, Tagalog, Tamil, Telugu, and Vietnamese.

Disability: Of the 576 surveys that indicated either living with a disability or having a household member who has a disability, 24% experienced a mobility disability, 17% are living with a chronic illness, 16% experience a mental health disability, 13% experience a neurological development disorder, and 8% have a hearing impairment. Twenty percent (20%) of surveys indicated that a

housing challenge they experience is their home not meeting the needs of their disability, and 16% said that their landlord refuses to modify their unit to accommodate the disability of someone in their home.

Housing Costs: Twenty-six percent (26%) of respondents were residents who pay one-half or more of their gross income towards housing costs. Thirty-one percent (31%) of respondents pay between one-third and one-half of their income toward housing costs, and 35% pay one-third or less of their income toward housing costs. Forty-two percent (42%) of respondents that had to move out of their residence due to housing unaffordability reported that rent had increased to a level that was not affordable anymore.

Do you and/or a household member experience any of the following housing challenges?



Other entries included: being unable to afford repairs or health & safety related upgrades, mold problems, no public transit being available in the area, too much smoking in the area, crime in the area targeting older residents with mobility challenges, landlords refusing to update appliances, nearby factories polluting the air, lack of parking, noise, and general safety.

The survey results indicated support for locating new low-income housing options and housing options for seniors, those recovering from substance abuse, and people with physical and/or developmental disabilities in their neighborhoods.

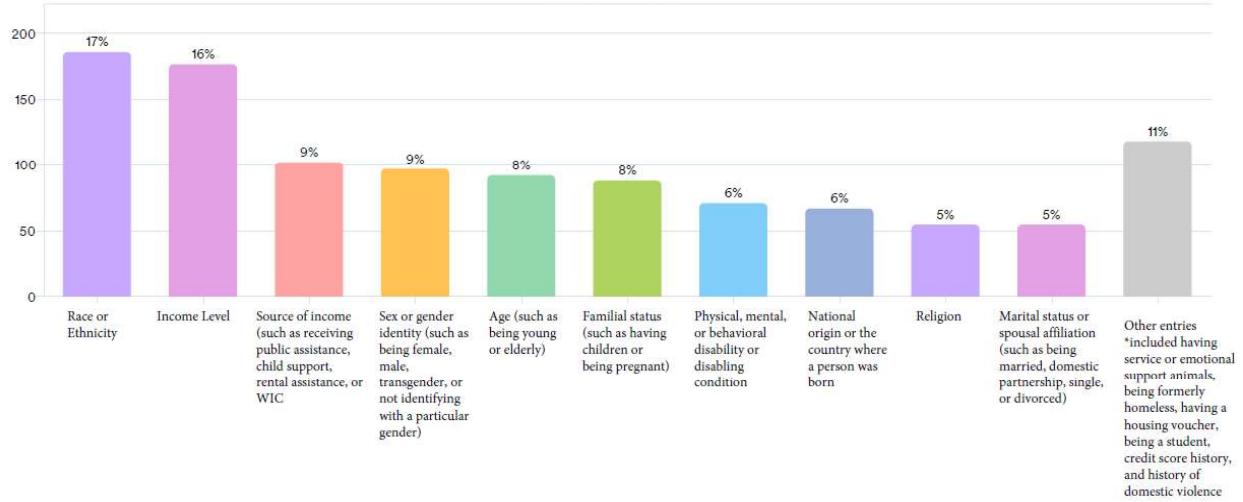
64% of surveys were residents who said they would move if given the opportunity.

Fair Housing

Twenty-eight percent (28%) (452 total) of surveys indicated they experienced housing discrimination at some point and 18.6% (302 total) said they were not sure if they had. Race or ethnicity and income level were the highest reasons reported for housing discrimination. About 8% of respondents (131), said they are a housing voucher holder. For residents who had a housing voucher, 76% reported it being either somewhat difficult or very difficult to find a landlord to accept it.

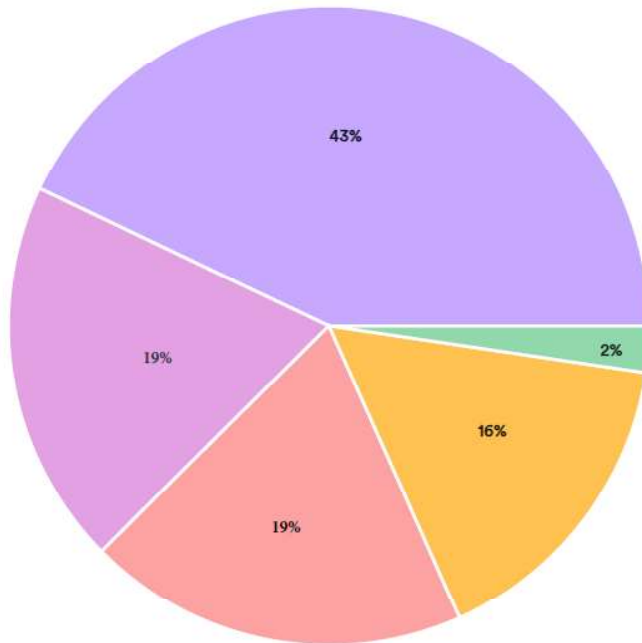
On what basis do you believe the discrimination occurred?

Total Responses: 1,108



Why did you not report the incident?

- I did not think it would make a difference.
- I did not know where to report it.
- I was not sure of my rights.
- I was afraid of retaliation.
- I was not involved or do not have personal knowledge of the incident.



57% of surveys that indicated experiencing housing discrimination believe the landlord or property manager was responsible.

Although 452 surveys indicated experiencing housing discrimination, 61% did not submit a Fair Housing complaint.

Stakeholder Consultation

There were eleven (11) stakeholder consultation focus group meetings. These meetings included discussions around the identified impediments and solutions to fair housing challenges. The table below lists the different focus groups by topic area and the organizations who were invited to participate.

Stakeholder Interview Groupings

| | |
|--|--|
| Disability | |
| The Center for Independent Living | Ability Now Bay Area |
| A-Para Transit | Community Resources for Independent Living |
| | |
| Fair Housing / Legal Assistance | |
| ECHO Housing | Project Sentinel |
| East Bay Community Law Center | Centro Legal de la Raza |
| Oasis Legal Services | Legal Assistance for Seniors |
| Housing Economic Rights Advocates (HERA) | |
| | |
| Health | |
| Native American Health Center | Axis Community Health |
| Tiburcio Vasquez Health Center | Bay Area Community Health |
| Asian Health Services | Korean Community Center of the East Bay |
| | |
| Seniors | |
| Alameda Meals on Wheels | Area Agency on Aging Commission |
| City of Fremont Aging and Family Services | City of Berkeley Aging Divisions |
| St Mary's Center | |
| | |
| Housing Development | |
| Abode | SAHA Homes |
| Resource for Community Development | MidPen Housing |
| Eden Housing, Inc. | |
| | |
| Housing Advocates | |
| Alameda Renters Coalition | SAVE Center for Community Change and Empowerment |
| Urban Strategies Council | Renewed Hope Housing Advocates |
| Unity Council | EBHO |
| | |
| Children and Families | |
| First 5 Alameda County | BANANAS |
| Fred Finch Youth Center | Women's Daytime Drop-In Center |
| First Place for Youth | Building Futures with Women and Children |
| Union City Family Center | SAVE (Safe Alternatives to Violent Environments) |
| | |
| Homelessness | |
| Building Futures | Insight Housing |
| Building Opportunities for Self-Sufficient | Covenant House California |

| | |
|---|--|
| Downtown Streets Team, Inc. | Bay Area Community Services |
| La Familia / FESCO | 1 st Presbyterian Church |
| Women/Men on the Way Rehab Facility/Supportive Housing | FiveKeys |
| Careavan | CityServe of the Tri-Valley |
| | |
| Education and Employment | |
| Alameda County Employment Services | Oakland Unified School District |
| New Haven Unified School District | Hayward Unified School District |
| | |
| General Social Services | |
| Bay Area Community Services | Alameda Point Collaborative |
| Albany Cares | Centro de Servicios – Union City |
| | |
| Finance/Lending | |
| Randi DeHollander ((HCD Advisory Committee member and Loan Originator Professional) | Mary Anne Reno (County HCD Advisory Committee) |
| | |

Public Hearings and Public Comment Period

The public comment period for the draft Regional Analysis of Impediments began on [insert] and ended on [insert] for a minimum of 45-day public review period based on housing authority requirements; however, public comments will continue to be accepted until adoption of this document. Public hearings to receive comments on the draft Regional Analysis of Impediments included: [insert comments]

Chapter 3: Fair Housing Laws and Guidance

Federal fair housing laws prohibit discrimination in the sale, rental or lease of housing, and in negotiations for real property, based on race, color, religion, sex, national origin, familial status and disability. California fair housing laws build on the federal laws, including age, marital status, ancestry, source of income, sexual orientation, and “any arbitrary discrimination” as the protected categories under the laws.

Fair housing describes a condition in which individuals of similar income levels in the same housing market have like ranges of choice available to them regardless of their characteristics protected by the law or other arbitrary factors.

Federal Fair Housing Laws

Federal laws provide the backbone for U.S. fair housing regulations. While some laws have been previously discussed in this report, a brief list of laws related to fair housing, as defined on the U.S. Department of Housing and Urban Development’s (HUD’s) website, is presented below:

Fair Housing Act Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and persons securing custody of children under the age of 18), and handicap (disability).

Title VIII was amended in 1988 (effective March 12, 1989) by the Fair Housing Amendments Act. In connection with prohibitions on discrimination against individuals with disabilities, the Act contains design and construction accessibility provisions for certain new multi-family dwellings developed for first occupancy on or after March 13, 1991.

Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974. Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD’s Community Development and Block Grant Program.

Title II of the Americans with Disabilities Act of 1990. Title II prohibits discrimination based on

disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968. The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 be accessible to and usable by handicapped persons.

Age Discrimination Act of 1975. The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972. Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.

Fair Housing Related Presidential Executive Orders

Executive Order 11063. Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

Executive Order 11246. Executive Order 11246, as amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin.

Executive Order 12892. Executive Order 12892, as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

Executive Order 12898. Executive Order 12898 requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.

Executive Order 13166. Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

Executive Order 13217. Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of

community-based living arrangements for persons with disabilities.

Executive Order 13985 titled “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” aimed to strengthen the federal government’s ability to address barriers to equal opportunity faced by underserved communities. The order further directs federal agencies to conduct equity assessments and identify systemic barriers to access faced by underserved communities. President Biden followed up on this Executive Order with a memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies. This Executive Action acknowledged that “... Federal, State, and local governments systematically implemented racially discriminatory housing policies that contributed to segregated neighborhoods and inhibited equal opportunity and the chance to build wealth” for BIPOC (Black, Indigenous, and People of Color), and that those legacies of residential segregation and discrimination remain in existence today – from gaps in homeownership and wealth to environmental inequalities made worse by climate change. The memo outlines multiple ways in which the federal government’s discriminatory policies affected opportunities for safe and affordable housing, jobs, transportation, particularly for Black people. It also addresses the history of the federal government’s disinvestment in communities of color, despite the passage of the Fair Housing Act in 1968.

Executive Order 13988 directs all federal agencies to review all policies which implement the non-discrimination protections on the basis of sex ordered by Title VII of the Civil Rights Act of 1964 (pursuant to the Supreme Court case *Bostock v. Clayton County*), Title IX of the Education Amendments of 1972, the Fair Housing Act and section 412 of the Immigration and Nationality Act of 1965 and to extend these protections to the categories of sexual orientation and gender identity.

HUD Fair Housing Guidance

Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records

The Fair Housing Act prohibits discrimination in the sale, rental, financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status or national origin. In April 2016, HUD’s Office of General Counsel issued guidance on the discriminatory effect of using criminal history to make housing decisions. If a policy or practice that restricts access to housing on the basis of criminal history has a disparate impact on a protected class (whether or not that effect is intentional), it is in violation of the Fair Housing Act – unless there is a “substantial, legitimate, nondiscriminatory interest” served by the policy.

While it is impossible to know the precise number of people transitioning from a correctional facility at any one point in time, the ability to access safe, secure and affordable housing is critical for a formerly incarcerated person's reintegration into society. HUD's guidance is intended to eliminate barriers to securing housing for that population, and jurisdictions can assist by making a clear effort to eliminate any discriminatory barriers these individuals may face. For former inmates to avoid recidivism and work in society, they must have access to housing free of discrimination.

Further, for claims for refusing to make reasonable accommodations for people with disabilities, the HUD memorandum emphasizes that, when the disability of an applicant or tenant contributed to the past criminal conduct, the applicant or tenant may ask for an exception to the criminal background screening policy as a reasonable accommodation.

If the criminal conduct at issue arguably raises concerns about risk of harm to property or other residents, HUD explains that, as part of a reasonable accommodation request, the housing provider should consider any mitigating circumstances that may reduce or eliminate the threat, such as engaging in treatment or therapy.

In April 2024, HUD issued proposed rulemaking to update existing screening regulations for applicants to HUD-assisted housing with conviction histories or a history of involvement with the criminal-legal system. Under current policy, public housing authorities (PHAs) and landlords of HUD-assisted housing have broad discretion in evaluating current and prospective tenants. As a result, some PHAs and landlords have created additional barriers for people with conviction and arrest records in need of stable housing. These barriers can make it exceedingly difficult – and, for some with conviction histories, impossible – to obtain housing. The proposed rule clarifies that an arrest record alone may not be used as the basis for denying someone admission to HUD housing. However, an arrest record may be used in conjunction with other evidence of conduct to assess an applicant's potential success as a tenant.

Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity

On September 21, 2016, HUD published a final rule entitled "Equal Access in Accordance with an Individual's Gender Identity in CPD programs." Through this final rule, HUD ensures equal access to individuals in accordance with their gender identity for all HUD funded programs. This rule builds upon the 2012 final rule, "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity" (2012 Equal Access Rule). This final rule ensures that HUD's housing programs would be open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status.

Furthermore, as HIV/AIDS disproportionately affects the LGBT community, it is important to note that HIV/AIDS is protected under the Fair Housing Act as a disability. HUD specifically states that housing discrimination because of HIV/AIDS is illegal.

The HUD Office of Policy Development and Research conducted a study in 2013, *An Estimate of Housing Discrimination Against Same-Sex Couples*, as the first large-scale, paired-testing study to assess housing discrimination against same-sex couples in metropolitan rental markets via advertisements on the Internet. Two emails were sent out, with the only difference between the two emails was the sexual orientation of the prospective renting couples. The study finds:

“[... same-sex couples experience less favorable treatment than heterosexual couples in the online rental housing market. The primary form of adverse treatment is that same-sex couples receive significantly fewer responses to e-mail inquiries about advertised units than heterosexual couples. Study results in jurisdictions with state-level protections against housing discrimination on the basis of sexual orientation unexpectedly show slightly more adverse treatment of same-sex couples than results in jurisdictions without such protections. “

On January 25, 2021, President Biden signed an Executive Order requiring protections of LGBTQ people in housing, health care, and education. The Executive Order cites the recent Supreme Court decision, *Bostock v. Clayton County*, that held that the prohibition against sex discrimination in the Equal Employment Act prohibits discrimination on the basis of sexual orientation and gender identity. The Executive Order requires the applicable federal agencies, including HUD, to promulgate actions consistent with *Bostock* and the various civil rights laws. This Executive Order will result in new HUD regulations explaining the protections of LGBTQ persons under the Fair Housing Act.

[Supreme Court Ruling: *Bostock v. Clayton County, GA* \(February 9, 2021\):](#)

In *Bostock v. Clayton County, GA*, the U.S. Supreme Court expanded its interpretation of Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination. This law prohibits discrimination on the basis of sex, but not explicitly on the basis of sexual orientation or gender identity. The Court has determined in this decision that Title VII's protection of employees on the basis of sex also protects employees on the basis of sexual orientation and gender identity. Under *Bostock's* reasoning, laws that prohibit sex discrimination — including Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), and section 412 of the Immigration and Nationality Act, as amended (8 U.S.C. 1522), along with their respective implementing regulations — prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient

indications to the contrary. HUD's Office of General Counsel issued a memorandum explaining why the Fair Housing Act's prohibition on sex discrimination includes discrimination because of gender identity and sexual orientation and President Biden issued an Executive Order on Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation in 2021.

Supreme Court Ruling: Texas Department of Housing and Community Affairs v. Inclusive Communities Project (June 25, 2015)

On June 25, 2015, the Supreme Court handed down a landmark fair housing ruling that upheld the ability to bring "disparate impact" claims under the Fair Housing Act. The Fair Housing Act of 1968, an integral legislative victory of the Civil Rights Movement, protects people from discrimination when they are renting, buying or securing financing for housing. The case, Texas Department of Housing and Community Affairs v. Inclusive Communities Project, centered on the question of whether a policy or action has to be intentionally discriminatory, or merely have a discriminatory effect, in order to qualify as a valid basis for a discrimination claim under the Act.

Inclusive Communities, a Dallas-based non-profit, claimed that the Texas Department of Housing and Community Affairs was guilty of housing discrimination because the way in which the state allocated Low Income Housing Tax Credits perpetuated racial segregation by limiting the development of affordable housing into areas that were historically impoverished with high concentrations of minorities. The state claimed that no discrimination occurred because its intention was not to promote racial segregation but to revitalize these underserved areas by injecting much needed capital for the development of new affordable housing. Inclusive Communities claimed that regardless of intention, the state's decision to fund tax-credit projects only in minority and poverty-laden neighborhoods resulted in segregation, and thus had a discriminatory effect (disparate impact).

Fair housing advocates across the nation watched the case closely and worried if the Supreme Court ruled against disparate impact claims that it would essentially "defang" the Fair Housing Act by removing a key basis for liability. Intent is much harder to prove than effect. In the end the Court ruled 5-4 to uphold the lower court decisions in favor of Inclusive Communities, salvaging fair housing disparate impact claims.

State Fair Housing Protections

The California Department of Fair Employment and Housing (DFEH) enforces California laws that provide protection and monetary relief to victims of unlawful housing practices. The Fair Employment and Housing Act (FEHA; Part 2.8 of the California Government Code, Code Sections 12900-12996) prohibits discrimination and harassment in housing practices.

The Unruh Act (California Government Code Section 51) protects Californians from discrimination in public accommodations and requires equal access to the accommodations. The Unruh Act provides broad protection and has been held by the courts to prohibit any arbitrary discrimination on the basis of personal characteristics or traits, and applies to a range of types of housing.

The Ralph Civil Rights Act (California Civil Code Section 51.7) prohibits violence and threats of violence and specifies that housing situations are protected under this Act, which includes houses, apartments, hotels, boarding housing and condominiums. Violators of the Ralph Act can be sued for actual or emotional damages, in addition to civil penalties.

The Bane Civil Rights Act (California Civil Code Section 52.1) provides another layer of protection for fair housing choice by protecting all people in California from interference by force or threat of force with an individual's constitutional or statutory rights, including a right to equal access to housing. The Bane Act also includes criminal penalties for hate crimes. However, convictions under the act are not allowed for speech alone unless that speech itself threatened violence.

In addition to these acts, California Government Code Sections 111135, 65008 and 65589.5 prohibit discrimination in programs funded by the state and in any land-use decisions.

Hate Crimes

Hate crimes are crimes committed because of a bias against race, religion, disability, ethnicity, or sexual orientation. In an attempt to determine the scope and nature of hate crimes, the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program collects statistics on these incidents.

To a certain degree, hate crimes are an indicator of the environmental context of discrimination. These crimes should be reported to the Police or Sheriff's department. On the other hand, a hate incident is an action or behavior that is motivated by hate but is protected by the First Amendment right to freedom of expression. Examples of hate incidents can include name calling, epithets, distribution of hate material in public places, and the display of offensive hate-motivated material on one's property. The freedom guaranteed by the U.S. Constitution, such as the freedom of speech, allows hateful rhetoric as long as it does not interfere with the civil rights of others. Only when these incidents escalate can they be considered an actual crime.

Chapter 4: Fair Housing Practices

This chapter provides an overview of the institutional structure of the housing industry with regard to fair housing practices. In addition, this chapter discusses the fair housing services available to residents in the County, as well as the nature and extent of fair housing complaints received by the fair housing provider. Typically, fair housing services encompass the investigation and resolution of housing discrimination complaints, discrimination auditing/testing, and education and outreach, including the dissemination of fair housing information. Tenant/landlord counseling services are usually offered by fair housing service providers but are not considered fair housing services.

Homeownership Market

The following discussions describe the process of homebuying and likely situations when a person/household may encounter housing discrimination. However, much of this process occurs in the private housing market over which local jurisdictions have little control or authority to regulate. The recourse lies in the ability of the contracted fair housing service providers in monitoring these activities, identifying the perpetrators, and taking appropriate reconciliation or legal actions.

Advertising

The first thing a potential buyer is likely to do when they consider buying a home is search advertisements either in magazines, newspapers, or the internet to get a feel for what the market offers. Advertisements cannot include discriminatory references such as the use of words describing:

1. Current or potential residents;
2. Neighbors or the neighborhood in racial or ethnic terms;
3. Adults preferred (except for senior or active adult living);
4. Perfect for empty nesters;
5. Conveniently located by a Catholic Church; or
6. Ideal for married couples without kids.

Previous litigation has set precedence for violations in advertisements that hold publishers, newspapers, Multiple Listing Services, real estate agents, and brokers accountable for discriminatory ads.

Lending

Initially, buyers must find a lender that will qualify them for a loan. This part of the process entails

an application, credit check, ability to repay, amount eligible for, choosing the type and terms of the loan, etc. Applicants are requested to provide a lot of sensitive information including their gender, ethnicity, income level, age, and familial status. Most of this information is used for reporting purposes required of lenders by the Community Reinvestment Act (CRA) and the Home Mortgage Disclosure Act (HMDA). Chapter 5 of this report provides detailed analysis of HMDA data for the County.

Appraisals

Banks order appraisal reports to determine whether or not a property is worth the amount of the loan they will be giving. Generally speaking, appraisals are based on the comparable sales of properties within the neighborhood of the property being appraised. Other factors are taken into consideration, such as the age of the structure, any improvements made, location, general economic influences, etc.

Real Estate Agents

Real estate professionals may act as agents of discrimination. Some unintentionally, or possibly intentionally, may steer a potential buyer to particular neighborhoods by encouraging the buyer to look into certain areas; others may choose not to show the buyer all choices available. Agents may also discriminate by who they agree to represent, who they turn away, and the comments they make about their clients.

The California Association of REALTORS® (CAR) has included language on many standard forms disclosing fair housing laws to those involved. Many REALTOR® Associations also host fair housing trainings/seminars to educate members on the provisions and liabilities of fair housing laws, and the Equal Opportunity Housing Symbol is also printed on all CAR forms as a reminder.

Covenants, Conditions, and Restrictions (CC&Rs)

Covenants, Conditions, and Restrictions (CC&Rs), are restrictive promises that involve voluntary agreements, which run with the land they are associated with and are listed in a recorded Declaration of Restrictions. The Statute of Frauds (Civil Code Section 1624) requires them to be in writing, because they involve real property. They must also be recorded in the County where the property is located in order to bind future owners. Owners of parcels may agree amongst themselves as to the restrictions on use, but in order to be enforceable they must be reasonable.

The California Department of Real Estate reviews CC&Rs for all subdivisions of five or more lots, or condominiums of five or more units. This review is authorized by the Subdivided Lands Act and mandated by the Business Professions Code, Section 11000. The review includes a wide range of issues, including compliance with fair housing law. The review must be completed and approved

before the Department of Real Estate will issue a final subdivision public report. This report is required before a real estate broker or anyone can sell the units, and each prospective buyer must be issued a copy of the report. If the CC&Rs are not approved, the Department of Real Estate will issue a “deficiency notice”, requiring the CC&Rs be revised. CC&Rs are void if they are unlawful, impossible to perform or are in restraint on alienation (a clause that prohibits someone from selling or transferring his/her property). However, older subdivisions and condominium/townhome developments may contain illegal clauses which are enforced by the homeowners associations.

Homeowners Insurance Industry

Without insurance, banks and other financial institutions lend less. For example, if a company excludes older homes from coverage, lower income and minority households who can only afford to buy in older neighborhoods may be disproportionately affected. Another example includes private mortgage insurance (PMI). PMI obtained by applicants from Community Reinvestment Act (CRA) protected neighborhoods is known to reduce lender risk. Redlining of lower income and minority neighborhoods can occur if otherwise qualified applicants are denied or encouraged to obtain PMI.

National Association of REALTORS® (NAR)

The National Association of REALTORS® (NAR) has developed a Fair Housing Program to provide resources and guidance to REALTORS® in ensuring equal professional services for all people. The term REALTOR® identifies a licensed professional in real estate who is a member of the NAR; however, not all licensed real estate brokers and salespersons are members of the NAR.

Code of Ethics

Article 10 of the NAR Code of Ethics provides that “REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin. REALTORS® shall not be a party to any plan or agreement to discriminate against any person or persons on the basis of race, color, religion, sex, disability, familial status, national origin, sexual orientation, or gender identity.

Additionally, Standard of Practice Article 10-1 states that “REALTORS® shall not volunteer information regarding the racial, religious or ethnic composition of any neighborhood and shall not engage in any activity which may result in panic selling. REALTORS® shall not print, display or circulate any statement or advertisement with respect to the selling or renting of a property that indicates any preference, limitations or discrimination based on race, color, religion, sex, disability, familial status, national origin, sexual orientation, or gender identity.

Diversity Certification

NAR has created a diversity certification, “At Home with Diversity: One America” to be granted to licensed real estate professionals who meet eligibility requirements and complete the NAR “At Home with Diversity” course. The certification will signal to customers that the real estate professional has been trained on working with diversity in today’s real estate markets. The coursework provides valuable business planning tools to assist real estate professionals in reaching out and marketing to a diverse housing market. The NAR course focuses on diversity awareness, building cross-cultural skills, and developing a business diversity plan.

California Department of Real Estate (DRE)

The California Department of Real Estate (DRE) is the licensing authority for real estate brokers and salespersons. As noted earlier, not all licensed brokers and salespersons are members of the National or California Association of REALTORS®. The DRE has adopted education requirements that include courses in ethics and in fair housing.

California Association of REALTORS® (CAR)

The California Association of Realtors (CAR) is a trade association of realtors statewide. As members of organized real estate, realtors also subscribe to a strict code of ethics as noted above. CAR has recently created the position of Equal Opportunity/Cultural Diversity Coordinator. CAR holds three meetings per year for its general membership, and the meetings typically include sessions on fair housing issues. Current outreach efforts in the Southern California area are directed to underserved communities and state-licensed brokers and sales persons who are not members of the CAR.

Rental Housing Market

Advertising

Legally, applicants for rental units only need to demonstrate their ability to pay rent. Whether the applicants intend to pay with wages/salaries, savings, inheritance, or insurance should not matter to the landlord. Requiring proof of income may be misleading as requiring proof of employment.

Under California’s fair housing law, source of income is a protected class. This includes, but is not limited to, the Section 8 voucher/HCV program, the HUD-VASH program, Homelessness Prevention and Rapid Re-Housing programs, Housing Opportunities for Persons with AIDS, and security deposit assistance programs that help people afford their rent. The law also protects the use of subsidy programs created by cities, counties, and public agencies to address growing homelessness. The law also protects people from source of income discrimination in housing other than rental housing. Therefore, a rental advertisement that states Section 8 or any other rental subsidy is not accepted is discriminatory.

As with real estate advertising, advertisements for rental units can be published in other languages. However, by law an English version of the ad must also be published.

Responding to Ads

Differential treatment of those responding to advertisements is a growing fair housing concern. Testing is a method of determining whether landlord practices are discriminatory against those with protected characteristics. By responding to online rental listings using names associated with a particular racial/ethnic group and varying message content grammatically to indicate differing levels of education and/or income (i.e. social class), testing may review discriminatory practices.

Viewing the Unit

Viewing the unit is the most obvious place where the potential renters may encounter discrimination because landlords or managers may discriminate based on race or disability, or judge on appearance whether a potential renter is reliable or may violate any of the rules.

Fair Housing testing programs look for both overt and subtle discrimination. Subtle discrimination is unequal treatment between groups that occurs but is difficult to quantify and may not always be identifiable through common measures such as price differences. As an example, subtle discrimination occurs when landlords reply faster and with longer messages to inquiries made from names typically perceived to be Whitewhite applicants.

Credit/Income Check

Landlords may ask potential renters to provide credit references, lists of previous addresses and landlords, and employment history/salary. The criteria for tenant selection, if any, are typically not known to those seeking to rent. Many landlords often use credit history, criminal background, and eviction history as excuses when trying to exclude certain groups. Legislation provides for applicants to receive a copy of the report used to evaluate applications.

State legislation under SB 267 offers protections against credit-based biases. In instances where an applicant intends to use a governmental rent subsidy (such as a Section 8 voucher) to rent an apartment, this bill makes it illegal for a landlord to use the applicant's credit history as part of the application process without offering the applicant the option, at the applicant's discretion, of "alternative evidence of reasonable ability to pay" the rent for the unit, including, but not limited to, government benefit payments, pay records, and bank statements.

The Lease

Typically, the lease or rental agreement is a standard form completed for all units within the same building. However, the enforcement of the rules contained in the lease or agreement may not be

standard for all tenants. A landlord may choose to strictly enforce the rules for certain tenants based on arbitrary factors, such as race, presence of children, or disability.

Lease-related language barriers can impede fair housing choice if landlords and tenants do not speak the same language. In California, applicants and tenants have the right to negotiate lease terms primarily in Spanish, Chinese, Tagalog, Vietnamese or Korean. If a language barrier exists, the landlord must give the tenant a written translation of the proposed lease or rental agreement in the language used in the negotiation before the tenant signs it. This rule applies to lease terms of one month or longer and whether the negotiations are oral or in writing. The translation requirement also applies to other consumer contracts specified in California Civil Code §1632.

Security Deposit

A security deposit is typically required. To deter “less-than-desirable” tenants, landlords have historically asked for a security deposit higher than for others. Under State bill **AB 12**, effective July 1, 2024, it is unlawful for a residential landlord to require a security deposit in excess of one month's rent, regardless of whether the unit in question is furnished or unfurnished. The bill includes an exception for small landlords, allowing up to two months' rent to be held as a deposit if the landlord (1) is a natural person or a limited liability company in which all members are natural persons, and (2) owns no more than two residential rental properties that collectively include no more than four rental units.

During the Tenancy

During tenancy, the most common forms of discrimination a tenant may face are based on familial status, race, national origin, sex, or disability. Usually this type of discrimination appears in the form of varying enforcement of rules, overly strict rules for children, excessive occupancy standards, refusal to make a reasonable accommodation/[modificaiton](#) for handicapped access, refusal to make necessary repairs, eviction notices, illegal entry, rent increases, or harassment. These actions may be used as a way to force undesirable tenants to move on their own without the landlord having to make an eviction.

California Apartment Association

The California Apartment Association has developed the California Certified Residential Manager (CCRM) program to provide a comprehensive series of courses geared towards improving the approach, attitude and professional skills of on-site property managers and other interested individuals. The CCRM program consists of 31.5 hours of training that includes fair housing and ethic. The CAA supports the intent of all local, State, and federal fair housing laws for all residents. Members of the CAA agree to abide by the provisions of their Code for Equal Housing Opportunity.

National Association of Residential Property Managers (NARPM)

The National Association of Residential Property Managers promotes a high standard of property management business ethics, professionalism and fair housing practices within the residential property management field. NARPM is an association of real estate professionals who are experienced in managing single-family and small residential properties. Members of the association adhere to a strict Code of Ethics to meet the needs of the community, which include the following duties:

1. Protect the public from fraud, misrepresentation, and unethical practices of property managers.
2. Adhere to the Federal Fair Housing statutes.
3. Protect the fiduciary relationship of the client.
4. Treat all tenants professionally and ethically.
5. Manage the property in accordance with the safety and habitability standards of the community.
6. Hold all funds received in compliance with state law with full disclosure to the client.

NARPM offers four designations to qualified property managers and property management firms and various educational courses as part of attaining these designations.

Western Manufactured Housing Communities Association (WMA)

Western Manufactured Housing Communities Association (WMA) is a nonprofit organization created in 1945 for the exclusive purpose of promoting and protecting the interests of owners, operators and developers of manufactured home communities in California. WMA assists its members in the operations of successful manufactured home communities in today's complex business and regulatory environment. WMA has over 1,600 member parks located in all 58 counties of California.

WMA offers an ~~award-winning~~ manager accreditation program as well as numerous continuing education opportunities. The Manufactured Housing Community Manager (MCM) program is a manager accreditation program that provides information on effective community operations. WMA's industry experts give managers intensive training on law affecting the industry, maintenance standards, HCD inspections, discrimination, mediation, disaster planning, and a full range of other vital subjects.

Fair Housing Services

In general, fair housing services include the investigation and resolution of housing discrimination complaints, discrimination auditing and testing, and education and outreach, including the dissemination of fair housing information such as written material, workshops, and seminars. Landlord/tenant counseling is another fair housing service that involves informing landlords and

tenants of their rights and responsibilities under fair housing law and other consumer protection legislations as well as mediating disputes between tenants and landlords. This section reviews the fair housing services available in the County.

The Eden Council for Hope and Opportunity (ECHO Housing)

ECHO Housing was founded in 1964 ~~and incorporated in 1965~~. ECHO Housing is a publicly supported, non-profit housing counseling agency established to provide comprehensive housing counseling services to residents of Alameda County. ECHO Housing provides resources, counseling, mediation, and education on fair housing issues. It also conducts investigations and enforcement in response to reports of housing discrimination. ~~Its~~ Fair Housing Audit of properties in Alameda, ~~Contra Costa, and Monterey County~~ ies for fiscal year 2023 – 2024 is available on its website.

Housing Equity Rights Project (HELP)

Provides free fair-housing education, counseling, and investigation services to tenants and landlords anywhere in California.

Phone: 415-797-4357

Email: help@housingequality.org

Fair Housing Enforcement

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) maintains a record of all housing discrimination complaints for jurisdictions. According to the HUD website, any person who feels their housing rights have been violated may submit a complaint to HUD via phone, mail or the Internet. These grievances can be filed on the basis of race, color, national origin, sex ([including gender identity and sexual orientation](#)), disability, religion, familial status and retaliation. HUD refers complaints to the California DCR, which has 30 days to address the complaint. As a substantially equivalent agency, DCR's findings are usually accepted by HUD. Thereafter, HUD tracks the complaint and its issues and outcomes as a “dually filed” complaint. An analysis of Fair Housing complaint data is included in Chapter 5.

California Department of Civil Rights (DCR)

The mission of the Department of Civil Rights (DCR) is to protect Californians from employment, housing and public accommodation discrimination, state funded programs and activities, professional relationships, hate violence and human trafficking. To achieve this mission, DCR keeps track of and investigates complaints of housing discrimination, as well as complaints in the areas of employment, housing, public accommodations and hate violence.

Investigations begin with the intake of a complaint. Complainants are first interviewed to collect

facts about possible discrimination. Interviews are normally conducted by telephone. If the complaint is accepted for investigation, the DCR drafts a formal complaint that is signed by the complainant and served. If jurisdictional under federal law, the complaint is also filed with the United States Department of Housing and Urban Development (HUD). As a substantially equivalent agency, DCR's findings are usually accepted by HUD. The recipient of the complaint (usually a landlord, seller, property manager, seller, or agent) is required to answer and has the opportunity to negotiate resolution with the complainant. If the case is not resolved voluntarily, the DFEH conducts a formal investigation.

If the investigative findings do not show a violation of the law, DCR will close the case. If investigative findings show a violation of law, the DCR schedules a formal conciliation conference. During the conciliation conference, the DCR presents information supporting its belief that there has been a violation and explores options to resolve the complaint. If formal conciliation fails, the DCR Housing Administrator may recommend litigation. If litigation is required, the case may be heard before the DCR or in civil court. Potential remedies for cases settled by the DCR include out-of-pocket losses, injunctive relief, access to the housing previously denied, additional damages for emotional distress, and civil penalties up to \$10,000 for the first violation. Court remedies are identical to DCR remedies with one exception; instead of civil penalties, a court may award unlimited punitive damages.

Chapter 5: Fair Housing Analysis

Demographic Summary

This section describes population and housing trends throughout the participating jurisdictions. Over 1.6 million people live in Alameda County.

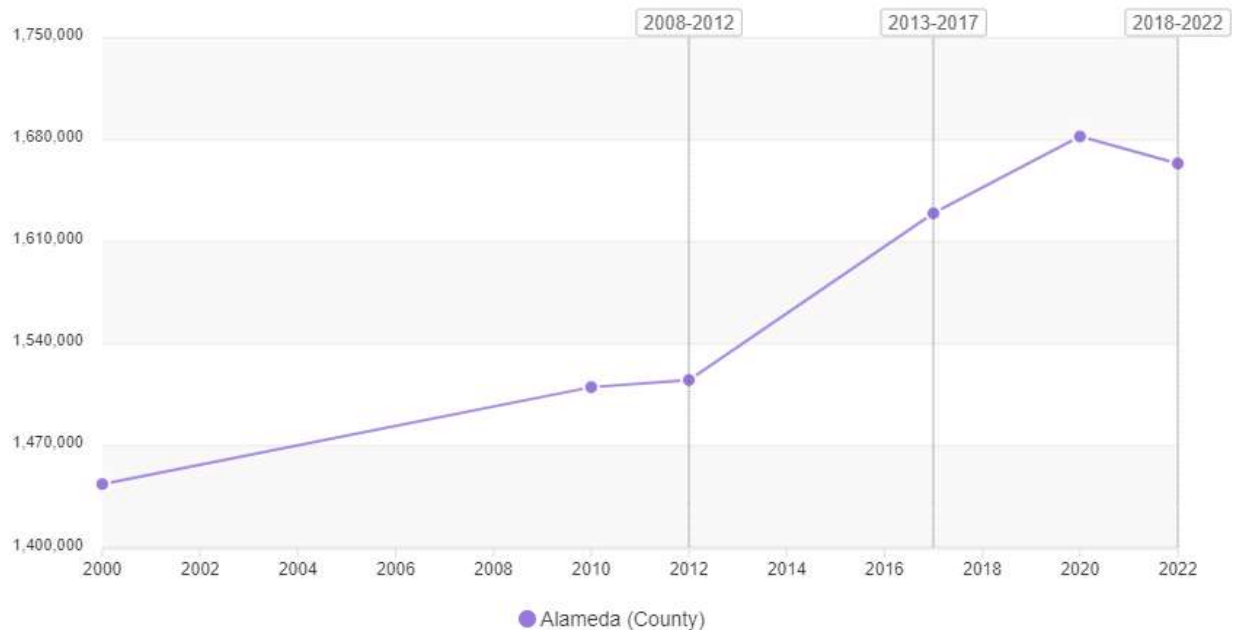
- The population of Alameda County has grown by approximately 387,000 people since 1990, which equates to 30% increase. The growth has been slower since 2010, where the population has grown by 153,000 people, which equates to 10% increase.
- However, population has dropped by 1.11% in the last 2 years based on the 2020 Decennial and 2022 5-year ACS data projections. The decrease has been consistent across all cities and the region.
- Overall, most growth has been in foreign-born and minority residents. As of 2022, 33% of the population in Alameda County are foreign born; 70% are minorities; 20% are under the age of 18; 65.38% are between the ages of 18 and 64; and 14.62% are over the age of 65.

Population Patterns

Alameda County experienced population growth between 2000 and 2020, with significant increases happening between 2008 and 2020. Between 2020 and 2022, the County saw a population decline of about -1%.

Population from 2000 to 2018-2022.

Powered by PolicyMap



The following table presents population trends from 1990 to 2022 for all participating jurisdictions as well as the region (the CBSA, defined in Section II as Alameda, Contra Costa, San Francisco, and San Mateo Counties). Note that the row titled Alameda County demonstrates the total population for all participating jurisdictions. Alameda County has grown approximately 30% since 1990 with 10% increase since 2010. Along a similar trend, the region has grown approximately 27% since 1990 with 8% since 2010. The cities with the most growth during 2010 to 2022 were Emeryville and Dublin following the trend since 1990, growing approximately 27% and 54%, respectively. However, the population has declined in the last 2 years by 1.21% across the region.

TABLE V-1 - POPULATION GROWTH AND PERCENT CHANGE

| | 1990 | 2000 | 2010 | 2020 | 2022 | %change 1990-2000 | %change 2000-2010 | %change 2010-2020 | %change 2020-2022 |
|----------------------------------|-----------|-----------|-----------|-----------|-----------|----------------------|----------------------|----------------------|----------------------|
| Consortium | 801,736 | 941,461 | 1,006,967 | 1,117,386 | 1,104,613 | 17.43% | 6.96% | 10.97% | -1.16% |
| | 213,779 | 242,439 | 269,161 | 316,671 | 312,581 | 13.41% | 11.02% | 17.65% | -1.31% |
| Albany | 16,327 | 16,444 | 18,539 | 20,271 | 20,027 | 0.72% | 12.74% | 9.34% | -1.22% |
| Emeryville | 5,740 | 6,882 | 10,080 | 12,905 | 12,840 | 19.90% | 46.47% | 28.03% | -0.51% |
| Dublin | 23,229 | 29,973 | 46,036 | 72,589 | 71,068 | 29.03% | 53.59% | 57.68% | -2.14% |
| Newark | 37,861 | 42,471 | 42,573 | 47,529 | 47,470 | 12.18% | 0.24% | 11.64% | -0.12% |
| Piedmont | 10,602 | 10,952 | 10,667 | 11,270 | 11,161 | 3.30% | -2.60% | 5.65% | -0.98% |
| Unincorporated Alameda County | 120,020 | 135,717 | 141,266 | 152,107 | 150,015 | 13.08% | 4.09% | 7.67% | -1.39% |
| | 587,957 | 699,022 | 737,806 | 800,715 | 792,032 | 18.89% | 5.55% | 8.53% | -1.10% |
| Alameda | 73,979 | 72,259 | 73,812 | 78,280 | 77,565 | -2.32% | 2.15% | 6.05% | -0.92% |
| Fremont | 173,339 | 203,413 | 214,089 | 230,504 | 228,795 | 17.35% | 5.25% | 7.67% | -0.75% |
| Hayward | 111,343 | 140,030 | 144,186 | 162,954 | 160,602 | 25.76% | 2.97% | 13.02% | -1.46% |
| Livermore | 56,741 | 73,345 | 80,968 | 87,955 | 87,154 | 29.26% | 10.39% | 8.63% | -0.92% |
| Pleasanton | 50,570 | 63,654 | 70,285 | 79,871 | 78,691 | 25.87% | 10.42% | 13.64% | -1.50% |
| San Leandro | 68,223 | 79,452 | 84,950 | 91,008 | 89,723 | 16.46% | 6.92% | 7.13% | -1.43% |
| Union City | 53,762 | 66,869 | 69,516 | 70,143 | 69,502 | 24.38% | 3.96% | 0.90% | -0.92% |
| Berkeley | 102,724 | 102,743 | 112,580 | 124,321 | 121,385 | 0.02% | 9.57% | 10.43% | -2.42% |
| Oakland | 372,242 | 399,484 | 390,724 | 440,646 | 437,825 | 7.32% | -2.19% | 12.78% | -0.64% |
| Alameda County | 1,276,702 | 1,443,741 | 1,510,271 | 1,682,353 | 1,663,823 | 13.08% | 4.61% | 11.39% | -1.11% |
| Region | 3,677,712 | 4,123,737 | 4,335,391 | 4,749,008 | 4,692,242 | 12.13% | 5.13% | 9.54% | -1.21% |

Source: Decennial Census 1990, 2000, 2010, 2020; 2022 ACS 5-Year Estimates

Demographic Trends

- The County has experienced a steady increase in foreign-born residents in Alameda County; approximately 33% of residents are foreign-born. The trend is similar for the region.
- The number of Black and Whitewhite residents in Alameda County has decreased following the pattern from 1990 to present. The Whitewhite residents have decreased from 52.87% in

1990 to 29.3% in 2022, and the Black residents have declined from 17.58% in 1990 to 9.94% in 2022. The trend is similar for the region.

- The number of Hispanic residents in Alameda County has risen from 14.28% in 1990 to 22.21% in 2022, but the population has remained steady since 2010 hovering between 21% to 23%. The trend is similar for the region.
- Most of the growth in Alameda County has been due to an increase in Asian or Pacific Islander residents, which has increased from 14.46% in 1990 to 32.65% in 2022. The trend is similar for the region.
- The male to female distribution has remained consistent since 1990, where the female population is within 2% points more than males. The trend is similar for the region.
- The residents with limited English proficiency have declined from the 2010 peak of 18.79% to 16.32% as of 2022.
- The number of families with children in Alameda County has decreased from a peak of 48.04% in 2010 to 44.10% in 2022. The region has dropped from a peak of 47.23% in 2000 to 42.26% in 2022.

The tables below present data for demographic trends of the participating jurisdictions and the region between 1990 and 2022.

TABLE V-2 - DEMOGRAPHIC TRENDS, ALAMEDA COUNTY AND REGION, 1990, 2000, 2010, 2020, 2022

Alameda County (Entire County Geographically)

| Race/Ethnicity | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|---|---------|--------|---------|--------|-----------|--------|-----------|--------|-----------|--------|
| White Non-Hispanic | 674,969 | 52.87% | 591,201 | 40.95% | 514,705 | 34.08% | 472,277 | 28.07% | 487,452 | 29.30% |
| Black Non-Hispanic | 224,449 | 17.58% | 228,011 | 15.79% | 204,385 | 13.53% | 159,499 | 9.48% | 165,390 | 9.94% |
| Hispanic | 182,291 | 14.28% | 276,507 | 19.15% | 343,027 | 22.71% | 393,749 | 23.40% | 369,603 | 22.21% |
| Asian or Pacific Islander Non-Hispanic | 184,627 | 14.46% | 327,246 | 22.67% | 438,322 | 29.02% | 553,720 | 32.91% | 543,277 | 32.65% |
| Native American Non-Hispanic | 6,531 | 51.00% | 11,505 | 0.80% | 10,006 | 0.66% | 4,131 | 0.25% | 4,870 | 0.29% |
| National Origin | | | | | | | | | | |
| Foreign-born | 230,921 | 18.09% | 394,322 | 27.31% | 457,248 | 30.28% | 544,274 | 32.76% | 553,576 | 33.27% |
| LEP | | | | | | | | | | |
| Limited English Proficiency of Population 5 years and older | 134,964 | 11.40% | 239,487 | 17.80% | 265,495 | 18.79% | 260,410 | 16.63% | 256,871 | 16.32% |
| Sex | | | | | | | | | | |
| Male | 622,759 | 48.78% | 711,561 | 49.29% | 743,177 | 49.21% | 824,426 | 49.00% | 826,561 | 49.68% |
| Female | 653,820 | 51.21% | 737,639 | 51.09% | 772,314 | 51.14% | 857,927 | 51.00% | 837,262 | 50.32% |
| Age | | | | | | | | | | |
| Under 18 | 304,556 | 23.85% | 365,306 | 25.30% | 342,164 | 22.66% | 343,965 | 20.45% | 332,827 | 20.00% |
| 18-64 | 836,384 | 65.51% | 935,787 | 64.82% | 1,005,123 | 66.55% | 1,097,905 | 65.26% | 1,087,757 | 65.38% |
| 65+ | 135,638 | 10.62% | 148,107 | 10.26% | 168,203 | 11.14% | 240,483 | 14.29% | 243,239 | 14.62% |
| Family Type | | | | | | | | | | |
| Families with children out of total number of families; not out of total people | 152,760 | 48.98% | 170,762 | 50.36% | 169,304 | 48.04% | 173,910 | 44.30% | 170,477 | 44.10% |

Consortium

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| | White Non-Hispanic | 510,612 | 63.56% | 440,567 | 46.52% | 351,858 | 34.76% | 286,848 | 25.77% | 294,192 | 26.75% |
| | Black Non-Hispanic | 46,993 | 5.85% | 66,493 | 7.02% | 77,652 | 7.67% | 58,410 | 5.25% | 62,763 | 5.71% |
| | Hispanic | 122,173 | 15.21% | 179,072 | 18.91% | 231,746 | 22.90% | 249,191 | 22.39% | 237,676 | 21.61% |
| | Asian or Pacific Islander Non-Hispanic | 117,069 | 14.57% | 242,360 | 25.59% | 340,987 | 33.69% | 455,807 | 40.95% | 446,697 | 40.61% |
| | Native American Non-Hispanic | 4,312 | 0.54% | 8,108 | 0.86% | 6,902 | 0.68% | 2,523 | 0.23% | 3,014 | 0.27% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 140,287 | 17.47% | 267,283 | 28.22% | 323,723 | 31.98% | 405,786 | 36.50% | 411,913 | 37.45% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 73,901 | 9.20% | 149,208 | 15.76% | 175,851 | 17.37% | 187,658 | 17.93% | 188,784 | 18.17% |
| Sex | | | | | | | | | | | |
| | Male | 395,227 | 49.21% | 469,048 | 49.53% | 498,626 | 49.26% | 546,884 | 49.13% | 549,546 | 49.96% |
| | Female | 407,969 | 50.79% | 478,003 | 50.47% | 513,561 | 50.74% | 566,311 | 50.87% | 550,421 | 50.04% |
| Age | | | | | | | | | | | |
| | Under 18 | 197,668 | 24.61% | 247,648 | 26.15% | 245,172 | 24.22% | 243,574 | 21.88% | 233,744 | 21.25% |
| | 18-64 | 526,298 | 65.52% | 603,587 | 63.73% | 655,546 | 64.77% | 710,652 | 63.84% | 705,153 | 64.11% |
| | 65+ | 79,280 | 9.87% | 95,816 | 10.12% | 111,469 | 11.01% | 158,969 | 14.28% | 161,070 | 14.64% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 102,058 | 48.82% | 98,484 | 50.91% | 123,513 | 49.21% | 126,306 | 45.42% | 123,012 | 45.17% |

Urban County (Alameda County, CA CDBG, ESG) Jurisdiction

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| | White Non-Hispanic | 141,012 | 67.49% | 125,454 | 51.98% | 105,474 | 39.20% | 86,761 | 27.77% | 89,159 | 28.95% |
| | Black Non-Hispanic | 13,440 | 6.43% | 20,544 | 8.51% | 25,356 | 9.42% | 19,250 | 6.16% | 21,420 | 6.96% |
| | Hispanic | 30,052 | 14.38% | 47,048 | 19.49% | 66,642 | 24.77% | 75,740 | 24.24% | 69,127 | 22.45% |
| | Asian or Pacific Islander Non-Hispanic | 22,738 | 10.88% | 43,459 | 18.01% | 68,655 | 25.52% | 111,359 | 35.64% | 110,624 | 35.92% |
| | Native American Non-Hispanic | 1,129 | 0.54% | 2,279 | 0.94% | 1,985 | 0.74% | 857 | 0.27% | 831 | 0.27% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 30,580 | 14.65% | 53,562 | 22.19% | 72,355 | 26.89% | 99,643 | 33.10% | 105,799 | 34.36% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 15,807 | 7.57% | 30,106 | 12.47% | 39,787 | 14.79% | 46,984 | 16.63% | 48,483 | 16.73% |
| Sex | | | | | | | | | | | |
| | Male | 102,120 | 48.92% | 119,349 | 49.44% | 133,205 | 49.51% | 152,568 | 48.82% | 153,067 | 49.71% |
| | Female | 106,648 | 51.08% | 122,031 | 50.56% | 135,860 | 50.49% | 159,912 | 51.18% | 154,868 | 50.29% |
| Age | | | | | | | | | | | |
| | Under 18 | 49,513 | 23.72% | 61,208 | 25.36% | 64,119 | 23.83% | 69,956 | 22.39% | 66,465 | 21.58% |
| | 18-64 | 136,358 | 65.32% | 154,210 | 63.89% | 176,055 | 65.43% | 201,004 | 64.33% | 197,796 | 64.23% |
| | 65+ | 22,897 | 10.97% | 25,962 | 10.76% | 28,891 | 10.74% | 41,520 | 13.29% | 43,674 | 14.18% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 25,932 | 47.84% | 24,254 | 50.68% | 32,142 | 48.85% | 36,215 | 47.00% | 35,262 | 46.49% |

City of Alameda (Alameda, CA CDBG) Jurisdiction

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | White Non-Hispanic | 45,203 | 64.37% | 37,921 | 52.48% | 33,468 | 45.34% | 32,152 | 41.07% | 32,025 | 41.29% |
| | Black Non-Hispanic | 3,922 | 5.58% | 5,181 | 7.17% | 5,645 | 7.65% | 4,399 | 5.62% | 5,244 | 6.76% |
| | Hispanic | 6,531 | 9.30% | 6,725 | 9.31% | 8,092 | 10.96% | 9,435 | 12.05% | 9,377 | 12.09% |
| | Asian or Pacific Islander Non-Hispanic | 14,017 | 19.96% | 20,827 | 28.82% | 25,619 | 34.71% | 25,463 | 32.53% | 24,551 | 31.65% |
| | Native American Non-Hispanic | 369 | 0.53% | 746 | 1.03% | 659 | 0.89% | 173 | 0.22% | 261 | 0.34% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 13,061 | 18.61% | 18,830 | 26.06% | 20,047 | 27.16% | 20,161 | 25.26% | 19,145 | 24.68% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 6,539 | 9.32% | 10,121 | 14.01% | 11,879 | 16.09% | 9,379 | 14.35% | 8,012 | 11.01% |
| Sex | | | | | | | | | | | |
| | Male | 34,296 | 48.86% | 34,678 | 47.99% | 35,315 | 47.84% | 37,328 | 47.69% | 37,967 | 48.95% |
| | Female | 35,895 | 51.14% | 37,581 | 52.01% | 38,497 | 52.16% | 40,952 | 52.31% | 39,598 | 51.05% |
| Age | | | | | | | | | | | |
| | Under 18 | 15,195 | 21.65% | 15,658 | 21.67% | 15,304 | 20.73% | 15,609 | 19.94% | 16,570 | 21.36% |
| | 18-64 | 46,021 | 65.57% | 47,101 | 65.18% | 48,533 | 65.75% | 48,960 | 62.54% | 47,833 | 61.67% |
| | 65+ | 8,975 | 12.79% | 9,500 | 13.15% | 9,975 | 13.51% | 13,711 | 17.52% | 13,162 | 16.97% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 8,326 | 46.64% | 8,378 | 46.91% | 8,484 | 46.38% | 8,629 | 43.94% | 8,858 | 46.47% |

City of Berkeley, CA CDBG, HOME, ESG Jurisdiction

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | White Non-Hispanic | 59,823 | 58.28% | 56,689 | 55.17% | 61,539 | 54.66% | 62,450 | 50.23% | 63,018 | 51.92% |
| | Black Non-Hispanic | 18,630 | 18.15% | 15,123 | 14.72% | 12,524 | 11.12% | 9,495 | 7.64% | 9,153 | 7.54% |
| | Hispanic | 8,567 | 8.35% | 9,999 | 9.73% | 12,209 | 10.84% | 17,018 | 13.69% | 14,654 | 12.07% |
| | Asian or Pacific Islander Non-Hispanic | 14,735 | 14.35% | 18,822 | 18.32% | 25,018 | 22.22% | 24,954 | 20.07% | 25,318 | 20.86% |
| | Native American Non-Hispanic | 474 | 0.46% | 770 | 0.75% | 676 | 0.60% | 226 | 0.18% | 213 | 0.18% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 17,275 | 16.83% | 20,923 | 20.36% | 23,538 | 20.91% | 26,148 | 21.25% | 26,096 | 21.49% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 7,076 | 6.89% | 7,552 | 7.35% | 8,947 | 7.95% | 7,747 | 6.52% | 7,505 | 6.38% |
| Sex | | | | | | | | | | | |
| | Male | 50,959 | 49.65% | 50,322 | 48.98% | 55,031 | 48.88% | 60,913 | 49.00% | 59,388 | 48.90% |
| | Female | 51,682 | 50.35% | 52,421 | 51.02% | 57,549 | 51.12% | 63,408 | 51.00% | 61,997 | 51.10% |
| Age | | | | | | | | | | | |
| | Under 18 | 14,564 | 14.19% | 15,328 | 14.92% | 13,872 | 12.32% | 15,394 | 12.38% | 14,760 | 12.16% |
| | 18-64 | 76,877 | 74.90% | 76,881 | 74.83% | 85,532 | 75.97% | 90,001 | 72.39% | 87,290 | 71.91% |
| | 65+ | 11,199 | 10.91% | 10,534 | 10.25% | 13,176 | 11.70% | 18,926 | 15.22% | 19,335 | 15.93% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 8,347 | 43.69% | 7,382 | 43.13% | 7,785 | 41.43% | 8,193 | 38.74% | 8,012 | 37.67% |

City of Fremont (Fremont, CA CDBG) Jurisdiction

| Race/Ethnicity | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|---|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| White Non-Hispanic | 109,887 | 63.57% | 84,136 | 41.36% | 56,766 | 26.52% | 38,160 | 16.56% | 41,344 | 18.07% |
| Black Non-Hispanic | 6,230 | 3.60% | 7,198 | 3.54% | 8,086 | 3.78% | 5,108 | 2.22% | 7,098 | 3.10% |
| Hispanic | 23,023 | 13.32% | 27,398 | 13.47% | 31,698 | 14.81% | 29,016 | 12.59% | 27,522 | 12.03% |
| Asian or Pacific Islander Non-Hispanic | 32,328 | 18.70% | 80,555 | 39.60% | 115,884 | 54.13% | 147,842 | 64.14% | 142,586 | 62.32% |
| Native American Non-Hispanic | 940 | 0.54% | 1,573 | 0.77% | 1,176 | 0.55% | 470 | 0.20% | 791 | 0.35% |
| National Origin | | | | | | | | | | |
| Foreign-born | 34,565 | 20.00% | 75,493 | 37.11% | 90,196 | 42.13% | 115,123 | 49.02% | 111,689 | 48.82% |
| LEP | | | | | | | | | | |
| Limited English Proficiency of Population 5 years and older | 16,262 | 9.41% | 37,260 | 18.32% | 40,562 | 18.95% | 42,391 | 19.26% | 39,989 | 18.56% |
| Sex | | | | | | | | | | |
| Male | 86,222 | 49.89% | 101,606 | 49.95% | 106,441 | 49.72% | 115,285 | 50.01% | 114,554 | 50.10% |
| Female | 86,617 | 50.11% | 101,805 | 50.05% | 107,648 | 50.28% | 115,219 | 49.99% | 114,241 | 49.90% |
| Age | | | | | | | | | | |
| Under 18 | 44,750 | 25.89% | 53,439 | 26.27% | 53,216 | 24.86% | 54,013 | 23.43% | 52,558 | 22.97% |
| 18-64 | 116,808 | 67.58% | 132,885 | 65.33% | 139,064 | 64.96% | 146,425 | 63.52% | 146,446 | 64.01% |
| 65+ | 11,280 | 6.53% | 17,086 | 8.40% | 21,809 | 10.19% | 30,066 | 13.04% | 29,791 | 13.02% |
| Family Type | | | | | | | | | | |
| Families with children out of total number of families; not out of total people | 23,178 | 50.94% | 21,720 | 52.06% | 28,873 | 51.96% | 30,154 | 50.30% | 30,103 | 50.50% |

City of Hayward (Hayward, CA CDBG) Jurisdiction

| Race/Ethnicity | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|---|--------|--------|--------|--------|--------|--------|---------|--------|---------|--------|
| White Non-Hispanic | 57,741 | 50.69% | 41,928 | 29.83% | 27,513 | 19.06% | 21,436 | 13.15% | 23,441 | 14.60% |
| Black Non-Hispanic | 10,473 | 9.19% | 15,743 | 11.20% | 17,569 | 12.17% | 14,003 | 8.59% | 13,991 | 8.71% |
| Hispanic | 28,073 | 24.65% | 47,627 | 33.89% | 58,821 | 40.76% | 67,079 | 41.16% | 63,692 | 39.66% |
| Asian or Pacific Islander Non-Hispanic | 16,470 | 14.46% | 32,363 | 23.03% | 38,992 | 27.02% | 52,570 | 32.26% | 50,639 | 31.53% |
| Native American Non-Hispanic | 726 | 0.64% | 1,167 | 0.83% | 1,024 | 0.71% | 346 | 0.21% | 454 | 0.28% |
| National Origin | | | | | | | | | | |
| Foreign-born | 24,533 | 21.53% | 48,601 | 34.57% | 52,166 | 36.15% | 61,781 | 38.90% | 64,839 | 40.37% |
| LEP | | | | | | | | | | |
| Limited English Proficiency of Population 5 years and older | 15,565 | 13.66% | 31,650 | 22.51% | 34,927 | 24.20% | 35,699 | 23.85% | 38,600 | 25.44% |
| Sex | | | | | | | | | | |
| Male | 56,144 | 49.28% | 70,097 | 49.86% | 71,253 | 49.37% | 80,326 | 49.29% | 82,187 | 51.20% |
| Female | 57,789 | 50.72% | 70,485 | 50.14% | 73,069 | 50.63% | 82,628 | 50.71% | 78,415 | 48.80% |
| Age | | | | | | | | | | |
| Under 18 | 28,700 | 25.19% | 38,822 | 27.62% | 35,684 | 24.73% | 34,564 | 21.21% | 32,180 | 20.04% |
| 18-64 | 73,474 | 64.49% | 87,503 | 62.24% | 93,967 | 65.11% | 107,150 | 65.75% | 107,191 | 66.74% |
| 65+ | 11,759 | 10.32% | 14,257 | 10.14% | 14,671 | 10.17% | 21,240 | 13.03% | 21,231 | 13.22% |
| Family Type | | | | | | | | | | |
| Families with children out of total number of families; not out of total people | 14,040 | 49.17% | 14,475 | 51.63% | 15,719 | 48.14% | 15,584 | 42.02% | 14,529 | 40.15% |

City of Livemore (Livemore, CA CDBG) Jurisdiction

| Race/Ethnicity | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| White Non-Hispanic | 48,230 | 83.77% | 55,001 | 74.70% | 52,479 | 64.84% | 48,449 | 55.08% | 46,782 | 53.68% |
| Black Non-Hispanic | 820 | 1.42% | 1,391 | 1.89% | 2,012 | 2.49% | 1,604 | 1.82% | 1,462 | 1.68% |
| Hispanic | 5,673 | 9.85% | 10,512 | 14.28% | 16,890 | 20.87% | 18,978 | 21.58% | 19,726 | 22.63% |
| Asian or Pacific Islander Non-Hispanic | 2,405 | 4.18% | 5,313 | 7.22% | 8,584 | 10.61% | 12,842 | 14.60% | 14,421 | 16.55% |
| Native American Non-Hispanic | 350 | 0.61% | 812 | 1.10% | 710 | 0.88% | 203 | 0.23% | 104 | 0.12% |
| National Origin | | | | | | | | | | |
| Foreign-born | 3,765 | 6.54% | 8,882 | 12.06% | 12,351 | 15.26% | 15,564 | 16.96% | 16,550 | 18.99% |
| LEP | | | | | | | | | | |
| Limited English Proficiency of Population 5 years and older | 1,928 | 3.35% | 4,670 | 6.34% | 6,313 | 7.80% | 6,923 | 8.07% | 7,100 | 8.73% |
| Sex | | | | | | | | | | |
| Male | 28,689 | 49.82% | 36,821 | 50.01% | 40,224 | 49.70% | 43,572 | 49.54% | 43,048 | 49.40% |
| Female | 28,897 | 50.18% | 36,802 | 49.99% | 40,712 | 50.30% | 44,383 | 50.46% | 44,106 | 50.60% |
| Age | | | | | | | | | | |
| Under 18 | 15,472 | 26.87% | 21,103 | 28.66% | 20,540 | 25.38% | 19,538 | 22.21% | 19,863 | 22.79% |
| 18-64 | 37,964 | 65.93% | 46,880 | 63.68% | 51,832 | 64.04% | 55,620 | 63.24% | 54,767 | 62.84% |
| 65+ | 4,150 | 7.21% | 5,640 | 7.66% | 8,563 | 10.58% | 12,797 | 14.55% | 12,524 | 14.37% |
| Family Type | | | | | | | | | | |
| Families with children out of total number of families; not out of total people | 8,100 | 51.96% | 7,576 | 51.92% | 10,377 | 48.78% | 10,068 | 42.98% | 10,124 | 44.89% |

City of Oakland (Oakland, CA CDBG, HOME, ESG) Jurisdiction

| Race/Ethnicity | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|---|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| White Non-Hispanic | 104,534 | 28.19% | 93,945 | 23.52% | 101,308 | 25.93% | 120,187 | 27.28% | 126,780 | 28.96% |
| Black Non-Hispanic | 158,826 | 42.83% | 146,395 | 36.65% | 114,209 | 29.23% | 91,561 | 20.78% | 93,447 | 21.34% |
| Hispanic | 51,551 | 13.90% | 87,436 | 21.89% | 99,072 | 25.36% | 126,843 | 28.79% | 116,550 | 26.62% |
| Asian or Pacific Islander Non-Hispanic | 52,823 | 14.24% | 66,064 | 16.54% | 72,317 | 18.51% | 72,574 | 16.47% | 70,982 | 16.21% |
| Native American Non-Hispanic | 1,745 | 0.47% | 2,627 | 0.66% | 2,428 | 0.62% | 1,371 | 0.31% | 1,642 | 0.38% |
| National Origin | | | | | | | | | | |
| Foreign-born | 73,359 | 19.79% | 106,116 | 26.57% | 109,987 | 28.15% | 111,966 | 26.50% | 115,087 | 26.29% |
| LEP | | | | | | | | | | |
| Limited English Proficiency of Population 5 years and older | 53,987 | 14.56% | 82,727 | 20.71% | 80,697 | 20.65% | 64,789 | 16.35% | 60,384 | 14.62% |
| Sex | | | | | | | | | | |
| Male | 176,523 | 47.62% | 192,191 | 48.12% | 189,520 | 48.50% | 214,508 | 48.68% | 215,257 | 49.20% |
| Female | 194,169 | 52.38% | 207,215 | 51.88% | 201,204 | 51.50% | 226,138 | 51.32% | 222,568 | 50.80% |
| Age | | | | | | | | | | |
| Under 18 | 92,324 | 24.91% | 102,330 | 25.62% | 83,120 | 21.27% | 84,252 | 19.12% | 83,683 | 19.11% |
| 18-64 | 233,209 | 62.91% | 255,319 | 63.92% | 264,045 | 67.58% | 294,860 | 66.92% | 292,536 | 66.82% |
| 65+ | 45,159 | 12.18% | 41,757 | 10.45% | 43,558 | 11.15% | 61,534 | 13.96% | 61,606 | 14.07% |
| Family Type | | | | | | | | | | |
| Families with children out of total number of families; not out of total people | 42,355 | 49.93% | 36,535 | 49.87% | 38,619 | 46.13% | 39,079 | 42.35% | 39,183 | 42.71% |

City of Pleasanton (Pleasanton, CA CDBG) Jurisdiction

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | White Non-Hispanic | 44,721 | 86.14% | 48,792 | 76.04% | 43,019 | 61.18% | 34,332 | 42.98% | 32,893 | 41.80% |
| | Black Non-Hispanic | 660 | 1.27% | 994 | 1.55% | 1,436 | 2.04% | 1,332 | 1.67% | 1,196 | 1.52% |
| | Hispanic | 3,497 | 6.74% | 5,054 | 7.88% | 7,291 | 10.37% | 7,882 | 9.87% | 8,882 | 11.29% |
| | Asian or Pacific Islander Non-Hispanic | 2,766 | 5.33% | 8,439 | 13.15% | 17,910 | 25.47% | 31,610 | 39.58% | 32,507 | 41.31% |
| | Native American Non-Hispanic | 179 | 0.34% | 408 | 0.64% | 463 | 0.66% | 137 | 0.17% | 187 | 0.24% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 3,848 | 7.41% | 8,967 | 13.98% | 15,353 | 21.83% | 26,244 | 32.82% | 27,528 | 34.98% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 1,070 | 2.06% | 3,264 | 5.09% | 6,456 | 9.18% | 9,369 | 12.32% | 9,101 | 12.11% |
| Sex | | | | | | | | | | | |
| | Male | 25,616 | 49.34% | 31,534 | 49.18% | 34,488 | 49.05% | 39,043 | 48.88% | 38,861 | 49.40% |
| | Female | 26,302 | 50.66% | 32,591 | 50.82% | 35,829 | 50.95% | 40,828 | 51.12% | 39,830 | 50.60% |
| Age | | | | | | | | | | | |
| | Under 18 | 13,153 | 25.33% | 18,255 | 28.47% | 18,927 | 26.92% | 19,151 | 23.98% | 18,489 | 23.50% |
| | 18-64 | 35,668 | 68.70% | 41,031 | 63.99% | 43,584 | 61.98% | 48,312 | 60.49% | 47,750 | 60.68% |
| | 65+ | 3,097 | 5.97% | 4,840 | 7.55% | 7,806 | 11.10% | 12,408 | 15.54% | 12,452 | 15.82% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 7,558 | 52.02% | 7,893 | 53.73% | 10,295 | 53.62% | 10,804 | 49.59% | 10,634 | 49.09% |

City of San Leandro, CA CDBG) Jurisdiction

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | White Non-Hispanic | 45,165 | 64.82% | 33,501 | 42.17% | 22,899 | 26.97% | 17,865 | 19.63% | 18,592 | 20.72% |
| | Black Non-Hispanic | 4,134 | 5.93% | 8,323 | 10.48% | 11,058 | 13.02% | 9,708 | 10.67% | 9,065 | 10.10% |
| | Hispanic | 10,731 | 15.40% | 16,048 | 20.20% | 23,357 | 27.51% | 25,981 | 28.55% | 25,364 | 28.27% |
| | Asian or Pacific Islander Non-Hispanic | 9,069 | 13.02% | 19,963 | 25.13% | 26,793 | 31.55% | 33,077 | 36.35% | 32,321 | 36.02% |
| | Native American Non-Hispanic | 405 | 0.58% | 739 | 0.93% | 561 | 0.66% | 224 | 0.25% | 218 | 0.24% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 11,888 | 17.05% | 21,902 | 27.57% | 27,905 | 32.86% | 32,472 | 35.89% | 33,506 | 37.34% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 6,471 | 9.28% | 14,581 | 18.35% | 19,372 | 22.81% | 21,457 | 24.83% | 21,991 | 25.53% |
| Sex | | | | | | | | | | | |
| | Male | 33,503 | 48.06% | 38,767 | 48.80% | 40,784 | 48.03% | 43,854 | 48.19% | 44,511 | 49.60% |
| | Female | 36,202 | 51.94% | 40,676 | 51.20% | 44,126 | 51.97% | 47,154 | 51.81% | 45,212 | 50.40% |
| Age | | | | | | | | | | | |
| | Under 18 | 13,461 | 19.31% | 18,227 | 22.94% | 19,018 | 22.40% | 17,334 | 19.05% | 15,345 | 17.10% |
| | 18-64 | 43,209 | 61.99% | 48,760 | 61.38% | 54,349 | 64.01% | 58,328 | 64.09% | 58,607 | 65.32% |
| | 65+ | 13,035 | 18.70% | 12,456 | 15.68% | 11,543 | 13.59% | 15,346 | 16.86% | 15,771 | 17.58% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 6,855 | 37.05% | 6,151 | 44.32% | 9,195 | 44.95% | 8,561 | 39.06% | 7,406 | 36.07% |

City of Union City (Union City, CA CDBG) Jurisdiction

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | White Non-Hispanic | 18,409 | 34.28% | 13,660 | 20.45% | 10,094 | 14.52% | 7,693 | 10.97% | 9,956 | 14.32% |
| | Black Non-Hispanic | 4,327 | 8.06% | 4,779 | 7.15% | 4,786 | 6.88% | 3,006 | 4.29% | 3,287 | 4.73% |
| | Hispanic | 13,431 | 25.01% | 15,997 | 23.94% | 15,816 | 22.75% | 15,080 | 21.50% | 13,986 | 20.12% |
| | Asian or Pacific Islander Non-Hispanic | 17,124 | 31.89% | 31,218 | 46.73% | 38,349 | 55.17% | 41,044 | 58.51% | 39,048 | 56.18% |
| | Native American Non-Hispanic | 204 | 0.38% | 363 | 0.54% | 305 | 0.44% | 113 | 0.16% | 168 | 0.24% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 17,306 | 32.21% | 29,380 | 44.00% | 31,533 | 45.36% | 34,798 | 46.36% | 32,857 | 47.27% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 9,639 | 17.94% | 15,934 | 23.86% | 15,192 | 21.85% | 15,456 | 21.65% | 15,508 | 23.39% |
| Sex | | | | | | | | | | | |
| | Male | 26,585 | 49.48% | 33,568 | 50.28% | 34,313 | 49.36% | 34,908 | 49.77% | 35,351 | 50.90% |
| | Female | 27,144 | 50.52% | 33,199 | 49.72% | 35,203 | 50.64% | 35,235 | 50.23% | 34,151 | 49.10% |
| Age | | | | | | | | | | | |
| | Under 18 | 15,951 | 29.69% | 19,003 | 28.46% | 16,820 | 24.20% | 13,409 | 19.12% | 12,274 | 17.66% |
| | 18-64 | 34,043 | 63.36% | 42,132 | 63.10% | 44,942 | 64.65% | 44,853 | 63.95% | 44,763 | 64.41% |
| | 65+ | 3,734 | 6.95% | 5,632 | 8.44% | 7,754 | 11.15% | 11,881 | 16.94% | 12,465 | 17.93% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 7,482 | 56.59% | 7,590 | 53.95% | 7,816 | 46.89% | 6,391 | 37.15% | 6,096 | 36.08% |

Region

| Race/Ethnicity | | 1990 # | 1990% | 2000 # | 2000% | 2010# | 2010% | 2020# | 2020% | 2022# | 2022% |
|------------------------|---|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|
| | White Non-Hispanic | 2,157,395 | 58.65% | 2,025,815 | 49.12% | 1,840,372 | 42.45% | 1,544,906 | 34.43% | 1,564,318 | 35.30% |
| | Black Non-Hispanic | 411,437 | 11.19% | 418,830 | 10.16% | 392,843 | 9.06% | 317,265 | 7.07% | 320,951 | 7.24% |
| | Hispanic | 505,217 | 13.74% | 733,049 | 17.78% | 938,794 | 21.65% | 1,036,796 | 23.11% | 988,408 | 22.30% |
| | Asian or Pacific Islander Non-Hispanic | 578,189 | 15.72% | 876,048 | 21.24% | 1,119,174 | 25.81% | 1,308,047 | 29.15% | 1,292,308 | 29.16% |
| | Native American Non-Hispanic | 16,266 | 0.44% | 30,058 | 0.73% | 27,459 | 0.63% | 9,275 | 0.21% | 9,564 | 0.22% |
| National Origin | | | | | | | | | | | |
| | Foreign-born | 778,388 | 21.17% | 1,127,959 | 27.35% | 1,264,467 | 29.17% | 1,396,526 | 31.38% | 1,402,390 | 31.64% |
| LEP | | | | | | | | | | | |
| | Limited English Proficiency of Population 5 years and older | 449,197 | 12.21% | 667,712 | 16.19% | 719,857 | 16.60% | 680,621 | 16.18% | 672,238 | 16.00% |
| Sex | | | | | | | | | | | |
| | Male | 1,808,731 | 49.18% | 2,037,408 | 49.41% | 2,137,801 | 49.31% | 2,216,182 | 49.39% | 2,214,270 | 49.96% |
| | Female | 1,868,981 | 50.82% | 2,086,329 | 50.59% | 2,197,590 | 50.69% | 2,270,505 | 50.61% | 2,217,487 | 50.04% |
| Age | | | | | | | | | | | |
| | Under 18 | 806,480 | 21.93% | 953,037 | 23.11% | 920,636 | 21.24% | 874,653 | 19.49% | 856,467 | 19.33% |
| | 18-64 | 2,434,697 | 66.20% | 2,687,478 | 65.17% | 2,868,275 | 66.16% | 2,910,337 | 64.87% | 2,872,105 | 64.81% |
| | 65+ | 436,536 | 11.87% | 483,222 | 11.72% | 546,480 | 12.61% | 701,697 | 15.64% | 703,185 | 15.87% |
| Family Type | | | | | | | | | | | |
| | Families with children out of total number of families; not out of total people | 410,719 | 45.97% | 357,466 | 47.23% | 459,242 | 45.61% | 439,391 | 41.94% | 435,415 | 42.26% |

Source: Decennial Census 1990, 2000, 2010, 2020; 2022 ACS 5-Year Estimates

Note: National Origin and LEP are derived from the 1990, 2000, 2010, 2020, 2022 ACS 5-Year Estimates

Patterns in Tenure

Homeownership has increased from 2020 to 2022 in Alameda County by 2.39% after declining from 2000 to 2020. The homeowners in Alameda County are 41.51% Whitewhite homeowners followed by 35.04% Asian or Pacific Islander homeowners.

The table below presents data for change in tenure between 2000 and 2022. As a whole, the percentage of homeowners and renters has remained relatively the same; only a decrease of 0.81 percent in homeownership and an increase of 0.81 percent in renting has occurred. A decrease of 0.02 people per household has also occurred. The cities of Emeryville, Pleasanton, Fremont and Union City have seen the biggest homeownership decreases between 2020 and 2022 with all at 4% or more.

TABLE V-3 - TENURE AND AVERAGE HOUSEHOLD SIZE, 2000 TO 2022

| | 2000 | | | 2010 | | | 2020 | | | 2022 | | | Change 2000-2022 | | |
|-------------------------------|---------|--------|------------------------|---------|--------|------------------------|---------|--------|------------------------|---------|--------|------------------------|------------------|--------|------------------------|
| | Renters | Owners | Average Household Size | Renters | Owners | Average Household Size | Renters | Owners | Average Household Size | Renters | Owners | Average Household Size | Renters | Owners | Average Household Size |
| Consortium | 38% | 62% | 3.37 | 39.34% | 60.66% | - | 41.20% | 58.80% | - | 38.99% | 61.01% | - | 0.99% | -0.99% | - |
| Urban County | 36% | 64% | 2.83 | 38.82% | 61.18% | - | 40.95% | 59.05% | - | 38.99% | 61.01% | - | 2.89% | -2.89% | - |
| Albany | 49% | 51% | 2.35 | 51.71% | 48.29% | 2.49 | 51.13% | 48.87% | 2.62 | 49.46% | 50.54% | 2.54 | 0.46% | -0.46% | 0.19 |
| Emeryville | 63% | 37% | 1.73 | 64.65% | 35.35% | 1.76 | 70.25% | 29.75% | 1.79 | 69.82% | 30.18% | 1.77 | 6.82% | -6.82% | 0.04 |
| Dublin | 35% | 65% | 3.21 | 36.80% | 63.20% | 2.70 | 37.95% | 62.05% | 2.99 | 35.64% | 64.36% | 2.94 | 0.64% | -0.64% | -0.27 |
| Newark | 29% | 71% | 3.27 | 31.07% | 68.93% | 3.27 | 31.85% | 68.15% | 3.34 | 30.50% | 69.50% | 3.20 | 1.50% | -1.50% | -0.07 |
| Piedmont | 9% | 91% | 2.88 | 11.65% | 88.35% | 2.81 | 13.60% | 86.40% | 3.00 | 11.24% | 88.76% | 2.94 | 2.24% | -2.24% | 0.06 |
| Unincorporated Alameda County | 37% | 63% | 2.80 | 38.63% | 61.37% | - | 41.61% | 58.39% | - | 37.89% | 62.11% | - | 0.89% | -0.89% | - |
| Entitlement Cities | 38% | 62% | 2.89 | 39.52% | 60.48% | - | 41.30% | 58.70% | - | 39.20% | 60.80% | - | 1.20% | -1.20% | - |
| Alameda | 52% | 48% | 2.39 | 51.90% | 48.10% | 2.40 | 51.67% | 48.33% | 2.58 | 51.67% | 48.33% | 2.54 | -0.33% | 0.33% | 0.15 |
| Fremont | 35% | 65% | 2.98 | 37.38% | 62.62% | 2.99 | 39.91% | 60.09% | 3.13 | 39.28% | 60.72% | 3.02 | 4.28% | -4.28% | 0.04 |
| Hayward | 47% | 53% | 3.13 | 47.24% | 52.76% | 3.12 | 47.18% | 52.82% | 3.27 | 43.50% | 56.50% | 3.17 | -3.50% | 3.50% | 0.04 |
| Livermore | 28% | 72% | 2.81 | 29.98% | 70.02% | 2.76 | 29.31% | 70.69% | 2.84 | 27.28% | 72.72% | 2.82 | -0.72% | 0.72% | 0.01 |
| Pleasanton | 27% | 73% | 2.73 | 29.13% | 70.87% | 2.77 | 35.29% | 64.71% | 2.86 | 31.83% | 68.17% | 2.81 | 4.83% | -4.83% | 0.08 |
| San Leandro | 39% | 61% | 2.59 | 42.48% | 57.52% | 2.74 | 45.46% | 54.54% | 2.88 | 42.08% | 57.92% | 2.92 | 3.08% | -3.08% | 0.33 |
| Union City | 29% | 71% | 3.59 | 33.54% | 66.46% | 3.38 | 36.85% | 63.15% | 3.42 | 34.05% | 65.95% | 3.28 | 5.05% | -5.05% | -0.31 |
| Berkeley | 57% | 43% | 2.29 | 59.06% | 40.94% | 2.17 | 60.08% | 39.92% | 2.40 | 56.73% | 43.27% | 2.37 | -0.27% | 0.27% | 0.08 |
| Oakland | 59% | 41% | 2.65 | 58.94% | 41.06% | 2.49 | 60.69% | 39.31% | 2.60 | 57.93% | 42.07% | 2.53 | -1.07% | 1.07% | -0.12 |
| Alameda County | 45% | 55% | 2.76 | 46.57% | 53.43% | 2.70 | 48.20% | 51.80% | 2.84 | 45.81% | 54.19% | 2.78 | 0.81% | -0.81% | 0.02 |

The tables below display homeownership and rental rates by race and ethnicity. In most jurisdictions, Whitewhite, non-Hispanic residents have the highest ownership rates, and Asian or Pacific Islander residents have the second highest rate. Hispanic, Black, and Native American residents have the lowest rates of homeownership. These same patterns are also visible across the region.

It is important to note that the City of Livermore, City of Berkeley, City of Pleasanton, and City of Alameda have more than 50 percent of all ownership units owned by Whitewhite residents. Only the City of Livermore and City of Berkeley have over 50% Whitewhite population resulting in a disproportionate share of homeownership.

TABLE V-4 - HOMEOWNERSHIP AND RENTAL RATES BY RACE/ETHNICITY, JURISDICTIONS AND REGION

| Alameda County | | | | |
|---|------------|------------|---------|---------|
| | Homeowners | Homeowners | Renters | Renters |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 127,229 | 41.51% | 86,939 | 30.49% |
| Black, Non-Hispanic | 20,140 | 6.57% | 45,447 | 15.94% |
| Hispanic | 38,830 | 12.67% | 63,550 | 22.29% |
| Asian or Pacific Islander, Non-Hispanic | 107,405 | 35.04% | 71,811 | 25.18% |
| Native American, Non-Hispanic | 440 | 0.14% | 805 | 0.28% |
| Other, Non-Hispanic | 12,436 | 4.06% | 16,604 | 5.82% |
| Total Household Units | 306,480 | | 285,156 | |

| Urban County (Alameda County, CA CDBG, ESG) Jurisdiction | | | | |
|---|------------|------------|---------|---------|
| | Homeowners | Homeowners | Renters | Renters |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 25,078 | 40.19% | 13,083 | 30.23% |
| Black, Non-Hispanic | 2,124 | 3.40% | 5,335 | 12.33% |
| Hispanic | 8,161 | 13.08% | 11,294 | 26.10% |
| Asian or Pacific Islander, Non-Hispanic | 24,550 | 39.35% | 11,055 | 25.55% |
| Native American, Non-Hispanic | 92 | 0.15% | 125 | 0.29% |
| Other, Non-Hispanic | 2,391 | 3.83% | 2,383 | 5.51% |
| Total Household Units | 62,396 | | 43,275 | |

| City of Alameda (Alameda, CA CDBG) Jurisdiction | | | | |
|--|------------|------------|---------|---------|
| | Homeowners | Homeowners | Renters | Renters |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 8,230 | 54.97% | 7,223 | 45.12% |
| Black, Non-Hispanic | 275 | 1.84% | 1,468 | 9.17% |
| Hispanic | 924 | 6.17% | 2,173 | 13.58% |
| Asian or Pacific Islander, Non-Hispanic | 4,886 | 32.63% | 3,901 | 24.37% |
| Native American, Non-Hispanic | 19 | 0.13% | 54 | 0.34% |
| Other, Non-Hispanic | 639 | 4.27% | 1,188 | 7.42% |
| Total Household Units | 14,973 | | 16,007 | |

| City of Berkeley (Berkeley, CA CDBG, HOME, ESG) Jurisdiction | | | | |
|---|------------|------------|---------|---------|
| | Homeowners | Homeowners | Renters | Renters |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 13,512 | 71.10% | 13,575 | 47.46% |
| Black, Non-Hispanic | 1,026 | 5.40% | 2,759 | 9.65% |
| Hispanic | 1,097 | 5.77% | 3,410 | 11.92% |
| Asian or Pacific Islander, Non-Hispanic | 2,313 | 12.17% | 6,611 | 23.11% |
| Native American, Non-Hispanic | 13 | 0.07% | 48 | 0.17% |
| Other, Non-Hispanic | 1,042 | 5.48% | 2,200 | 7.69% |
| Total Household Units | 19,003 | | 28,603 | |

| Consortium | | | | |
|---|------------|--------|---------|--------|
| | Homeowners | | Renters | |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 84,175 | 38.21% | 43,821 | 28.39% |
| Black, Non-Hispanic | 6,628 | 3.01% | 16,171 | 10.48% |
| Hispanic | 27,673 | 12.56% | 37,431 | 24.25% |
| Asian or Pacific Islander, Non-Hispanic | 93,637 | 42.50% | 48,420 | 31.37% |
| Native American, Non-Hispanic | 327 | 0.15% | 424 | 0.27% |
| Other, Non-Hispanic | 7,869 | 3.57% | 8,106 | 5.25% |
| Total Household Units | 220,309 | | 154,373 | |

| City of Fremont (Fremont, CA CDBG) Jurisdiction | | | | |
|--|------------|--------|---------|--------|
| | Homeowners | | Renters | |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 10,767 | 24.07% | 6,077 | 20.45% |
| Black, Non-Hispanic | 516 | 1.15% | 1,282 | 4.31% |
| Hispanic | 3,232 | 7.22% | 4,366 | 14.69% |
| Asian or Pacific Islander, Non-Hispanic | 29,043 | 64.92% | 16,615 | 55.91% |
| Native American, Non-Hispanic | 47 | 0.11% | 71 | 0.24% |
| Other, Non-Hispanic | 1,130 | 2.53% | 1,304 | 4.39% |
| Total Household Units | 44,735 | | 29,715 | |

| City of Hayward (Hayward, CA CDBG) Jurisdiction | | | | |
|--|------------|--------|---------|--------|
| | Homeowners | | Renters | |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 6,476 | 24.42% | 3,643 | 15.38% |
| Black, Non-Hispanic | 1,794 | 6.76% | 3,617 | 15.27% |
| Hispanic | 6,749 | 25.45% | 9,854 | 41.59% |
| Asian or Pacific Islander, Non-Hispanic | 10,423 | 39.30% | 5,369 | 22.66% |
| Native American, Non-Hispanic | 56 | 0.21% | 76 | 0.32% |
| Other, Non-Hispanic | 1,025 | 3.86% | 1,133 | 4.78% |
| Total Household Units | 26,523 | | 23,692 | |

| City of Livermore (Livermore, CA CDBG) Jurisdiction | | | | |
|--|------------|--------|---------|--------|
| | Homeowners | | Renters | |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 15,364 | 68.76% | 4,990 | 53.86% |
| Black, Non-Hispanic | 258 | 1.15% | 347 | 3.75% |
| Hispanic | 2,577 | 11.53% | 2,354 | 25.41% |
| Asian or Pacific Islander, Non-Hispanic | 3,076 | 13.77% | 1,049 | 11.32% |
| Native American, Non-Hispanic | 38 | 0.17% | 24 | 0.26% |
| Other, Non-Hispanic | 1,030 | 4.61% | 501 | 5.41% |
| Total Household Units | 22,343 | | 9,265 | |

| City of Oakland(Oakland, CACDBG, HOME ESG) Jurisdiction | | | | |
|--|-------------------------|-------------------------|----------------------|----------------------|
| Race/Ethnicity | Homeowners # | Homeowners % | Renters # | Renters % |
| White, Non-Hispanic | 28,634 | 43.38% | 29,349 | 28.80% |
| Black, Non-Hispanic | 12,481 | 18.91% | 26,510 | 26.02% |
| Hispanic | 9,979 | 15.12% | 22,666 | 22.24% |
| Asian or Pacific Islander, Non-Hispanic | 11,337 | 17.18% | 16,762 | 16.45% |
| Native American, Non-Hispanic | 98 | 0.15% | 331 | 0.32% |
| Other, Non-Hispanic | 3,478 | 5.27% | 6,284 | 6.17% |
| Total Household Units | 66,007 | | 101,902 | |

| City of Pleasanton (Pleasanton, CA CDBG) Jurisdiction | | | | |
|--|-------------------------|-------------------------|----------------------|----------------------|
| CDBG) Jurisdiction | Homeowners # | Homeowners % | Renters # | Renters % |
| White, Non-Hispanic | 10,177 | 55.13% | 4,474 | 44.45% |
| Black, Non-Hispanic | 149 | 0.81% | 374 | 3.72% |
| Hispanic | 1,006 | 5.45% | 1,309 | 13.00% |
| Asian or Pacific Islander, Non-Hispanic | 6,505 | 35.24% | 3,359 | 33.37% |
| Native American, Non-Hispanic | 16 | 0.09% | 17 | 0.17% |
| Other, Non-Hispanic | 608 | 3.29% | 533 | 5.30% |
| Total Household Units | 18,461 | | 10,066 | |

| City of San Leandro (San Leandro, CA CDBG) Jurisdiction | | | | |
|--|-------------------------|-------------------------|----------------------|----------------------|
| CACDBG) Jurisdiction | Homeowners # | Homeowners % | Renters # | Renters % |
| White, Non-Hispanic | 5,911 | 34.08% | 3,031 | 20.97% |
| Black, Non-Hispanic | 1,012 | 5.84% | 3,181 | 22.00% |
| Hispanic | 2,947 | 16.99% | 4,274 | 29.57% |
| Asian or Pacific Islander, Non-Hispanic | 6,813 | 39.28% | 3,254 | 22.51% |
| Native American, Non-Hispanic | 40 | 0.23% | 46 | 0.32% |
| Other, Non-Hispanic | 620 | 3.57% | 670 | 4.63% |
| Total Household Units | 17,343 | | 14,456 | |

| City of Union City (Union City, CA CDBG) Jurisdiction | | | | |
|--|-------------------------|-------------------------|----------------------|----------------------|
| CDBG) Jurisdiction | Homeowners # | Homeowners % | Renters # | Renters % |
| White, Non-Hispanic | 2,172 | 16.05% | 1,300 | 16.46% |
| Black, Non-Hispanic | 500 | 3.69% | 567 | 7.18% |
| Hispanic | 2,077 | 15.35% | 1,807 | 22.88% |
| Asian or Pacific Islander, Non-Hispanic | 8,341 | 61.63% | 3,818 | 48.35% |
| Native American, Non-Hispanic | 19 | 0.14% | 11 | 0.14% |
| Other, Non-Hispanic | 426 | 3.15% | 394 | 4.99% |
| Total Household Units | 13,535 | | 7,897 | |

| Region | | | | |
|---|------------|------------|---------|---------|
| | Homeowners | Homeowners | Renters | Renters |
| Race/Ethnicity | # | % | # | % |
| White, Non-Hispanic | 413,028 | 48.44% | 296,945 | 37.72% |
| Black, Non-Hispanic | 41,672 | 4.89% | 85,238 | 10.83% |
| Hispanic | 108,692 | 12.75% | 171,116 | 21.74% |
| Asian or Pacific Islander, Non-Hispanic | 253,879 | 29.77% | 187,108 | 23.77% |
| Native American, Non-Hispanic | 1,242 | 0.15% | 1,958 | 0.25% |
| Other, Non-Hispanic | 34,195 | 4.01% | 44,860 | 5.70% |
| Total Household Units | 852,708 | | 787,225 | |

Source: Decennial Census 2020

General Issues

Segregation/Integration

This section will analyze patterns of segregation by racial/ethnic groups, national origin, and limited English proficiency groups, and how they have changed over time. It will also identify areas with high levels of segregation and displacement.

Segregation Levels and Patterns Chart- [IN PROGRESS]

Race/Ethnicity Trends

The number of Black and White residents in Alameda County has decreased following the pattern from 1990 to present. The White residents have decreased from 52.87% in 1990 to 29.3% in 2022, and the Black residents have declined from 17.58% in 1990 to 9.94% in 2022. The trend is similar for the region. The number of Hispanic residents in Alameda County has risen from 14.28% in 1990 to 22.21% in 2022, but the population has remained steady since 2010 hovering between 21% to 23%. The trend is similar ~~across for~~ the region. Most of the growth in Alameda County has been due to increases in Asian or Pacific Islander residents, which has increased from 14.46% in 1990 to 32.65% in 2022. The trend is similar across the region.

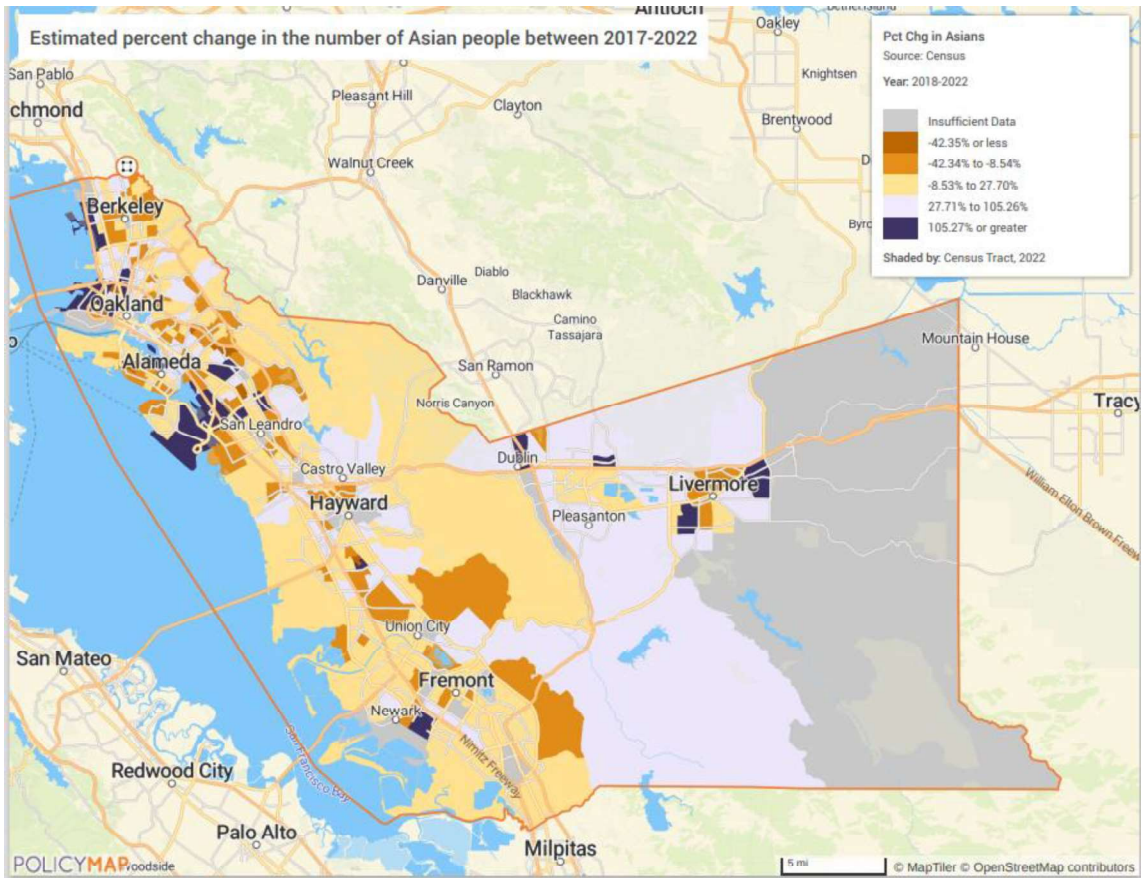
The following maps highlight the racial and ethnic population trends between 2017-2022.

- Map V.1 shows a population growth of Asian residents of over 100% in some North County ~~northwestern~~ tracts, along with some tracts in the East County near Livermore, and one tract in the southeast area of the county. The ~~central eastern~~ Tri-Valley areas of the County saw an Asian population growth upwards of 27%, along with some tracts in the North County and the Mid/Central County. ~~along the western areas of the county.~~ Some tracts throughout the west saw population declines of over 40%.
- Map V.2 shows that the Black or African American population has seen a decline throughout the county between 2017-2022. There are some areas that saw extreme growth (over 45%)

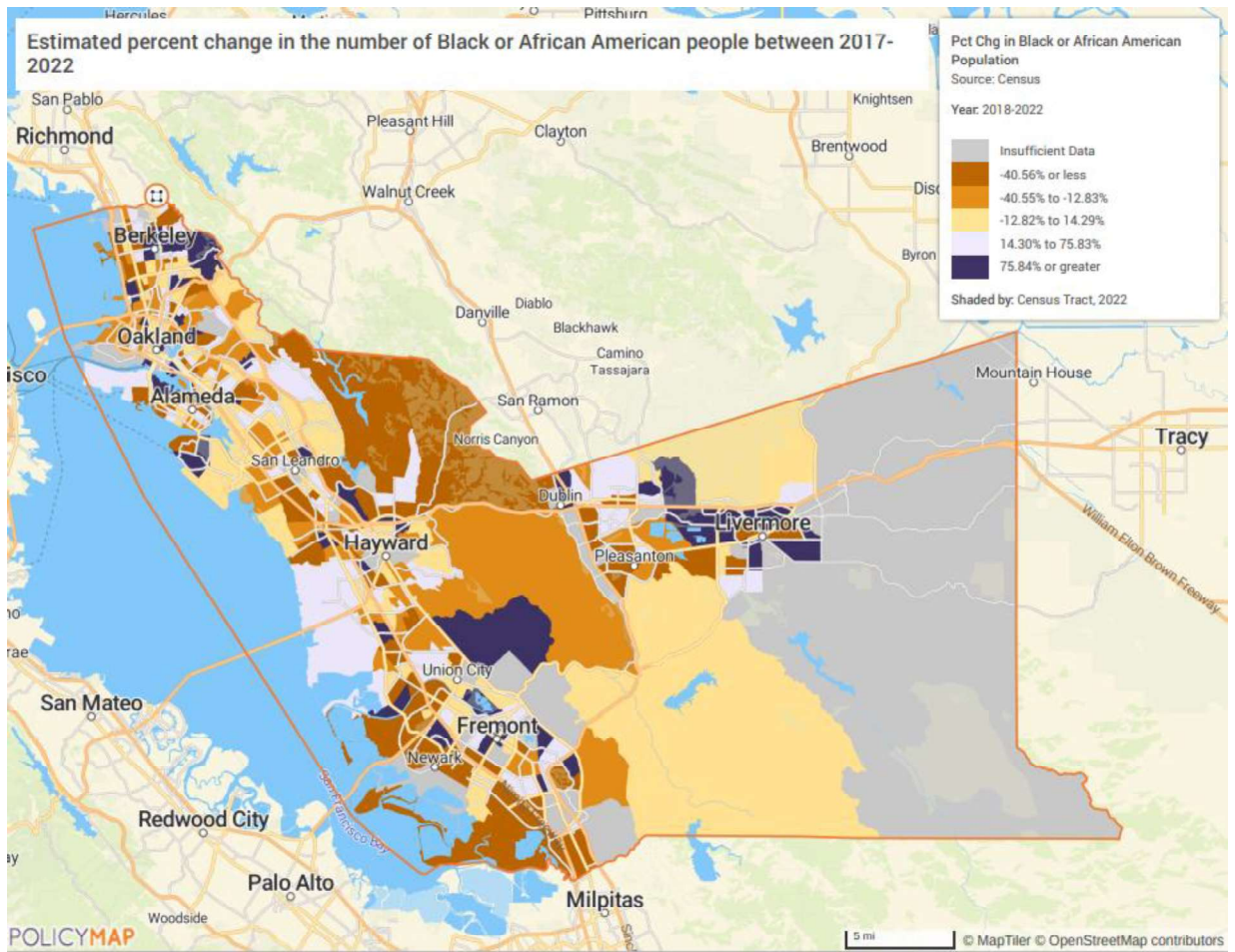
spread throughout the county, with larger pockets of this growth being in Livermore, the upper area of South County, and North County.~~the northeast, central, and upper northwest areas.~~ Many western areas~~Some tracts of the County~~ saw a population decline of Black or African American residents, indicated by darker orange shading.

- Map V.3 highlights the change in White residents in Alameda County between 2017-2022. There has been a decline of about 11%-23% in many areas of the county. There were some areas of growth over 6%, indicated by dark blue shading. These tracts are located throughout South County, Mid/Central County, and North County.~~in the central and northwestern areas of the County.~~ The Tri-Valley area~~eastern side of the County~~ only saw a decline of White residents – there were no tracts that had growth.
- Map V.4 shows the areas of Hispanic/Latino residents being primarily in the Mid/Central County, North County, and near Dublin and Pleasanton.~~along the outer borders of the western side of the County.~~ There were also some tracts dispersed throughout the County that saw extreme growth of nearly 90%, indicated by dark blue shading.
- Map V.5 shows growth of the Native Hawaiian/Pacific Islander population. Tracts that experienced growth were primarily distributed among South County, Mid/Central County, and the Tri-Valley area.~~in the western central areas of the County.~~ Some areas saw growth of over 180%, indicated by dark blue shading.

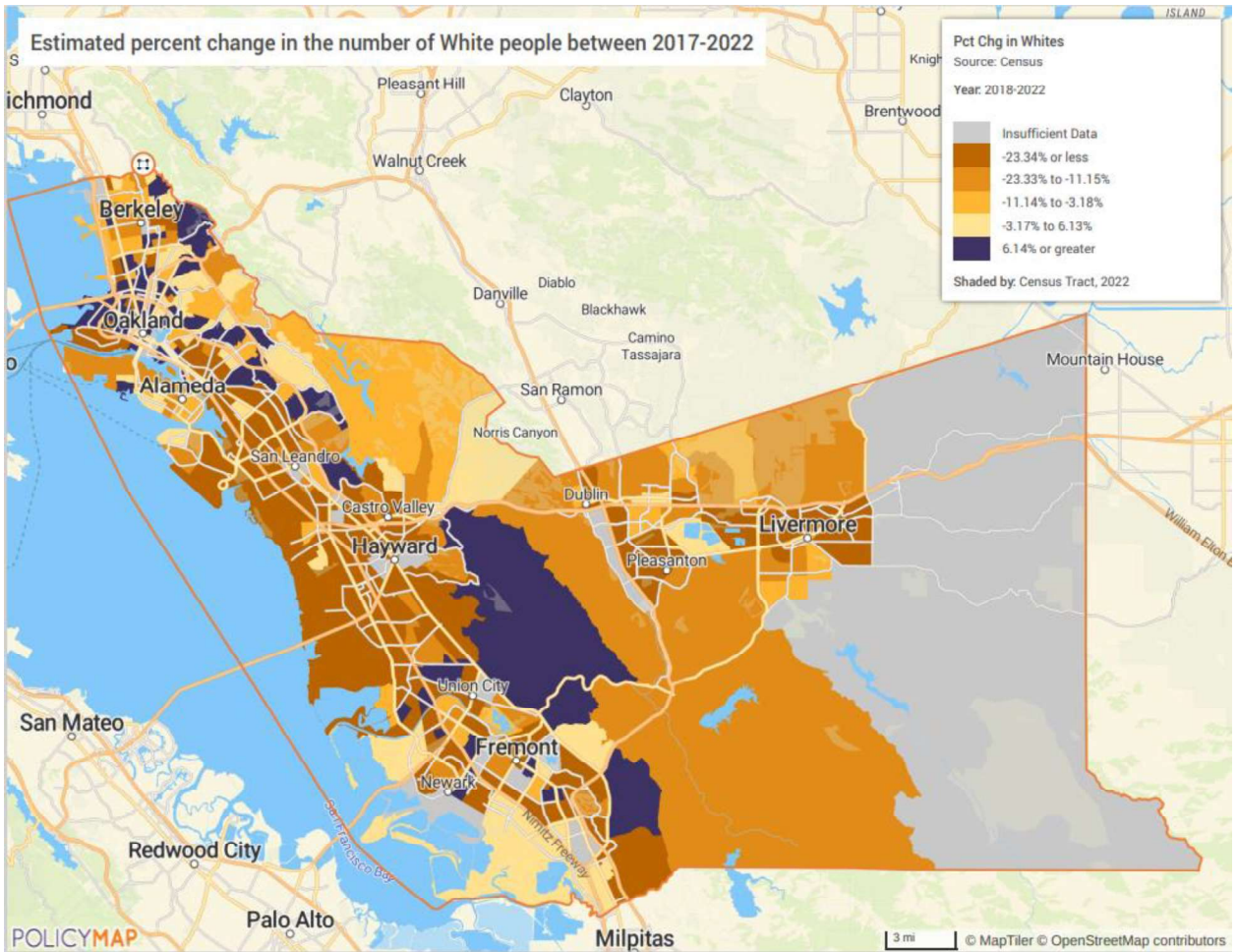
MAP V.1 - Asian Population % Change



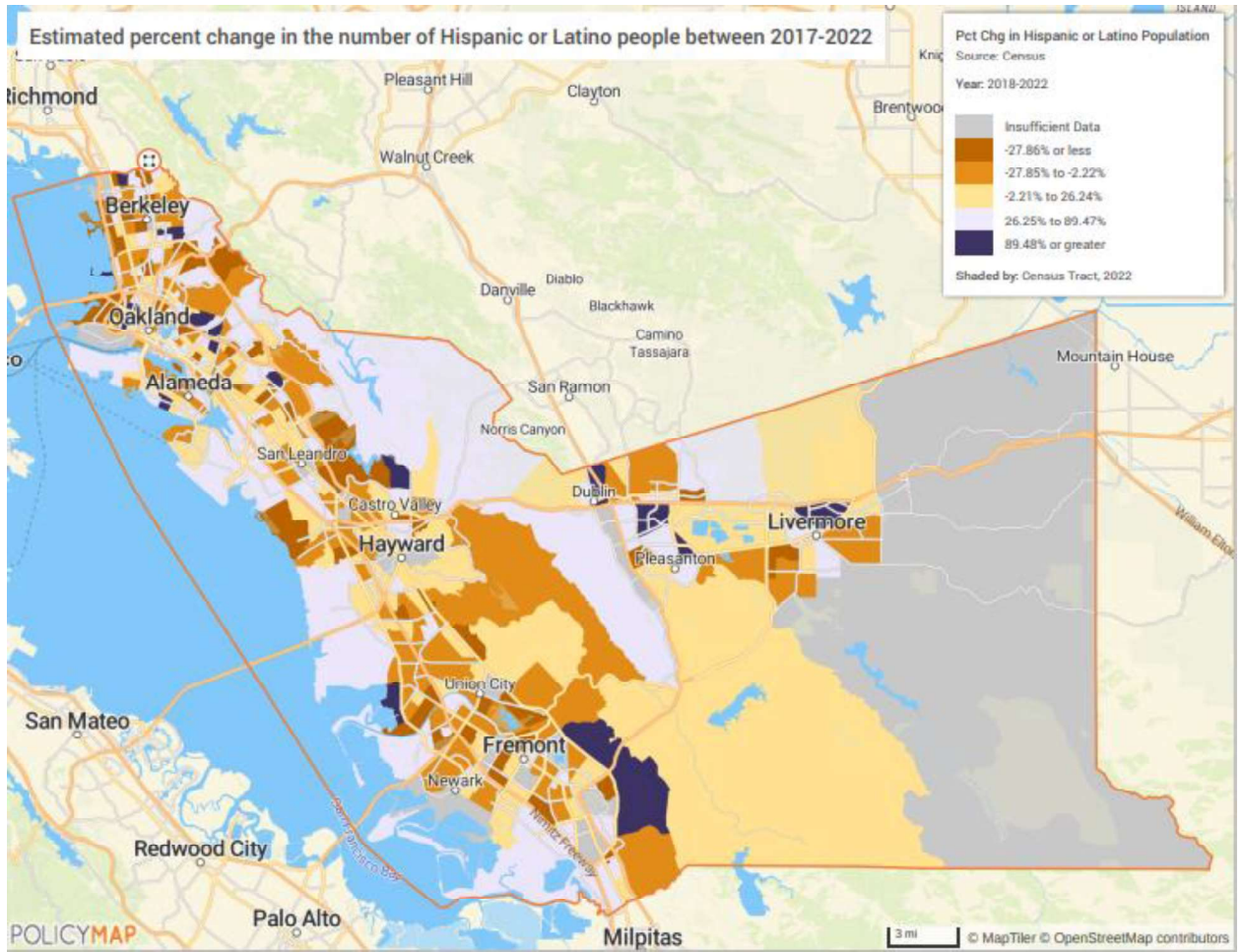
MAP V.2 - Black/African American Population % Change



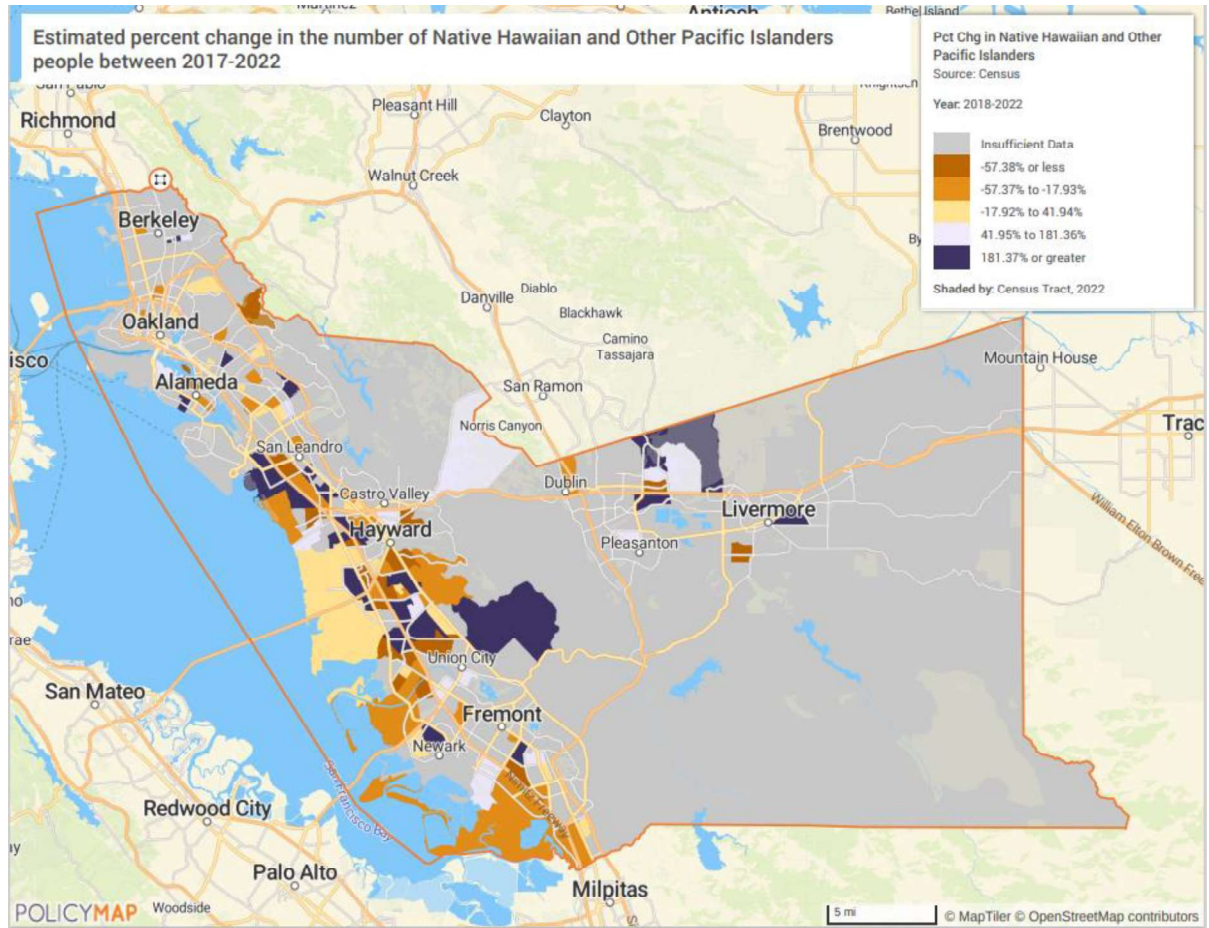
MAP V.3 - White Population Percent Change



MAP V.4 Hispanic/Latino Population % Change



MAP V.5 - Native Hawaiian/Other Pacific Islander % Change



National Origin and Limited English Proficiency

Overall, most population growth in Alameda County has been in foreign-born and minority residents. As of 2022, 33% of the population in Alameda County are foreign born; 70% are minorities; 20% are under the age of 18; 65.38% are between the ages of 18 and 64; and 14.62% are over the age of 65. The residents with limited English proficiency have declined from a 2010 peak of 18.79% to 16.32% as of 2022.

2022 Census data suggest that 33.27% of Alameda County’s population were foreign-born – a 1.13% growth from 2017. Map V.6 shows the predominant countries of birth for residents as of 2018. Mexico was the number one place of birth for Alameda County. In some areas, there were also higher populations of people born in China, India, and the Philippines. The tables below list the predominant place of birth by city and the predominant places of birth by census tract (excluding China, Mexico, India, and the Philippines). Map V.7 highlights the countries of origin in 2018 for the census tracts in North County, parts the Northwest region of the County, which

has ves the most diversity of national origins and is also where the County's R/ECAP areas are located.

Table: Predominant Country of Birth Among the Foreign-Born Population by City, 2018

| City | Predominant Country of Birth |
|---------------|--|
| Alameda | China - excluding Hong Kong and Taiwan |
| Albany | China - excluding Hong Kong and Taiwan |
| Ashland | Mexico |
| Berkeley | China - excluding Hong Kong and Taiwan |
| Castro Valley | China - excluding Hong Kong and Taiwan |
| Cherryland | Mexico |
| Dublin | India |
| Emeryville | China - excluding Hong Kong and Taiwan |
| Fairview | Mexico |
| Fremont | India |
| Hayward | Mexico |
| Livermore | Mexico |
| Newark | Mexico |
| Oakland | Mexico |
| Piedmont | China - excluding Hong Kong and Taiwan |
| Pleasanton | India |
| San Leandro | China - excluding Hong Kong and Taiwan |
| San Lorenzo | Mexico |
| Sunol | Mexico |
| Union City | Philippines |

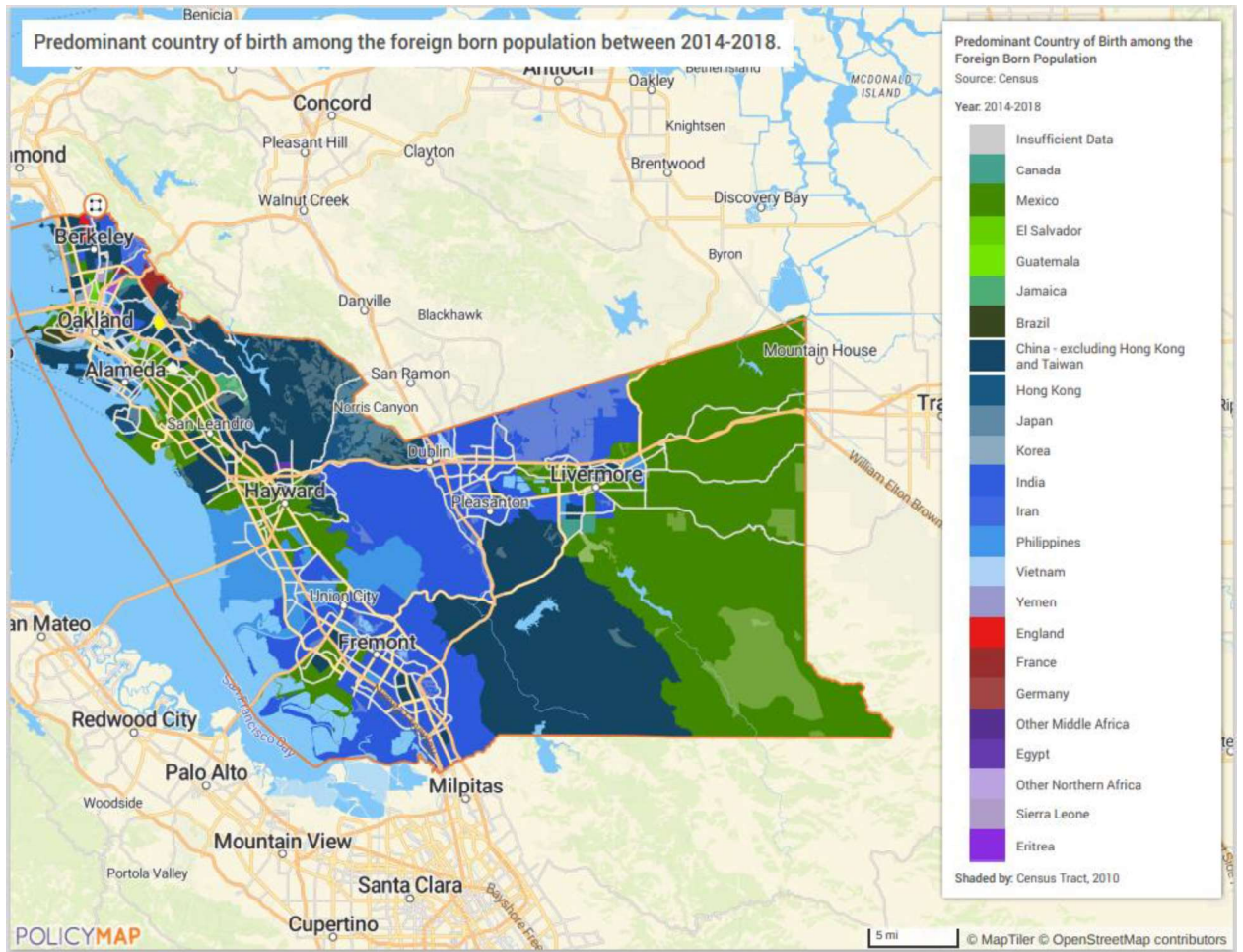
Source: 2014-2018 Census

Table: Predominant Country of Birth Among the Foreign-Born Population By Census Tract (excluding Mexico, India, China, and Philippines), 2018

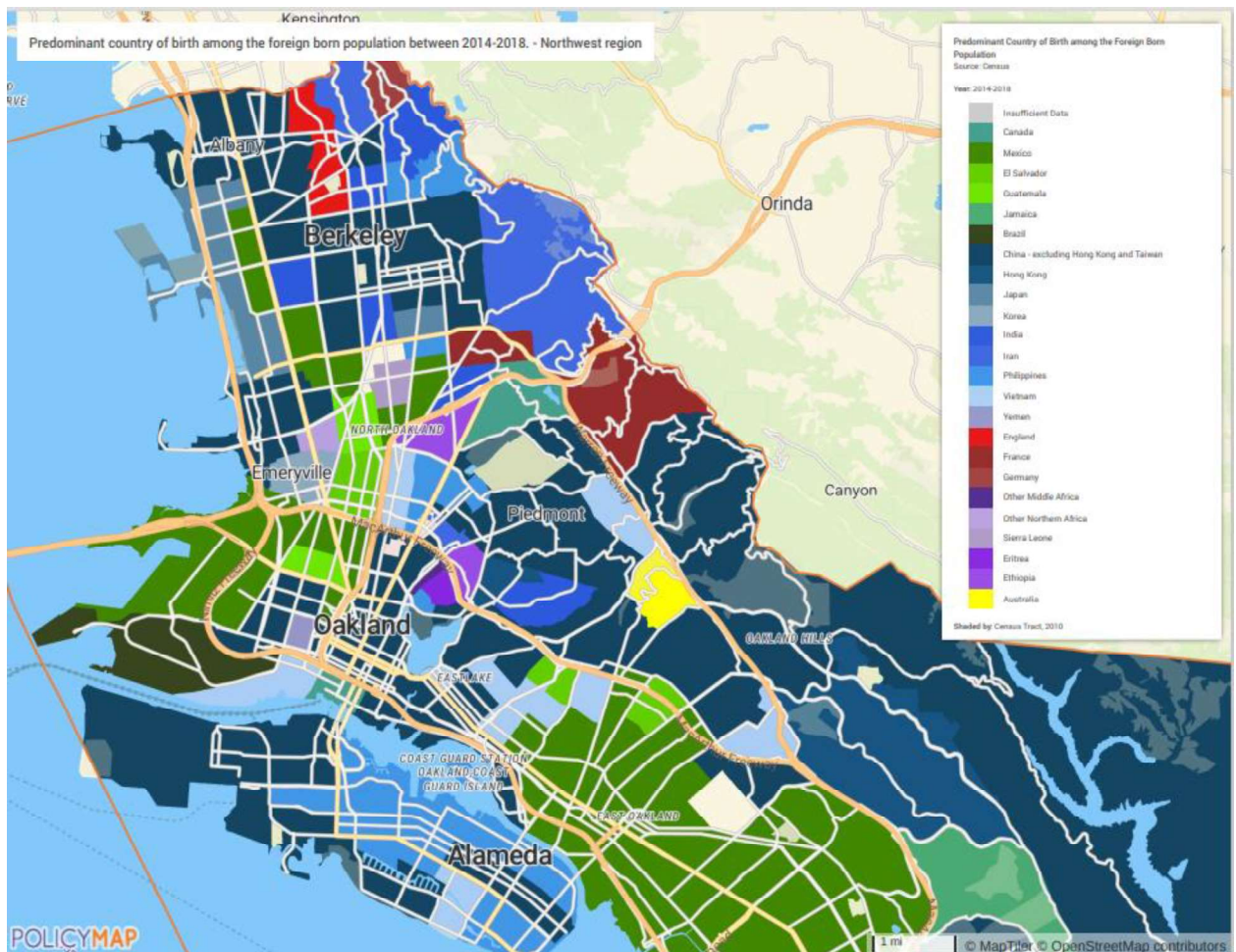
| Census Tract | Predominant Country of Birth |
|--------------|------------------------------|
| 6001400100 | Iran |
| 6001400300 | Ethiopia |
| 6001400500 | Sierra Leone |
| 6001400700 | Guatemala |
| 6001400900 | Other Northern Africa |
| 6001401000 | El Salvador |
| 6001401100 | Vietnam |

| | |
|----------------------------|---------------------|
| 6001401600 | Guatemala |
| 6001402500 | Yemen |
| 6001403502 | Other Middle Africa |
| 6001403600 | Eritrea |
| 6001403800 | Hong Kong |
| 6001403900 | Ethiopia |
| 6001404000 | Iran |
| 6001404300 | Canada |
| 6001404400 | France |
| 6001404501 | Vietnam |
| 6001404700 | Australia |
| 6001405302 | Vietnam |
| 6001405500 | Vietnam |
| 6001405700 | El Salvador |
| 6001405800 | Vietnam |
| 6001405902 | Vietnam |
| 6001406400 | Vietnam |
| 6001406601 | El Salvador |
| 6001407900 | Vietnam |
| 6001408100 | Hong Kong |
| 6001409900 | Jamaica |
| 6001421100 | Germany |
| 6001421300 | England |
| 6001421800 | England |
| 6001422000 | Japan |
| 6001423601 | Japan |
| 6001423800 | France |
| 6001425104 | Korea |
| 6001428301 | Hong Kong |
| 6001428400 | Vietnam |
| 6001430101 | Hong Kong |
| 6001430900 | Egypt |
| 6001450300 | Vietnam |
| 6001451102 | Canada |
| 6001981900 | Brazil |
| 6001982000 | Vietnam |
| 6001983200 | Canada |
| Source: 2014 - 2018 Census | |

MAP V.6 Country of Birth of foreign-born population

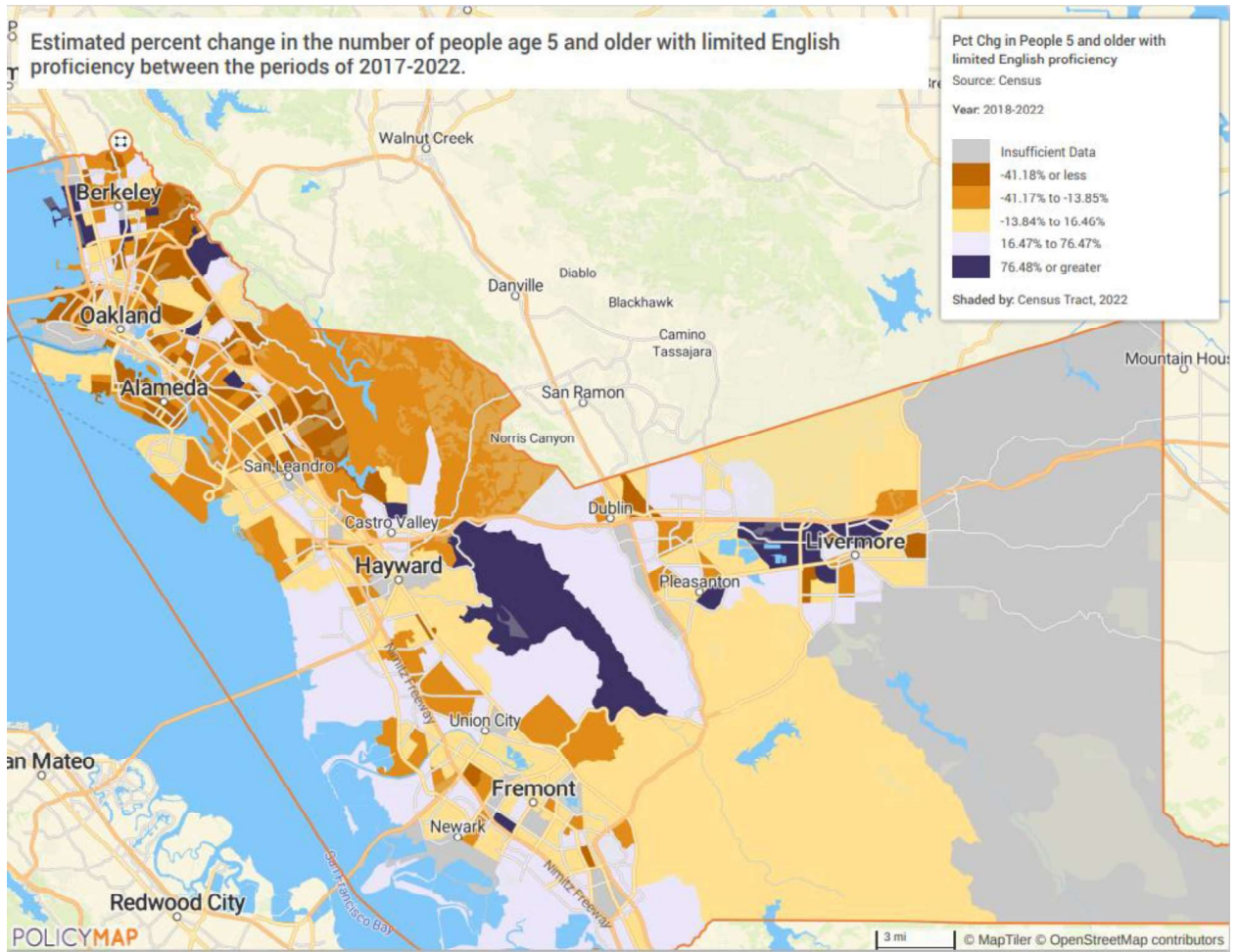


MAP V.7 - Country of Birth - North County West Region

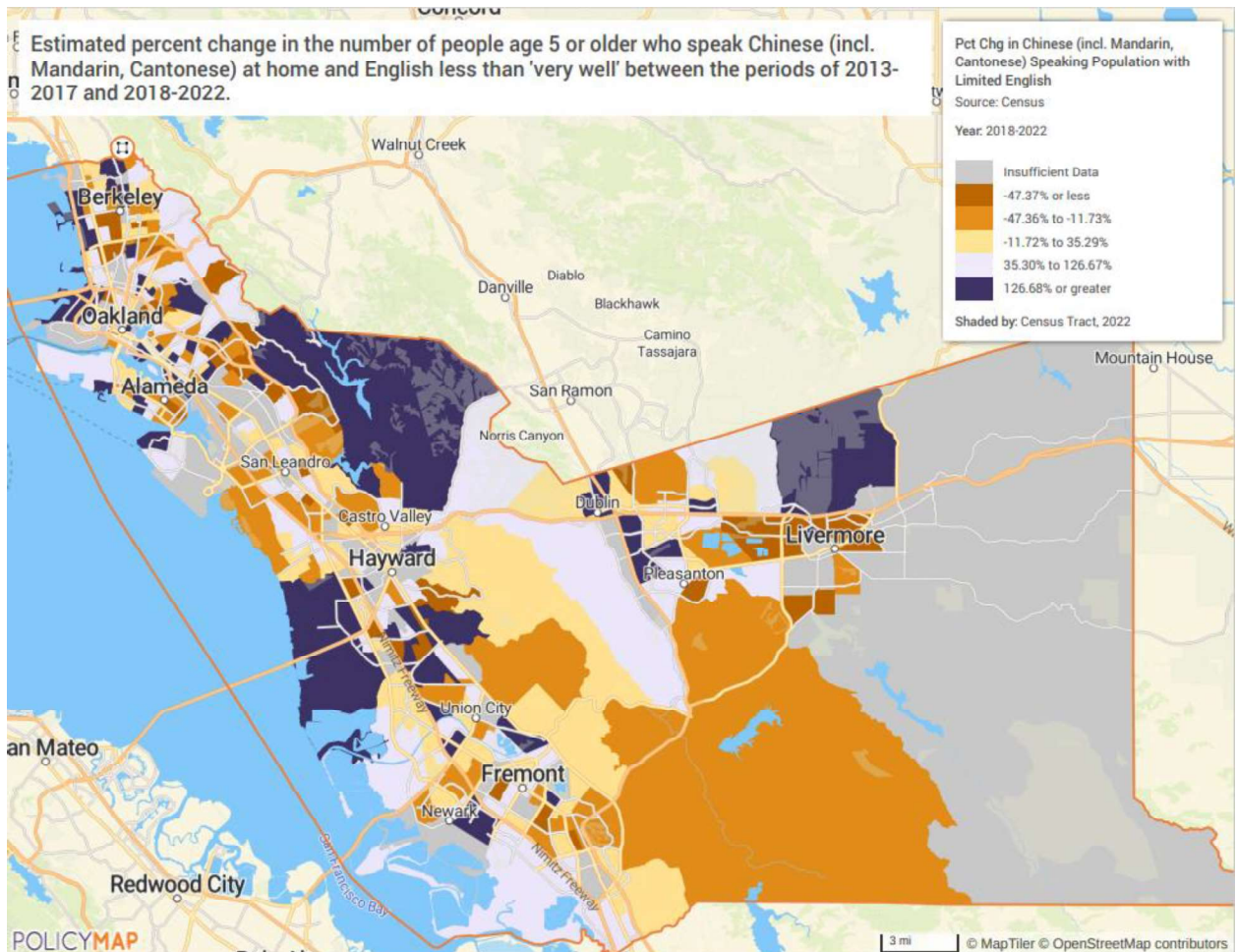


Map V.8 highlights the percent change in LEP residents between 2017-2022. There is a large area in the central area of the county, to the east of Hayward and Union City, along with some areas in North County and the Tri-Valley area ~~the northern, eastern and central northwestern areas of the county~~ County, that saw increases of more than 76% of the LEP population. Chinese LEP residents grew from 3.65% to 4.44% between 2017-2022. Map V.9 illustrates the areas with the highest growth of Chinese LEP residents ~~being mostly along the borders of the county – these areas are spread throughout the County and are indicated by dark blue shading. in the northeast, areas in the southwest, and an area in the central northern area.~~ Between 2017-2022, the population of Spanish LEP residents declined by 1.47% (or from 7.05% to 5.58%). Although there were some areas of the county that saw increases of Spanish LEP residents upwards of 90%, many areas of the county saw decline between -13% and -41%.

MAP V.8 LEP percent change



MAP V.9 Chinese LEP residents



Segregation

HISTORY OF SEGREGATION

This section presents a brief summary of the history of racial and ethnic segregation in the Bay Area. The history presented here is important to understand as it demonstrates that fair housing issues are not novel but have existed since the Civil Rights Act of 1866 and persisted despite the passage of the Fair Housing Act of 1968. It also acknowledges that federal, state, and local laws, policies, and practices have discouraged protected classes' housing choices and perpetuated segregation.

In 1942, during World War II and after the attack on Pearl Harbor, President Franklin D. Roosevelt signed Executive Order 9066, which allowed military commanders to exclude people of "enemy ancestry" in designated "exclusion zones." All Japanese immigrants and Japanese Americans living on the West Coast, approximately 110,000 people, were forced into internment camps.

Approximately ~~8,000~~^{10,000} internees were held in the ~~Tanforan Assembly Center~~^{Manzanar}, ~~California~~, camp ~~in~~^{from} 1942 ~~to~~ 1945. During this time, Japanese property was stolen or sold, leaving many with nowhere to live upon release (Truman Library, 2017).

The state of California enacted several Jim Crow laws between 1850 and 1947. People of color were not allowed to testify in favor of or against ~~White~~^{white} men; marriage between a ~~White~~^{white} person and person of color was illegal; any person who could not read English was not allowed to vote; Chinese immigrants were not allowed to vote; and Asian immigrants could not own property.

Redlining was a practice in the 1930s in which the Home Owner's Loan Corporation (HOLC) graded 239 cities in the United States based on race and income to determine loan risk (Anti Eviction Mapping Project, 2019). This resulted in mortgage lenders denying majority Black, Asian, and Hispanic neighborhoods mortgages while granting mortgages to ~~White~~^{white} neighborhoods. This created a wealth disparity between ~~White~~^{white} neighborhoods and neighborhoods of color. The cities of Oakland, Berkeley, Alameda, San Leandro, Piedmont, Albany, and Emeryville were all graded by HOLC. Neighborhoods fronting the San Francisco Bay received the worst scores (Richmond, 2019).

If families of color were approved for a mortgage, they would often have to buy homes in less desirable areas. In addition, restrictive covenants placed on the trust deeds in ~~White~~^{white} neighborhoods contained language barring sales of homes to non-~~White~~^{white} buyers. Additionally, homes that families of color could buy would not appreciate in value in the same way that homes in ~~White~~^{white} neighborhoods would, continuing the disparity of wealth.

During the 1950s, 1960s, and 1970s, many large cities in the country lost a significant portion of their ~~White~~^{white} population and saw growth in their Black and Hispanic populations. The Civil Rights Act, desegregation of schools, and ~~White~~^{white} people's access to credit and mortgages contributed to this phenomenon, which is now called "~~White~~^{white} flight." White families were able to access mortgages that allowed them to leave diverse cities for racially homogenous suburbs. This left cities with a high population of people of color, a smaller tax base, and decreased investment leading to poor conditions. The City of Oakland is a notable example of a city deeply affected by ~~White~~^{white} flight. Gentrification is a reversal of ~~White~~^{white} flight trends, where more affluent, often ~~White~~^{white} families move back into the city from suburban communities.

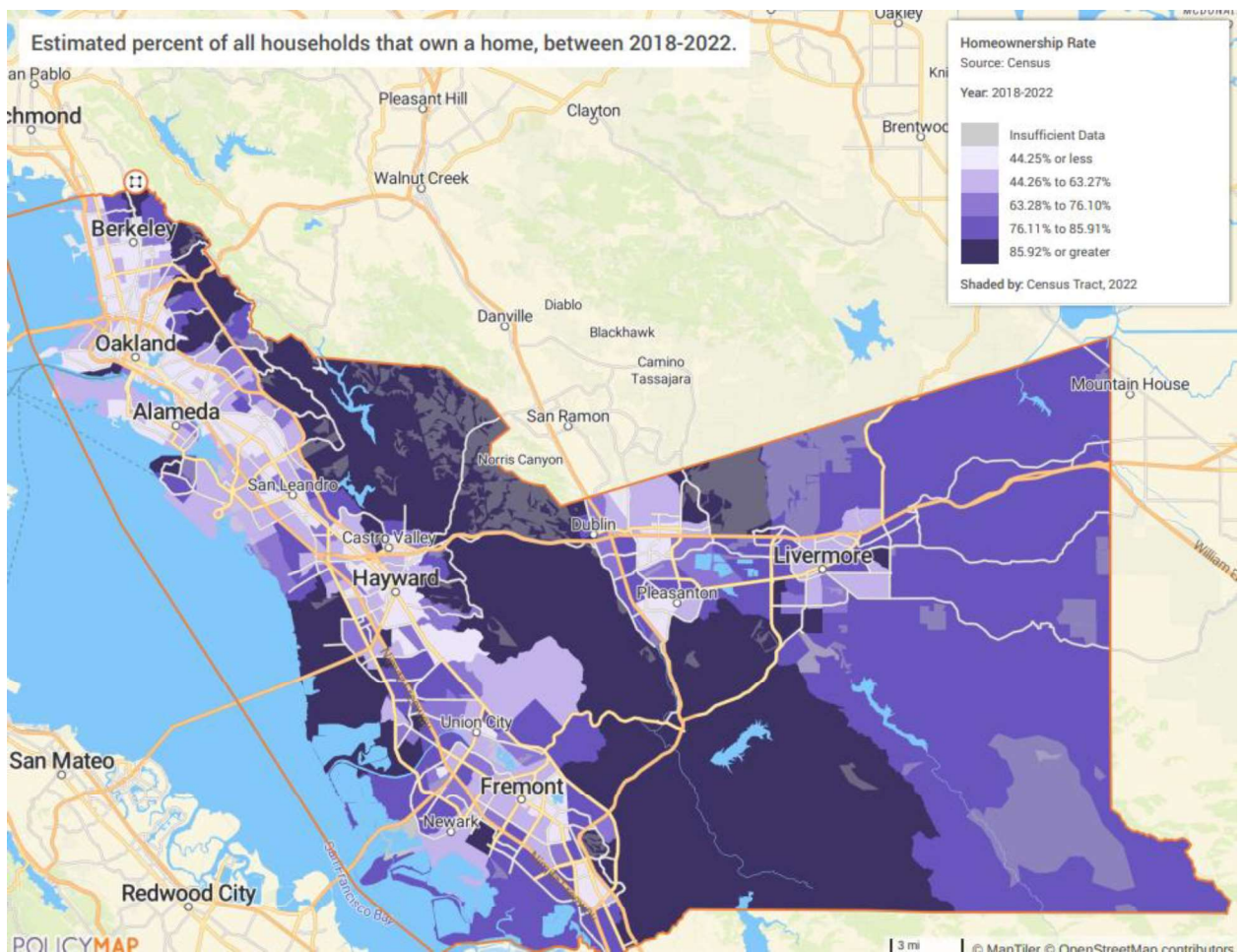
Gentrification is demarcated by renewed investment in communities and significant increases in rent. Low-income families of color find it hard to pay rent and opt to move to lower rent areas in often worse conditions and with less opportunity. The cities of Oakland and Berkeley are currently experiencing high levels of gentrification, where many Black and Hispanic families are

moving into outlying suburban communities while White families are moving in, per the UC Berkeley's Urban Displacement Project.

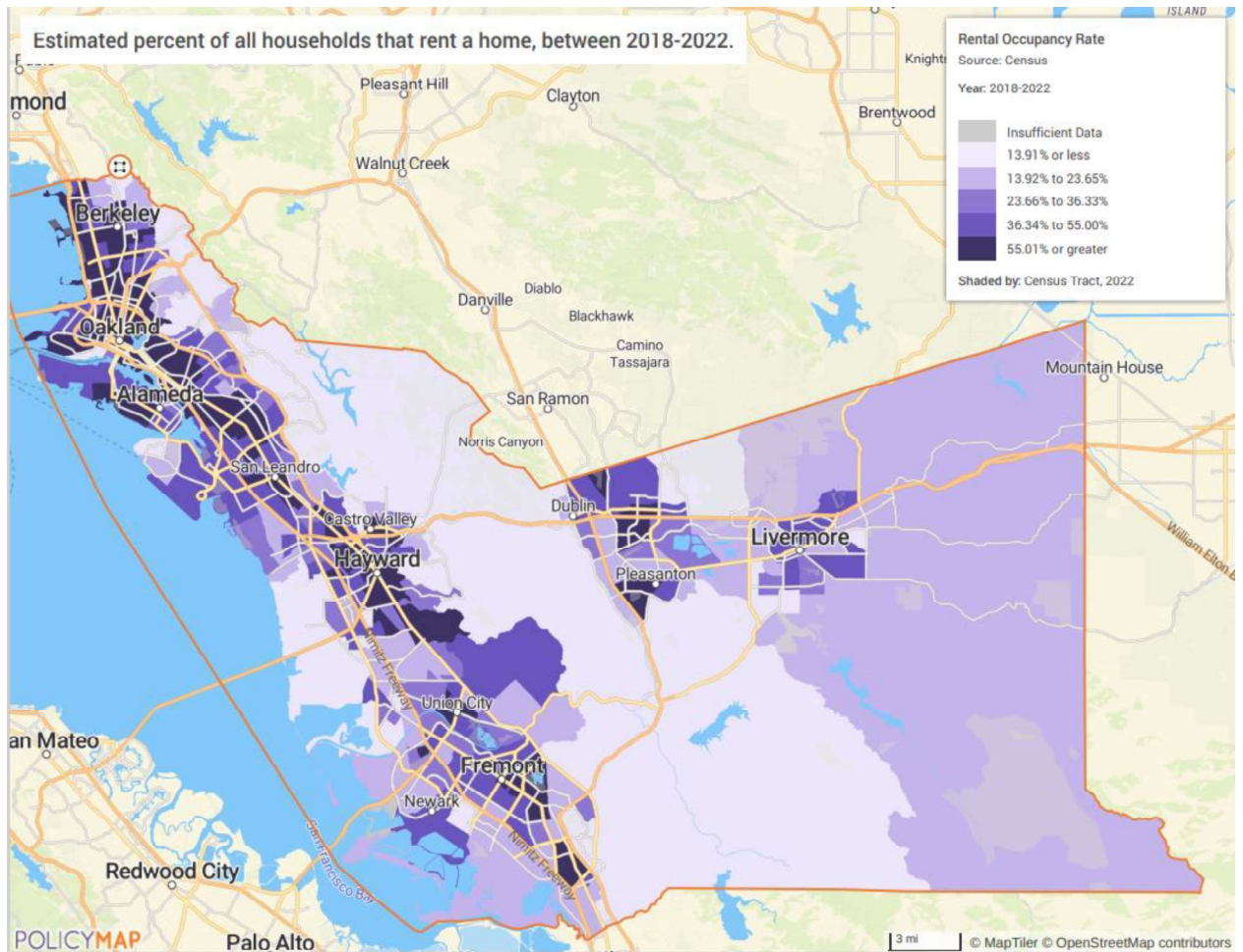
TENURE AND SEGREGATION

Maps V.10 and V.11 show the percentages of owner-occupied and renter-occupied housing units throughout Alameda County between 2018 and 2022. The areas with the highest percentages of homeowners are generally areas with higher concentrations of White residents. The areas with the highest percentages of renters are generally areas with higher concentrations of minority residents.

MAP V.10 Housing Tenure - Homeowner Households

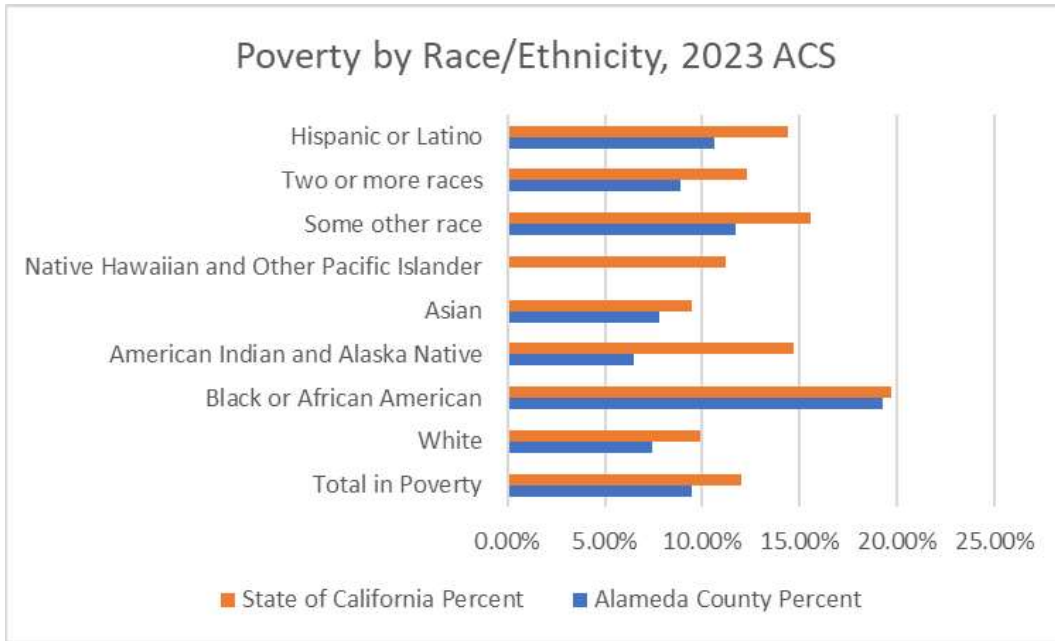


MAP V.11 Housing Tenure - Renter Households



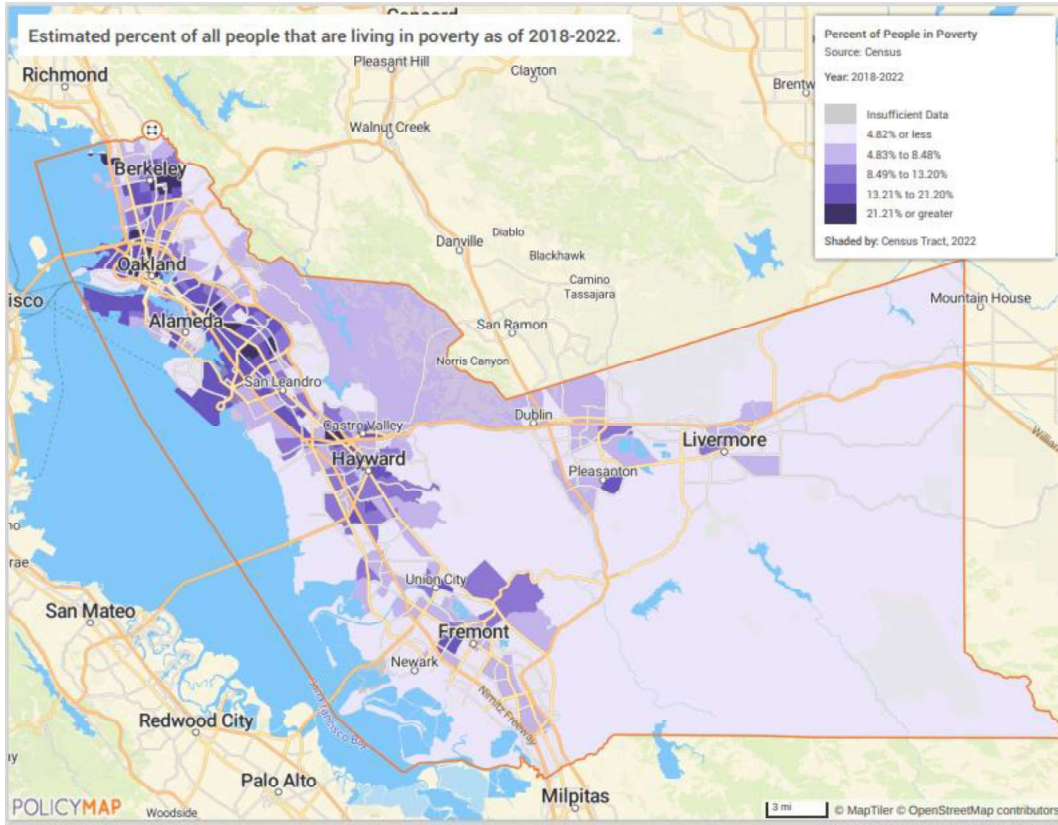
Concentrated Areas of Poverty

2018-2022 ACS data says that 9.15% of people were living in poverty in Alameda County, which was a more than -2% decline from the poverty rate from 2013-2017 estimates. The chart below shows the poverty rate by race in the county. Black residents experience poverty at a higher rate (16.6%) than other racial or ethnic categories. Compared to the State of California, Alameda County has lower rates of poverty in all categories.

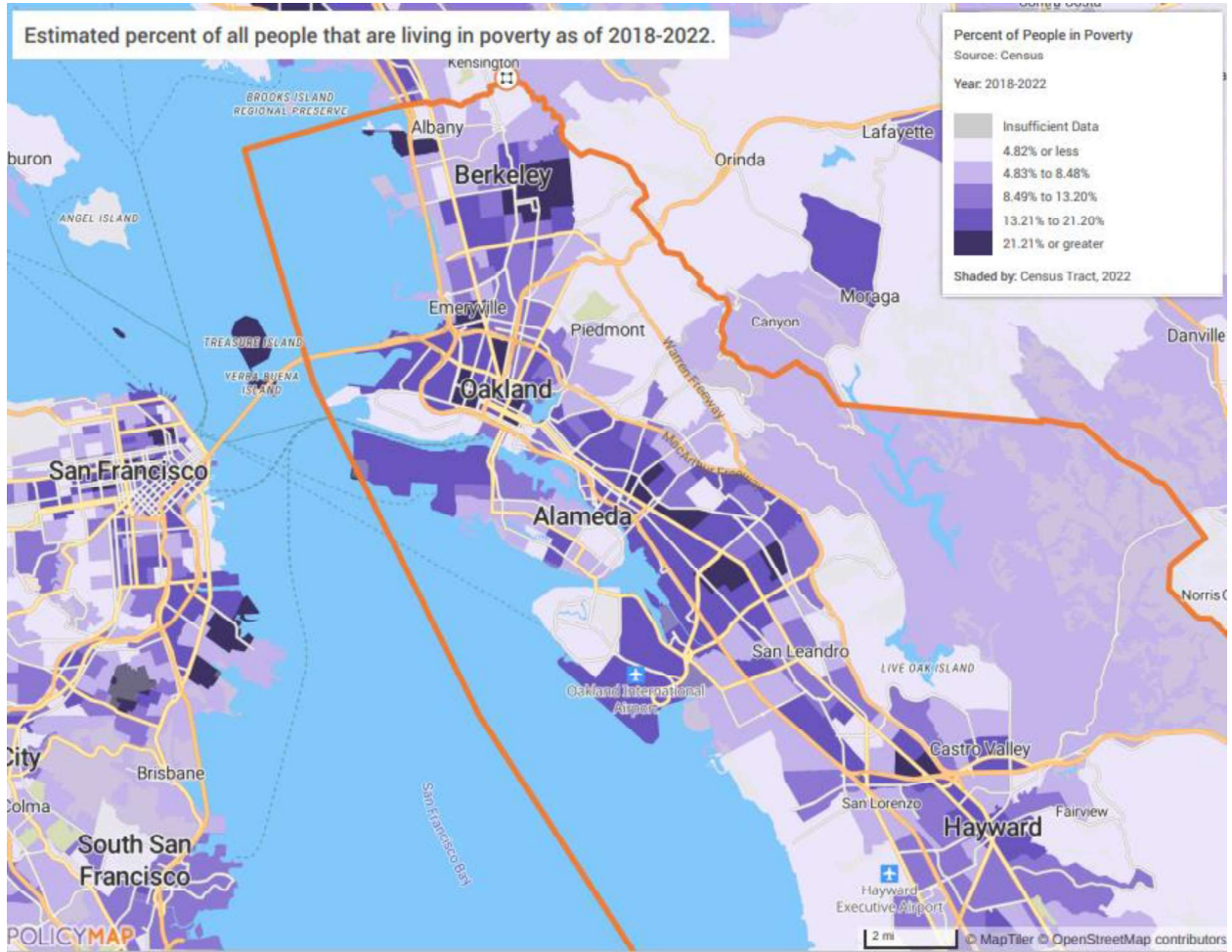


- Maps V.12 and V.13 show that the areas with higher rates of poverty are in North County and Central County, ~~northern western side of the county~~, with some census tracts seeing a rate of 21% or higher.
- Although the overall percentage of people living in poverty in the county has declined, Map V.14 highlights that many areas have seen large increases in poverty rates. The dark blue shaded areas indicate increases in poverty of over 38%. ~~The areas with the largest areas of increased poverty levels are in the central northern and central southern areas of the county.~~
- Map V.15 shows the area of highest poverty for Black/African American residents being the South County, ~~southeastern area of the county~~. There are also tracts spread throughout Mid/Central County and North County ~~along the western side of the county~~ with high poverty rates.
- Map V.16 shows the percentage of Hispanic or Latino residents living in poverty is highest in the Tri-Valley, ~~northern central~~ area, as well as in the North and Central Counties, ~~northern and central west areas of the county~~.

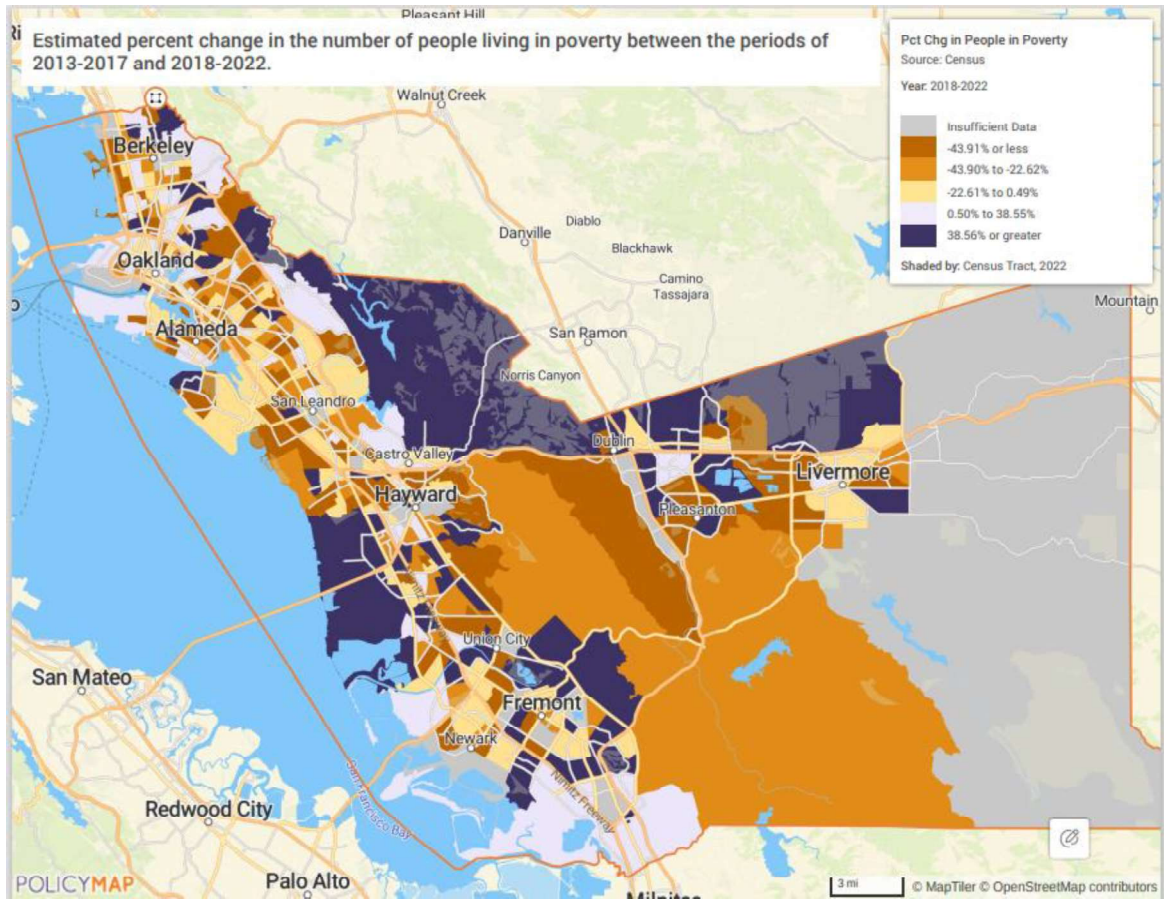
MAP V.12 - Poverty



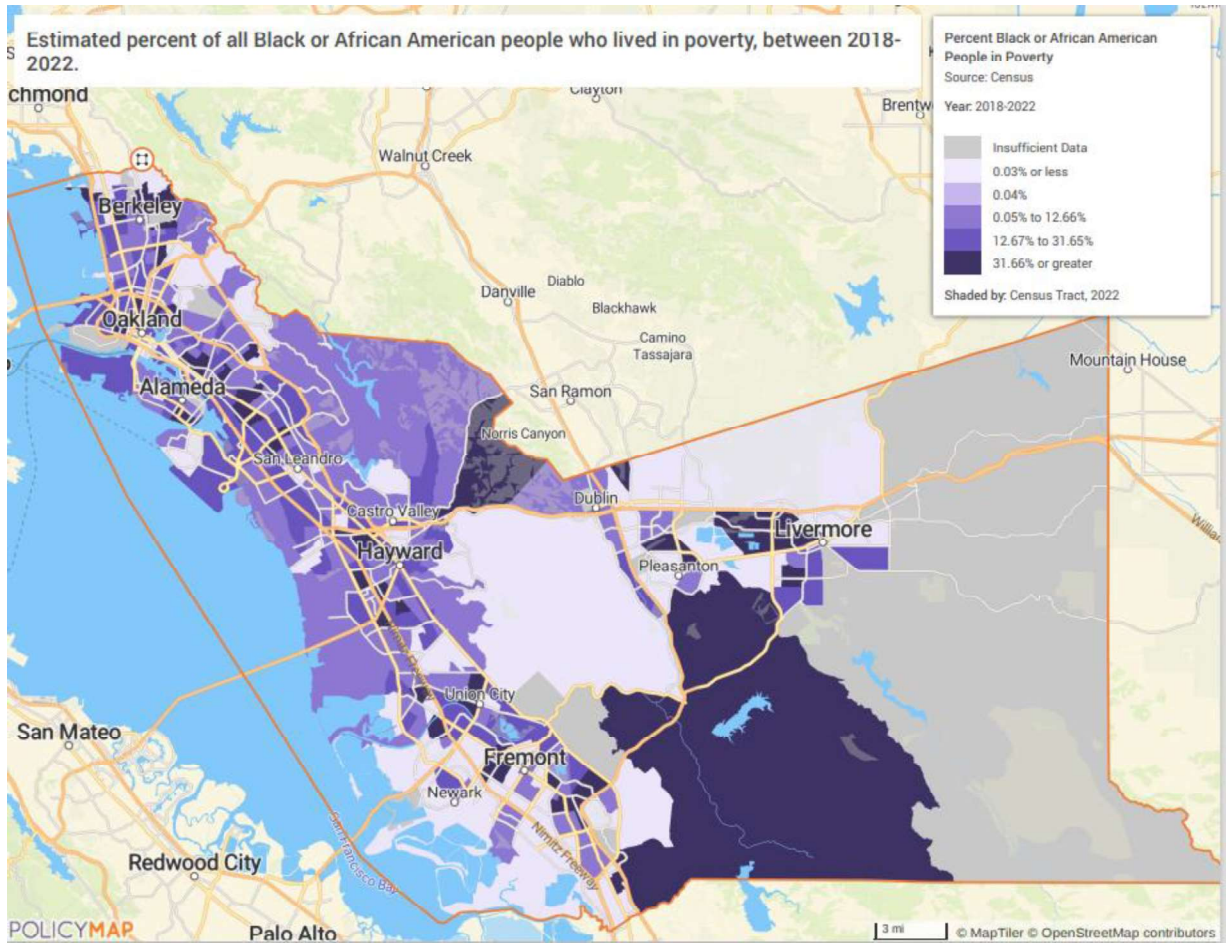
MAP IV.13 Poverty –North County and Central County Northwest region



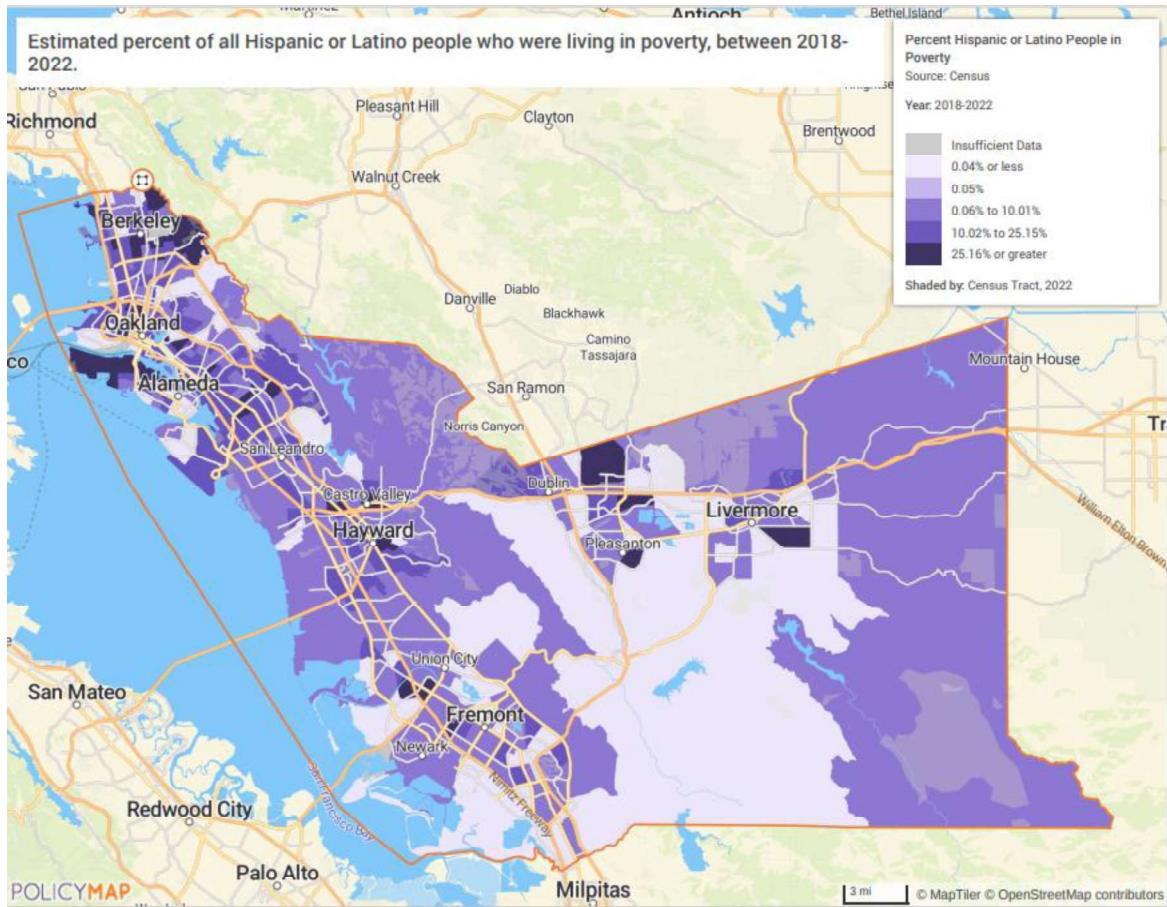
Map V.14 Poverty Percent Change



MAP V.15 Black/African Americans People in Living in Poverty



MAP V.16 Hispanic or Latino People Living in Poverty



The following tables highlight the areas of the County with high poverty rates by census tract, zip code, and County subdivisions. The North County and Central County areas ~~northwest region of the County~~ sees the highest rates of poverty.

| Census Tracts with >25% poverty 2022 | |
|--|--------------|
| Census Tract | % in poverty |
| 402900 | 25.11% |
| 403301 | 25.57% |
| 402500 | 27.61% |
| 401400 | 30.26% |
| 403000 | 30.45% |

| Zip codes with >15% poverty 2020 | |
|--|--------------|
| Zip Code | % in poverty |
| 94606 | 16.67% |
| 94601 | 18.72% |
| 94607 | 19.45% |
| 94709 | 19.61% |
| 94720 | 19.89% |
| 94621 | 19.92% |
| 94612 | 20.16% |
| 94613 | 46.67% |
| 94704 | 47.51% |

| % in Poverty - County Subdivisions 2022 | |
|--|--------------|
| Subdivision | % in poverty |
| Livermore-Pleasanton | 4.49% |
| Fremont | 5.41% |
| Alameda | 7.14% |
| Hayward | 8.86% |
| Oakland | 12.94% |
| Berkeley | 16.40% |

ACS data suggest that between 2013-2017 and 2018-2022, the median income in Alameda County increased by 42.9% and was \$122,488 in 2022. This is higher than the State of California’s median income of \$91,905. However, 21.54% of households in Alameda County had an annual income of less than \$50,000 in 2022. The table below highlights the median income by race and ethnicity. Black or African American residents’ median income is almost half of the County median income. This disparity reflects the high percentage rate among Black residents at 16.64%. Hispanic or Latino residents and American Indian and Alaska Native residents also have median incomes that are significantly lower than the county average.

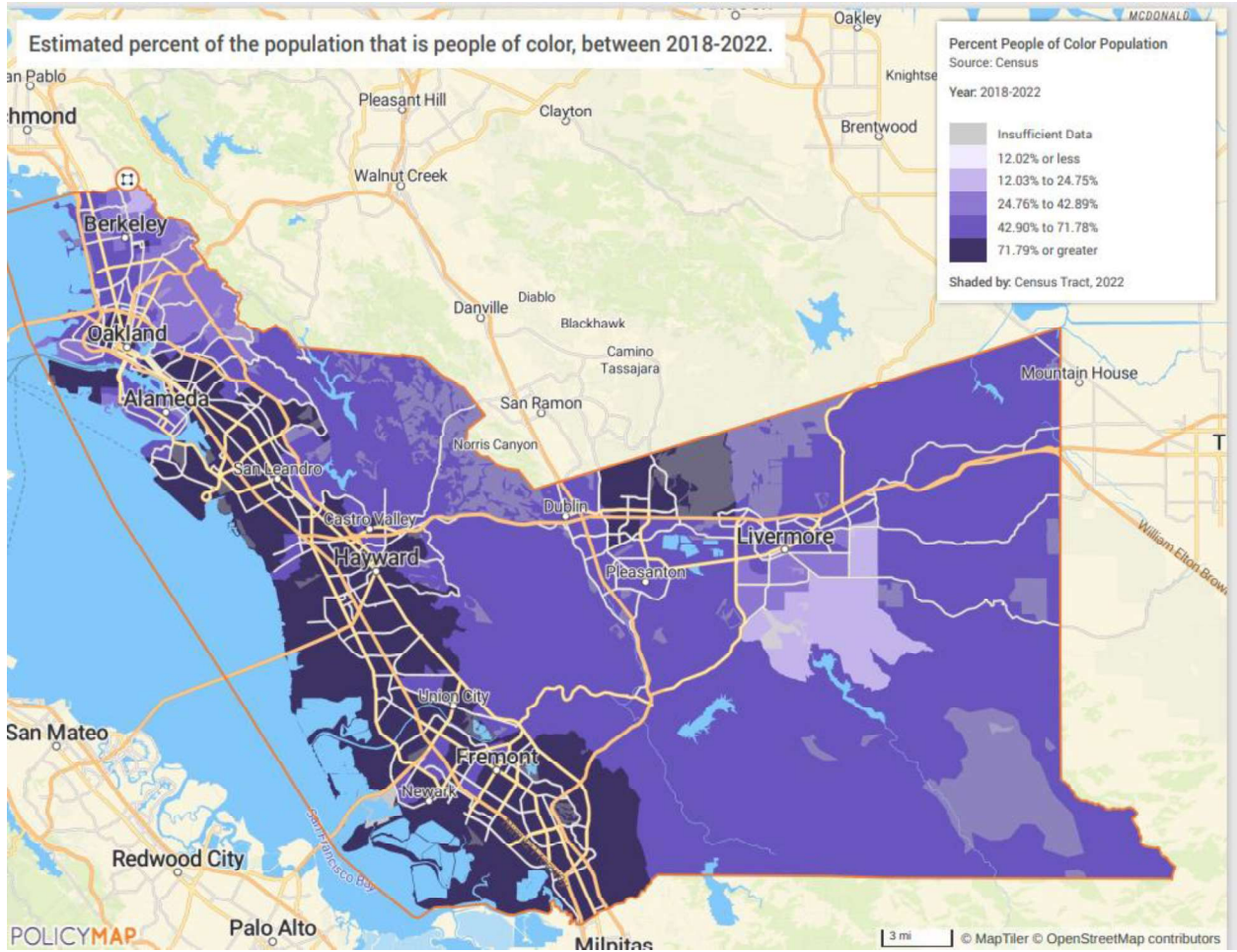
| Median Household Income and Poverty by Race/Ethnicity | | | |
|---|---------------|-----------|--------------|
| Race/Ethnicity | Annual Income | | % in Poverty |
| | 2013-2017 | 2018-2022 | |
| White | \$93,773 | \$136,751 | 7.15% |
| Black/African American | \$45,807 | \$67,235 | 16.64% |
| Asian | \$106,898 | \$158,717 | 7.28% |
| American Indian and Alaska Native | \$61,773 | \$95,370 | 11.10% |
| Native Hawaiian and Other Pacific Islander | \$78,807 | \$114,089 | 13.60% |
| Hispanic or Latino | \$66,728 | \$93,205 | 11.15% |

Racially or Ethnically Concentrated Areas of Poverty (R/ECAPS)

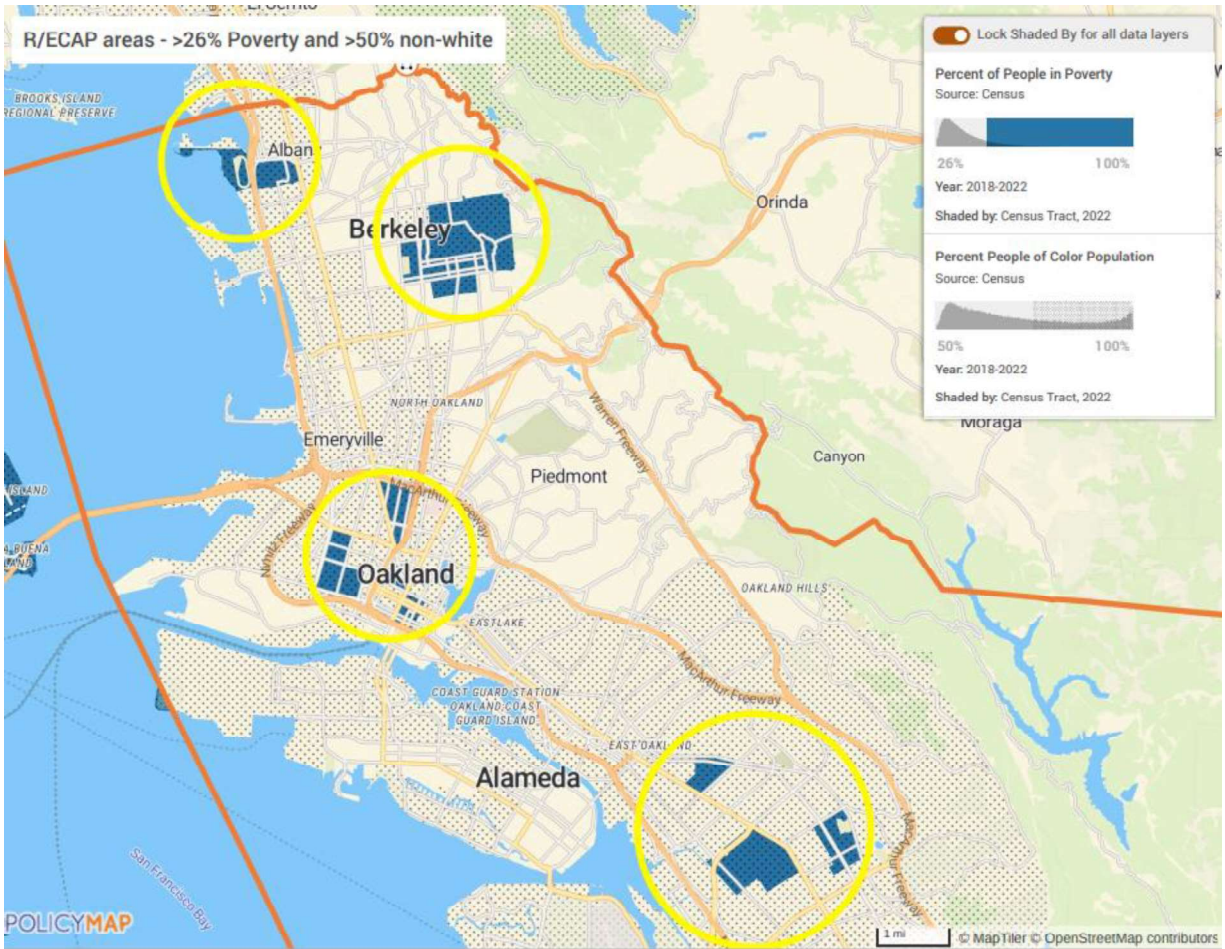
The non-~~Whitewhite~~ population in Alameda County in 2022 was 70.7% of the total population, which is about a 3% increase since 2017. Map V.17 shows that most areas of the county have minority concentrations of over 24%. The darkest shaded areas highlight the areas where minority concentration is over 70%. ~~—these areas are a section in the northern central region of the county.~~

To assist communities in identifying racially/ethnically concentrated areas of poverty (R/ECAPS), HUD has developed a definition that involves a racial/ethnic concentration threshold and a poverty test. R/ECAPS must have a non-~~Whitewhite~~ population of 50% or more and census tracts must have 40% or more of people living in poverty or is three times the average tract poverty rate for the MSA area – whichever is lower. Alameda County is part of the San Francisco - Oakland-Berkeley, CA Metro Statistical Area (MSA), which has a poverty rate of 8.61% – 3 times this would be 25.83%. Knowing this, Map V.18 (below) highlights the R/ECAP areas in Alameda County. The table below lists out which census tracts these R/ECAP areas are in along with their corresponding percentages of poverty and population of non-~~Whitewhite~~ individuals. ~~The R/ECAP census tracts are all located in the northwestern part of the County.~~

Map V.17 Non-White Population



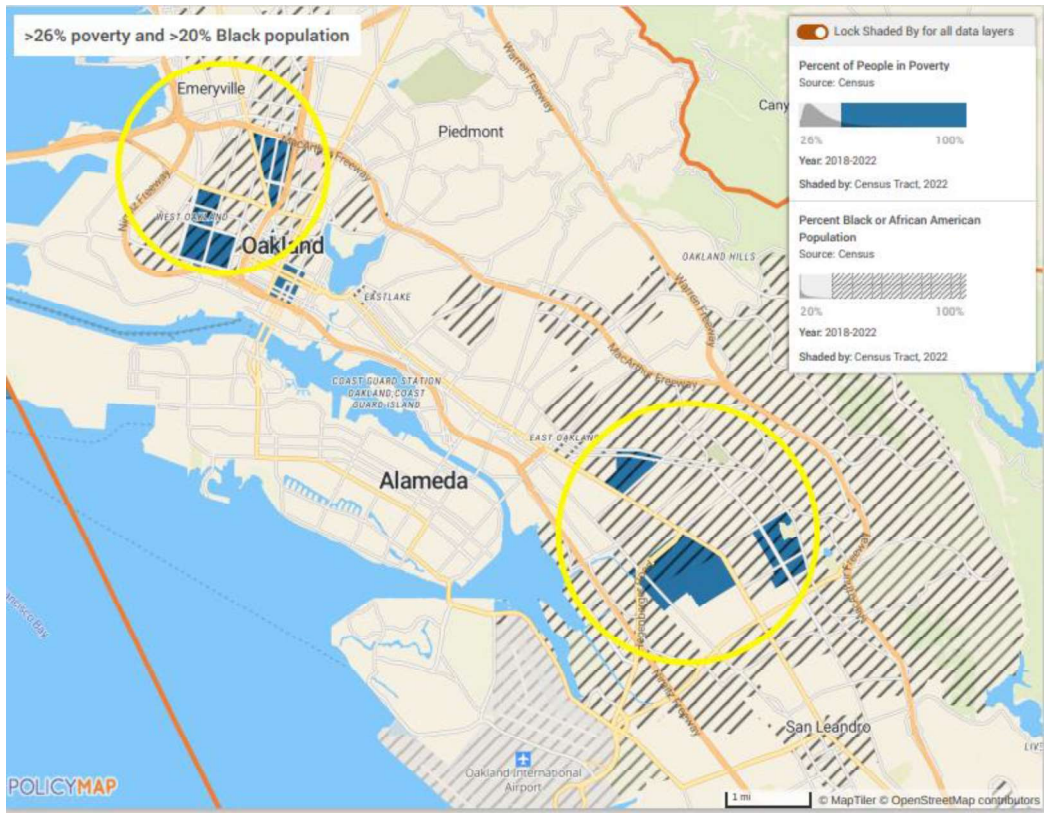
MAP V.18 R/ECAP areas



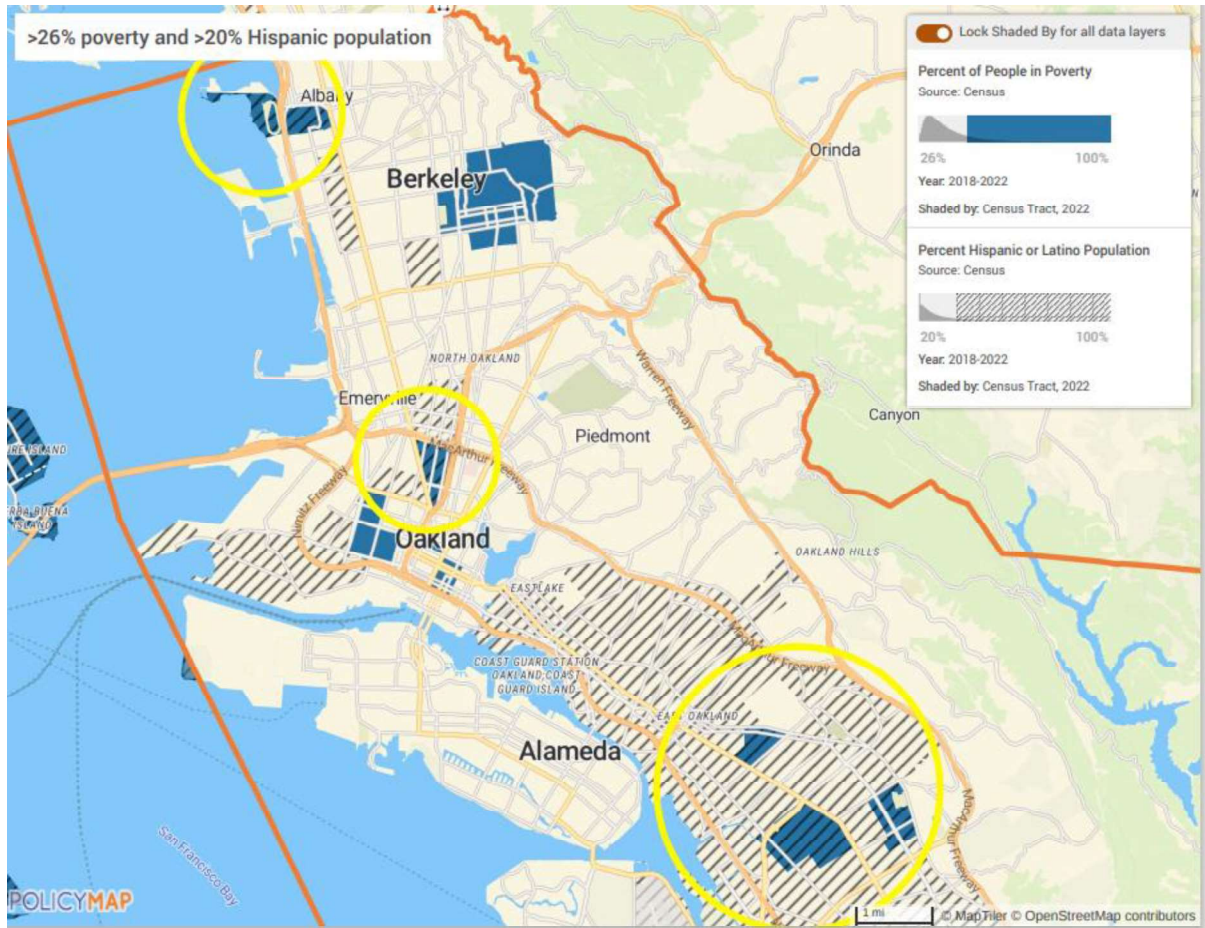
| Census Tract | Poverty Rate | % Non-White |
|--------------|--------------|-------------|
| 06001401400 | 30.26% | 74.41% |
| 06001402500 | 27.61% | 84.38% |
| 06001402802 | 41.33% | 76.99% |
| 06001403000 | 30.45% | 91.37% |
| 06001408900 | 28.60% | 95.68% |
| 06001409500 | 26.23% | 88.23% |
| 06001409700 | 28.72% | 91.91% |
| 06001410500 | 32.65% | 78.51% |
| 06001420401 | 42.58% | 67.97% |
| 06001420402 | 27.07% | 68.03% |
| 06001422500 | 27.17% | 55.36% |
| 06001422700 | 51.14% | 63.69% |
| 06001422800 | 61.59% | 72.32% |
| 06001422901 | 40.52% | 59.49% |
| 06001422902 | 51.62% | 69.99% |
| 06001423602 | 50.52% | 52.86% |
| 06001982100 | 37.50% | 71.72% |

There were two racial/ethnic groups that had a population 20% or more in census tracts that also had 26% or more individuals living in poverty – Black/African American residents and Hispanic/Latino residents. Maps V.19 and V.20 below show where these areas are indicated by dark blue shading overlaid by diagonal lines (circled in maps). Poverty creates barriers for individuals accessing services or amenities that provide quality of life including healthcare, quality nutrition, transportation, and safe and decent housing.

MAP V.19 Black/African American R/ECAP



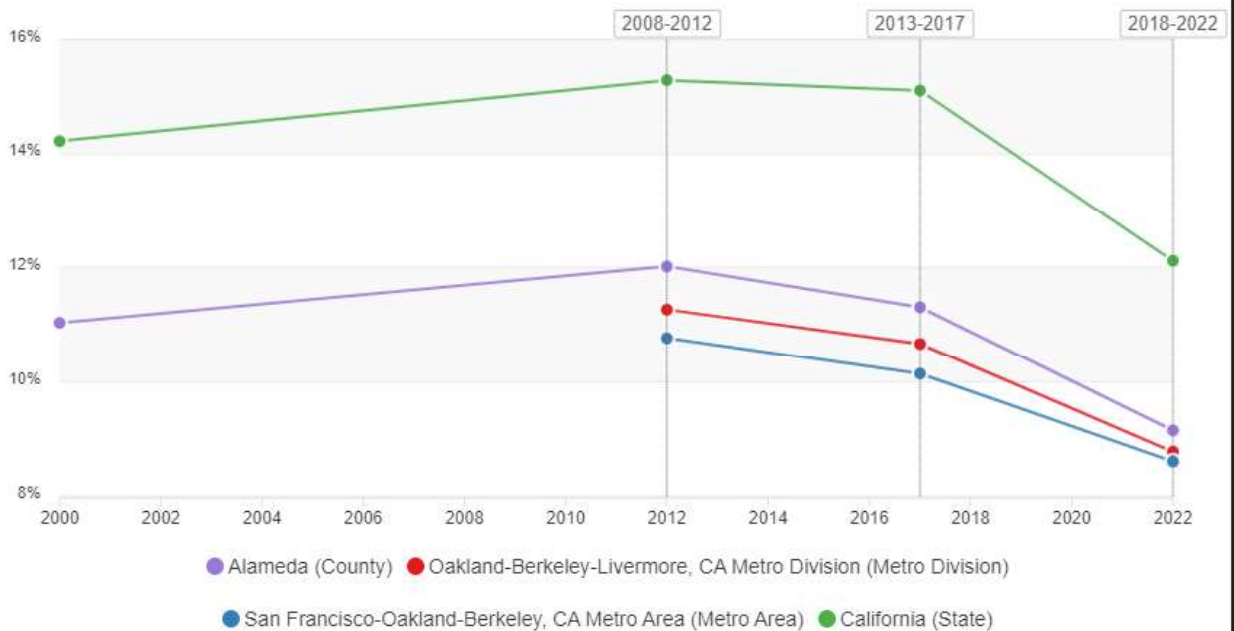
MAP V.20 Hispanic R/ECAP



Census data shows a decline in poverty rates between 2017 and 2022. Alameda County, the Metro Statistical Area, Metro Division Area, and California all show a decline in poverty rates (seen in the chart below). As the poverty rates decline in certain census tracts, it may result in less R/ECAP areas based on HUD’s definition of the areas that qualify.

Percent of People in Poverty from 2000 to 2018-2022.

Powered by PolicyMap



Disparities in Access to Opportunities

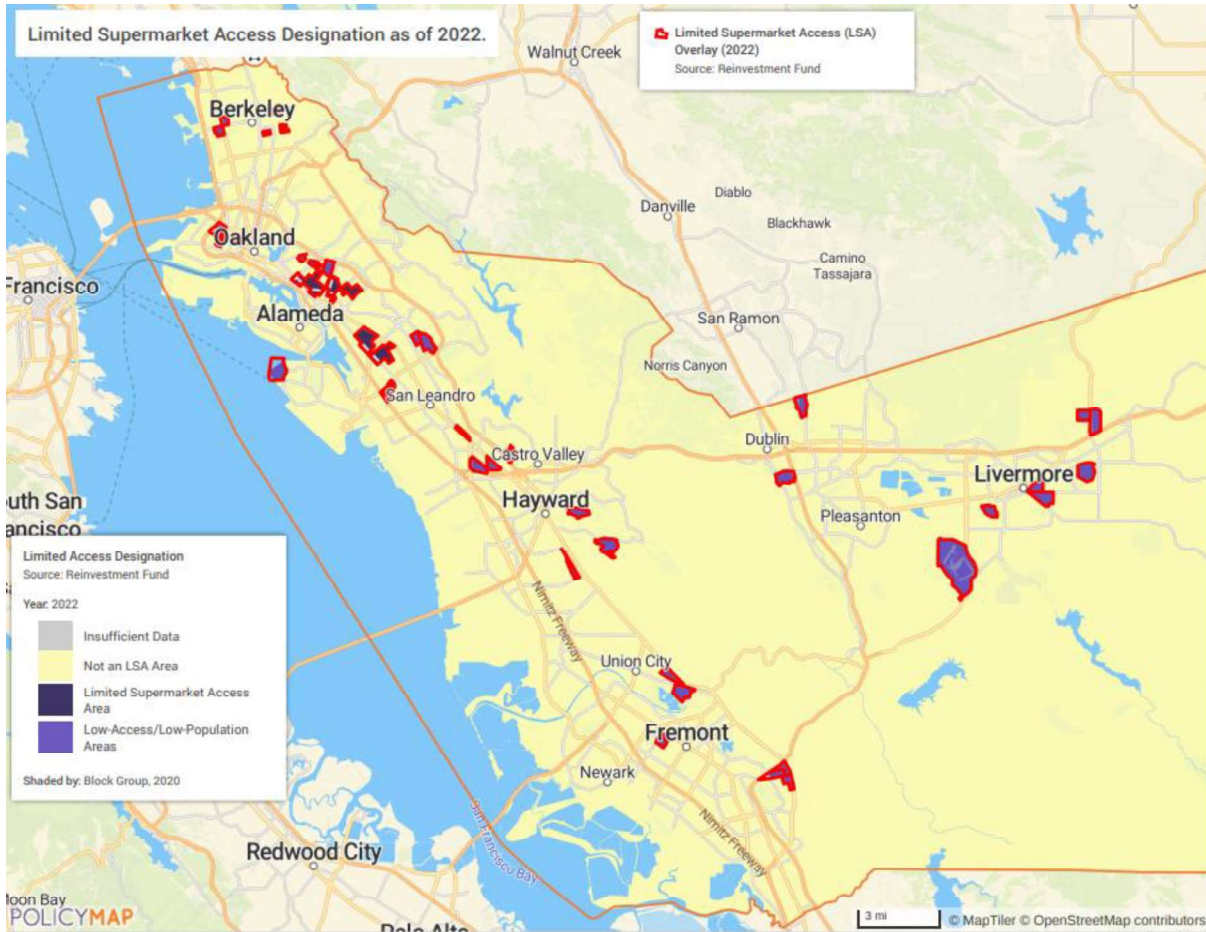
This section discusses the level of access protected classes have to resources, which generally indicates economic opportunity. These include education, employment, transportation, and quality of life factors. These factors are referred to as “access to opportunity.”

Map V.21 highlights Limited Supermarket Areas (LSA Areas), which are block groups that when combined have at least 5,000 residents who need to travel almost twice as far for a full-service supermarket relative to residents in block groups with similar population density and above average incomes. These LSA areas have red borders on the map and are generally in census tracts with higher rates of poverty and higher populations of minority residents. Map V.23 shows that ~~the northwestern areas~~ the North County and Mid/Central County areas, of the County, which have higher rates of poverty and higher minority concentrations, are at greater risk of food insecurity.

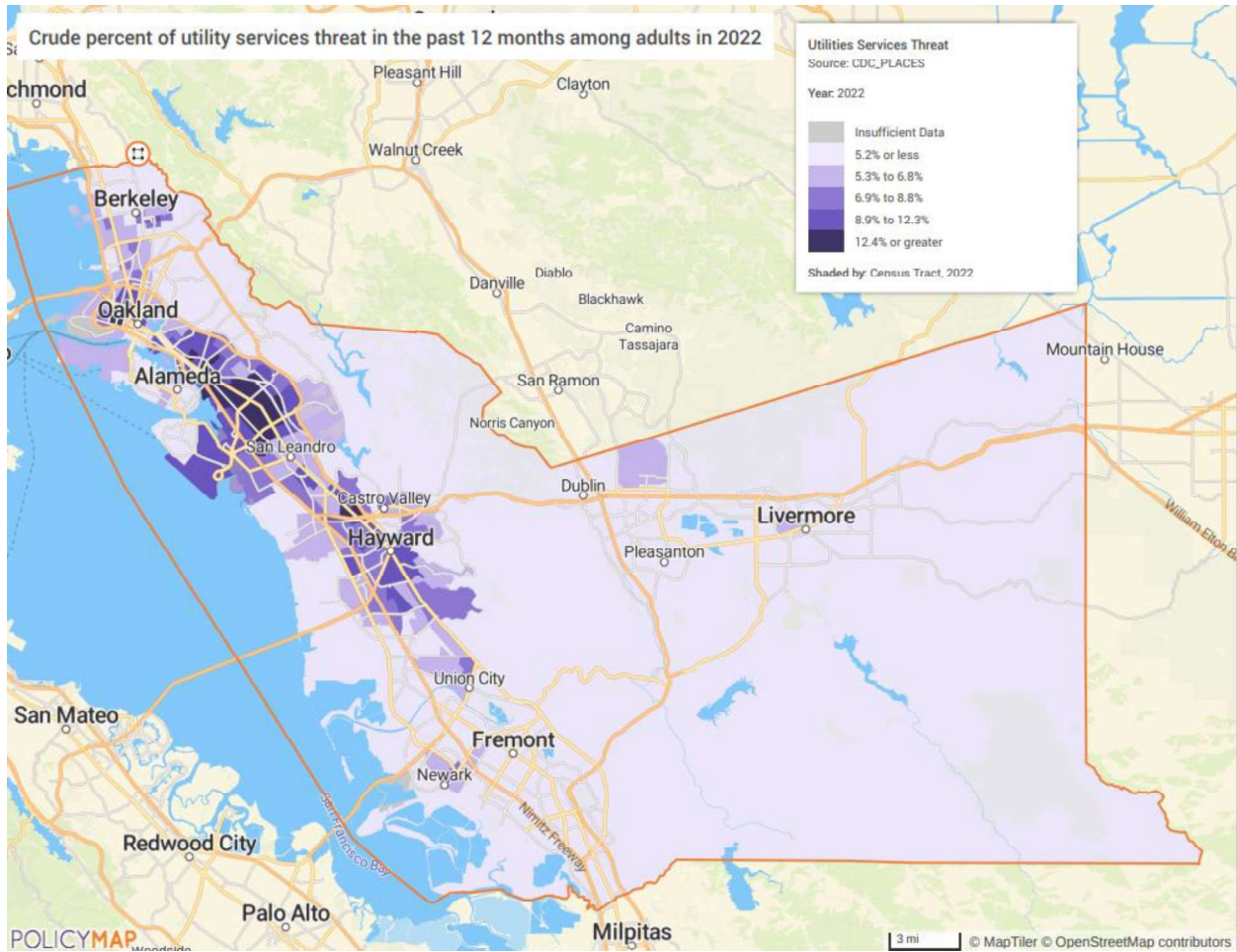
Map V.22 highlights areas that have a higher prevalence of utility threats. The darker shaded areas indicate areas with a higher prevalence of households who reported that an electric, gas, or oil company threatened to shut off services at any point during 2022. The North County and Central County areas ~~northwestern areas of the County~~ see higher rates of utility threats, especially in R/ECAP areas. Map V.24 highlights Medically Underserved Areas (MUA) as of 2024, which correlate to the areas with higher threats of food insecurity and utility threats. Medically Underserved Areas are designated by the Health Resources and Services Administration as having

too few primary care providers, high infant mortality, high poverty, and/or a high elderly population.

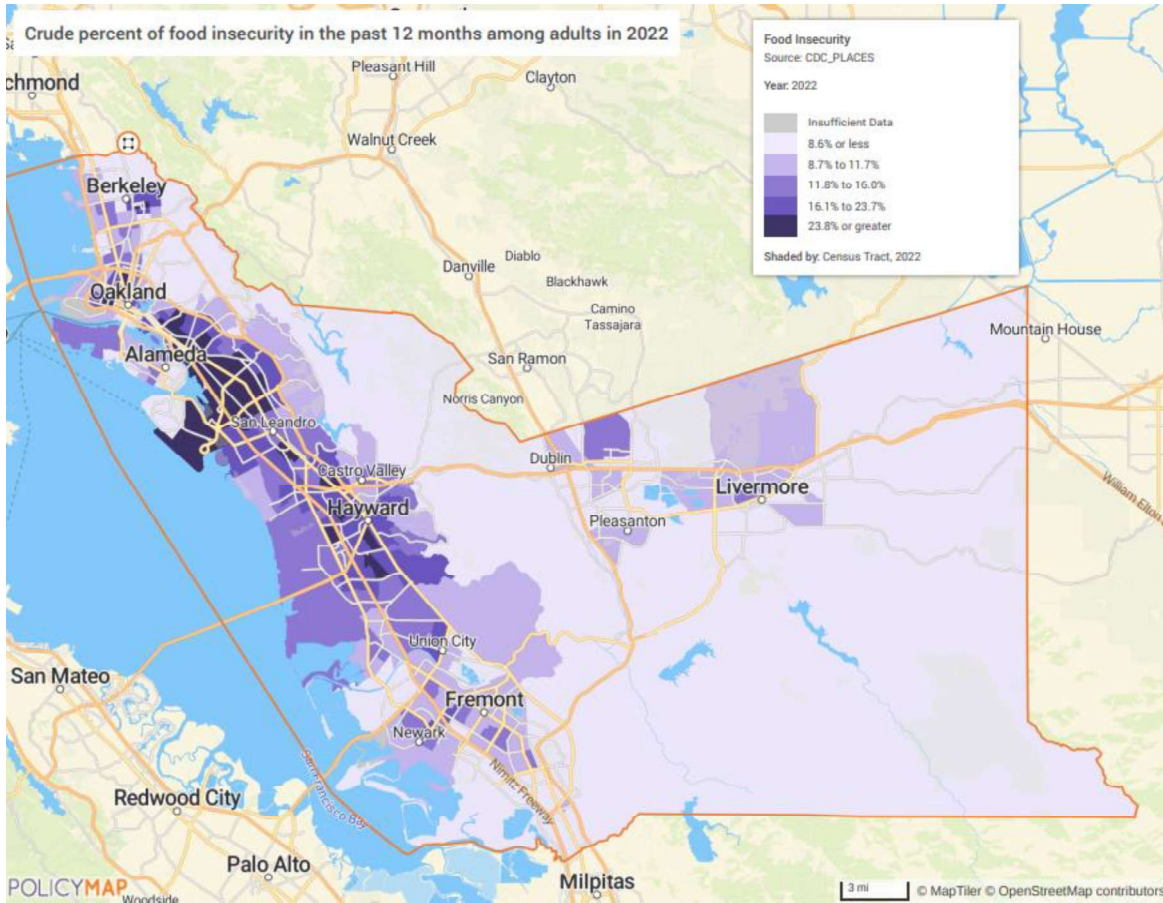
MAP V.21 Limited Supermarket Access Areas



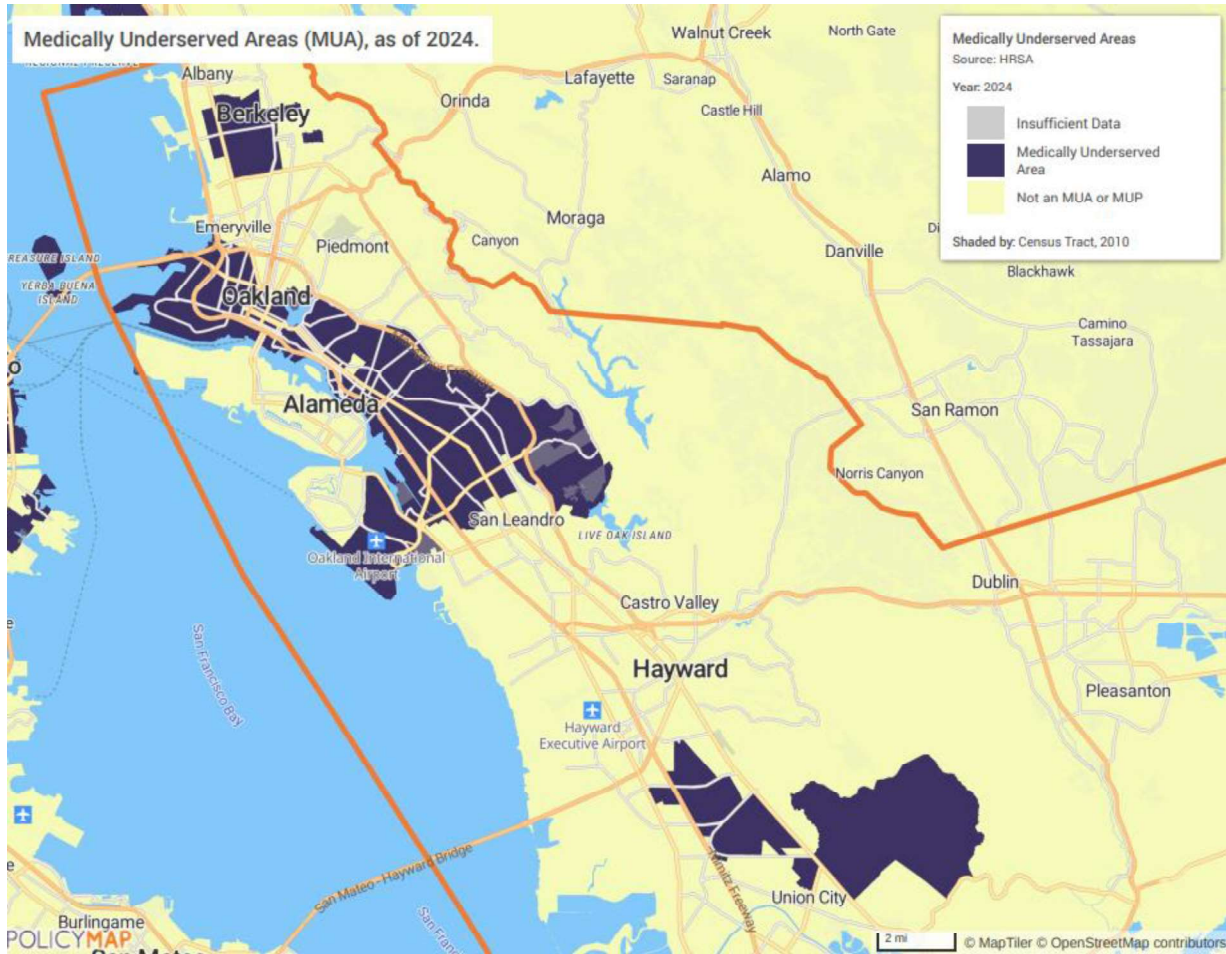
Map V.22 Utility Service Threats



Map V.23 Food Insecurity



Map V.24 Medically Underserved Areas



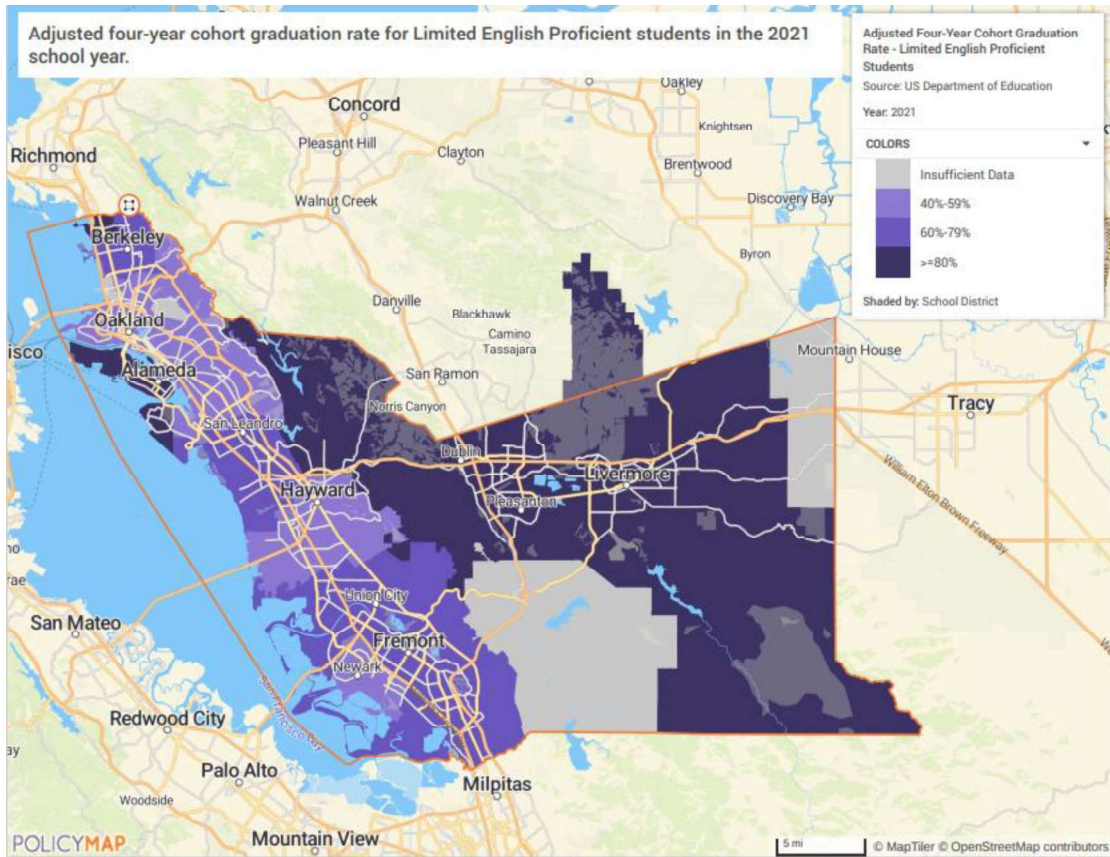
Education

Educational opportunities and attainment are strongly correlated with future job success and income opportunities. The chart below highlights the disparity in annual income between males and females. When comparing the annual incomes among men and women with the same educational attainment, the median incomes for women was much less than the median incomes for men. This could have an impact on female householders finding decent, affordable housing.

| Median earnings in the past twelve months (in 2023 inflation-adjusted dollars) by sex, by educational attainment for the population 25 years and over | |
|---|---------------|
| Alameda County | |
| Education, by sex | Annual Income |
| Male | \$81,943 |
| Less than high school graduate | \$40,381 |
| High school graduate (includes equivalency) | \$49,227 |
| Some college or Associate's degree | \$63,557 |
| Bachelor's degree | \$102,471 |
| Graduate or professional degree | \$163,352 |
| Female | \$62,249 |
| Less than high school graduate | \$28,258 |
| High school graduate (includes equivalency) | \$38,728 |
| Some college or Associate's degree | \$45,121 |
| Bachelor's degree | \$77,216 |
| Graduate or professional degree | \$102,480 |

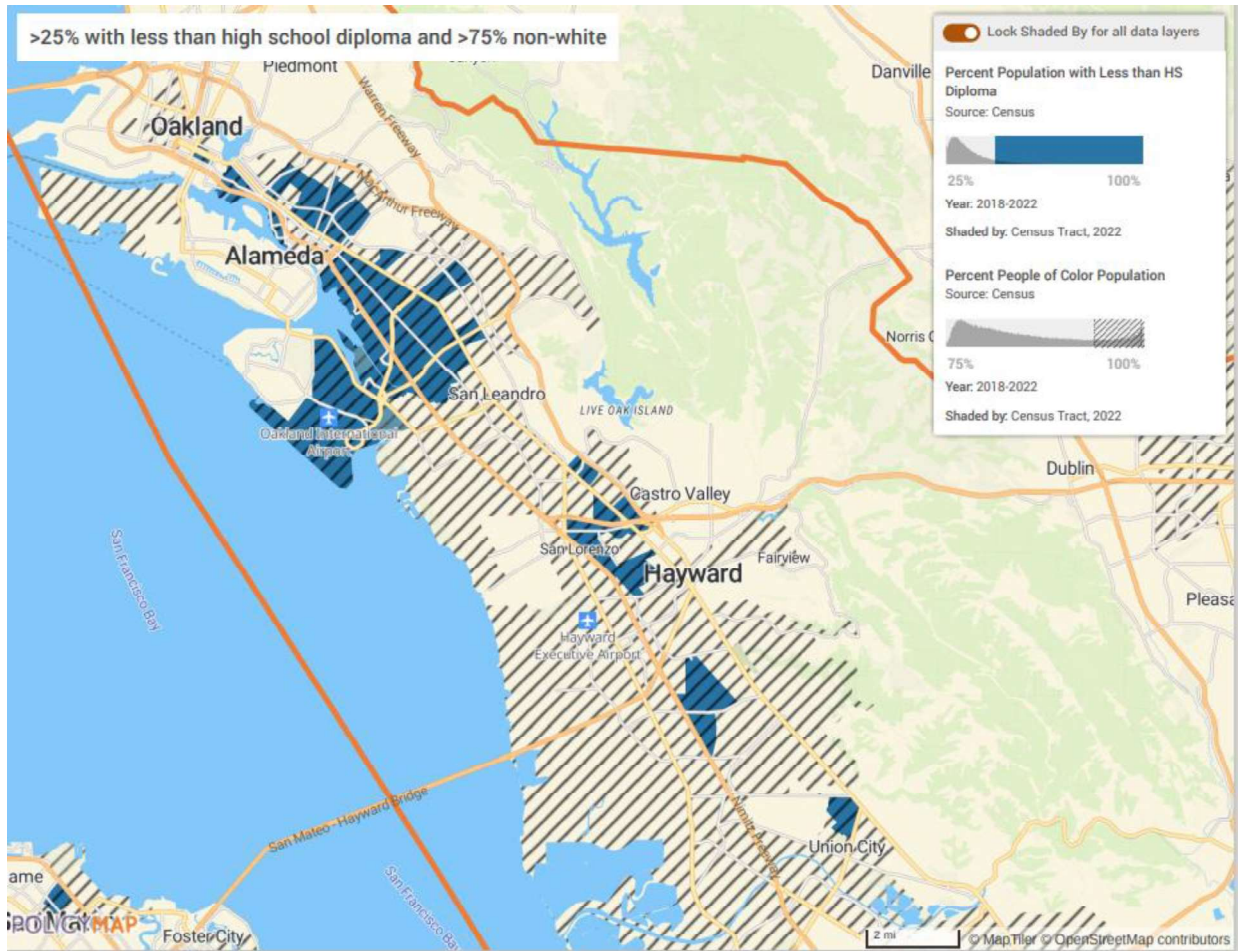
Map V.25 shows that in 2021, the school districts that had a less than 80% graduation rate for LEP students were all located along the western edge of the county. The school districts and their corresponding graduation rates are listed in the table below. Please note that some school districts did not have this data available. Map V.26 shows that all the areas in Alameda County that had 25% or more people with less than a high school diploma were also areas that had high minority concentrations (75% or more) – this is indicated by the dark blue areas overlaid by diagonal lines. [According to data from the California Department of Education, t](#)The rate of individuals obtaining at least a high school diploma has been declining since 20~~2012~~. In 20~~2012~~, the high school graduation rate was ~~68.419~~~~.47~~%, in 20~~22~~~~17~~ it was ~~35.619~~~~.89~~%, and in ~~2024~~ it was ~~21.1~~~~%~~~~2022~~ it was ~~16.25~~%. The only racial/ethnic group that saw a decline in obtaining a high school diploma between 2017 and 2022 was Native Hawaiian and Other Pacific Islanders – this group saw a decline from 86.19% to 84.92%.

MAP V.25 LEP graduation rate



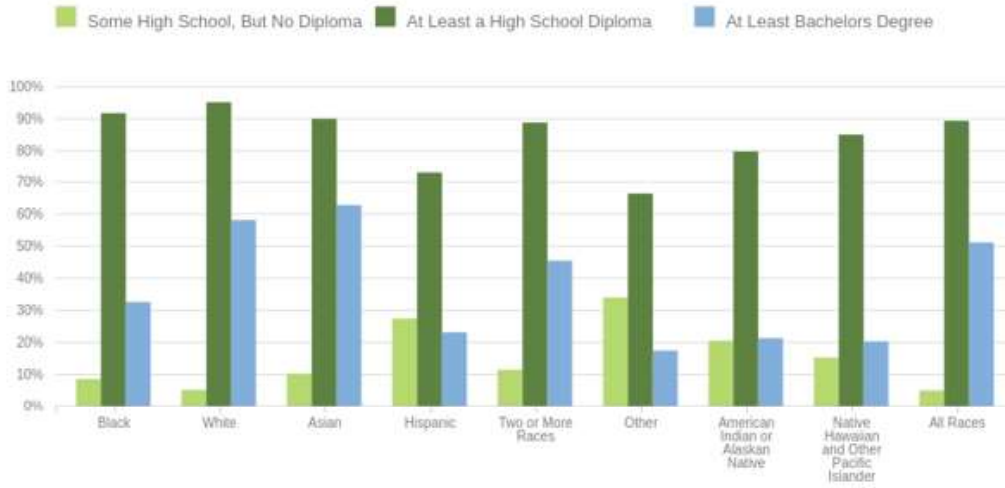
| LEP student graduation rates <80% 2021 | |
|--|-----------------|
| School District | Graduation Rate |
| Hayward | 40% - 59% |
| Newark | 40% - 59% |
| Oakland | 40% - 59% |
| New Haven | 60% - 79% |
| Berkeley Unified | 60% - 79% |
| Fremont Unified | 60% - 79% |
| San Leandro | 60% - 79% |
| San Lorenzo | 60% - 79% |

MAP V.26 More than 25% with less than a high school diploma and over 75% non-Whitewhite



Asian residents in the County are more likely to attain a bachelor’s degree or more while Hispanic residents are more likely to attain only a high school degree or less.

Educational Attainment

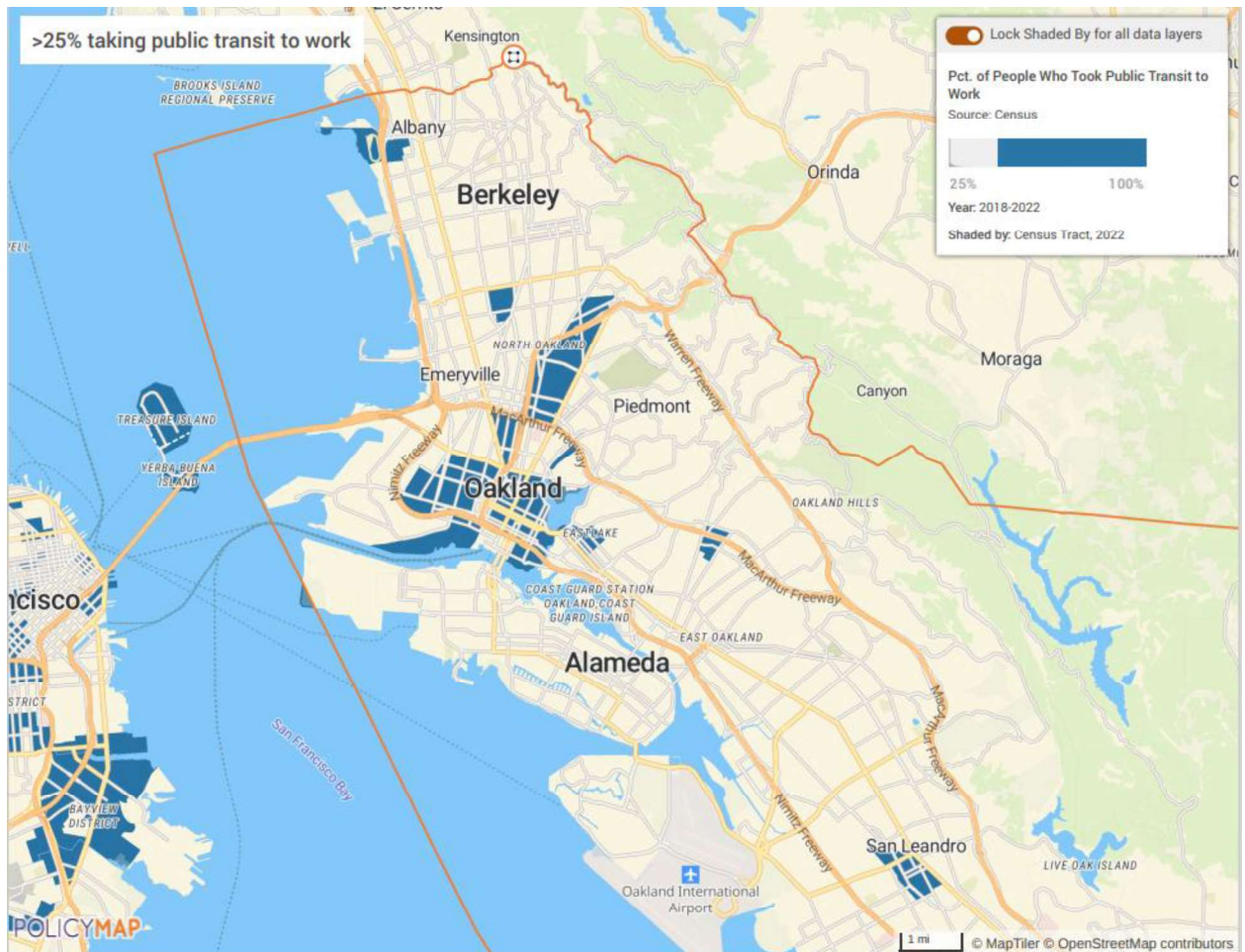


POLICYMAP

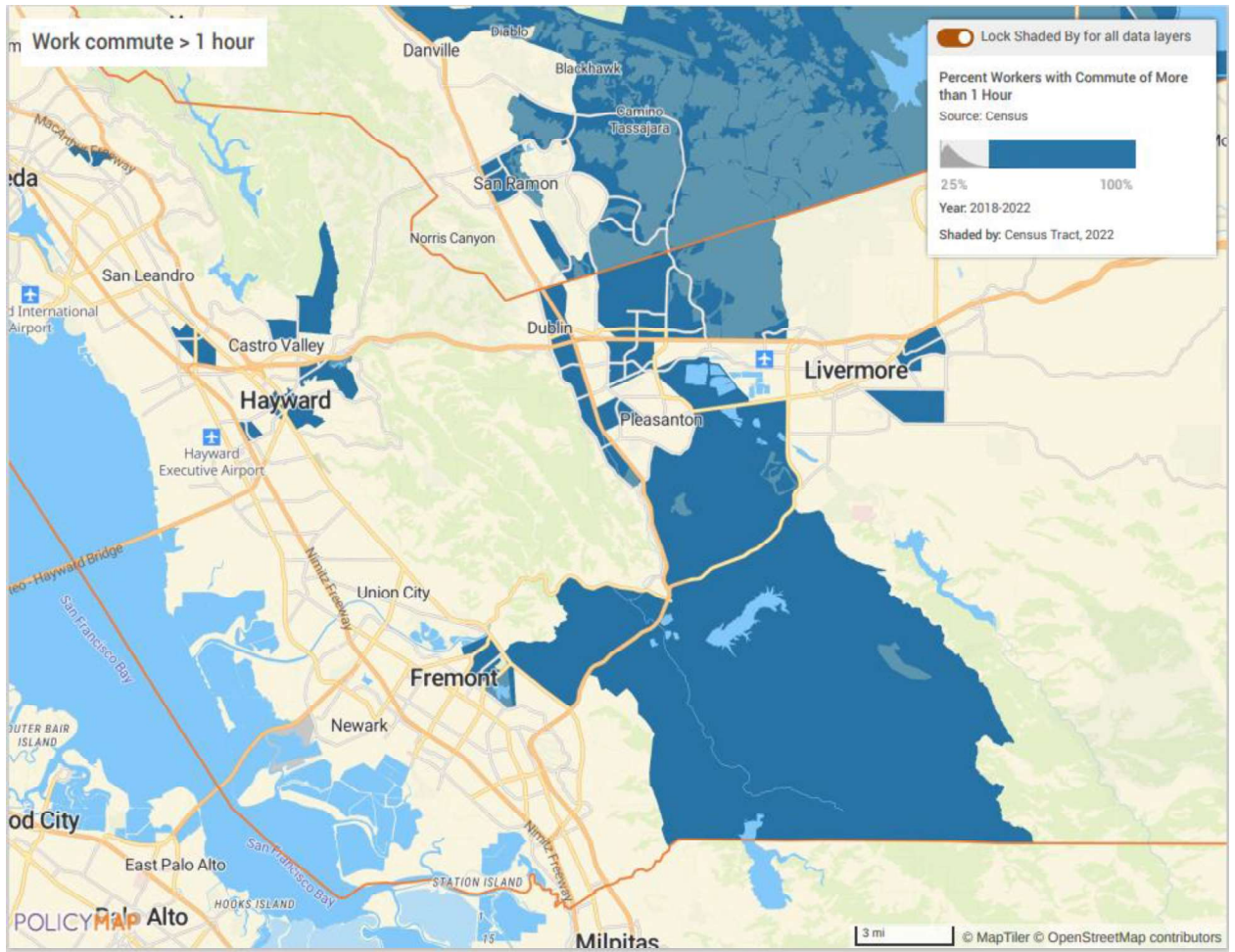
Transportation

Transportation and access to transportation is important for individuals to have access to good jobs, schools, grocery stores, healthcare, and other quality of life enriching amenities. Map V.27 shows that parts of the northwestern area of the county with had 25% of more people taking public transit to work correlates with areas — the northwestern area is also where the R/ECAP areas were concentrated. Map V.28 shows the areas in which 25% or more people have longer than a one-hour commute to work. The whole central region to the west of Livermore has high rates of long commutes to work. Map V.29 shows the percentage of residents who reported a lack of reliable transportation keeping them from medical appointments, meetings, work, or from getting things needed for daily living.

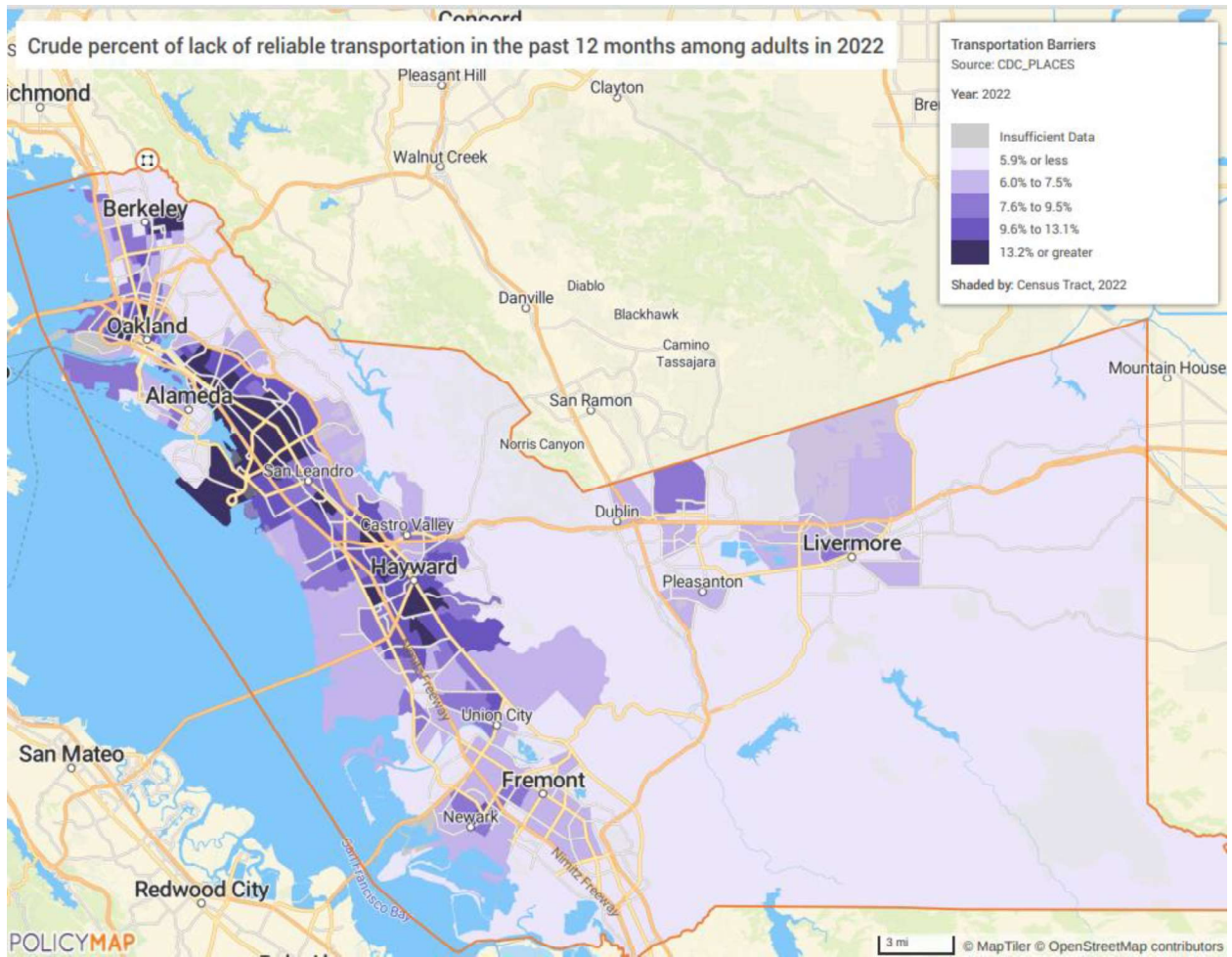
MAP V.27 More than 25% taking public transportation to work



MAP V.28 Work commute longer than one hour

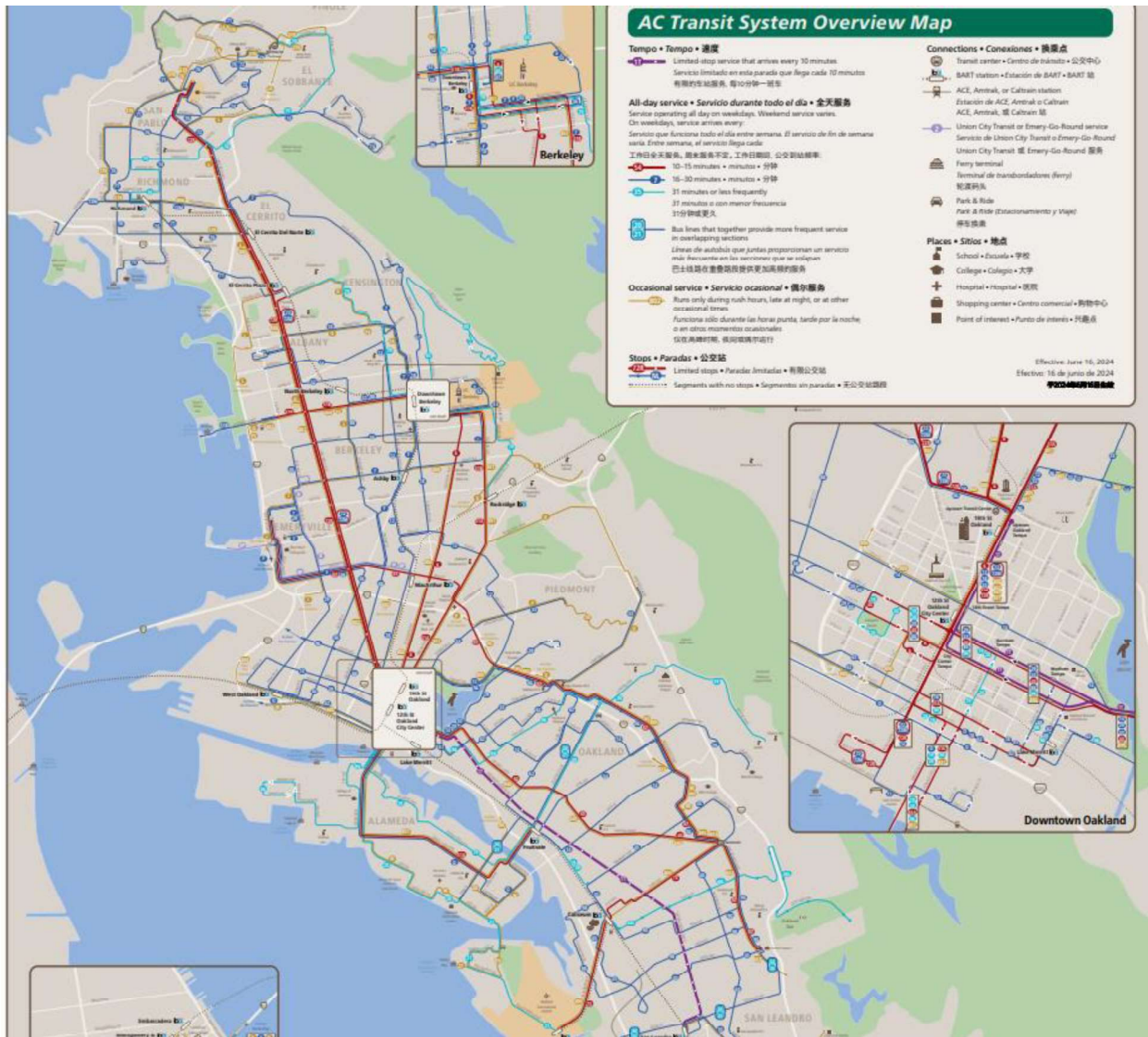


Map V.29 Lack of reliable transportation to work



Maps V.30 and V.31 display the Alameda-Contra Costa (AC) Transit System Overview Map and the Transbay Bus Lines.

Map V.30 - AC Transit System Overview, AC Transit



Map V.31 Transbay Bus Lines



Employment

BLS data estimates that the unemployment rate in Alameda County in 2023 was 4.1%, which is a -0.7% decrease since 2015. In comparison, the estimated unemployment rate in the State of California was 4.8%. The chart below shows that both Alameda County and California experienced an increased spike in unemployment between 2019 and 2020 which was a direct impact of COVID-19. The unemployment rate then decreased between 2020 and 2022 and saw a slight increase by 2023.

Annual Unemployment Trends



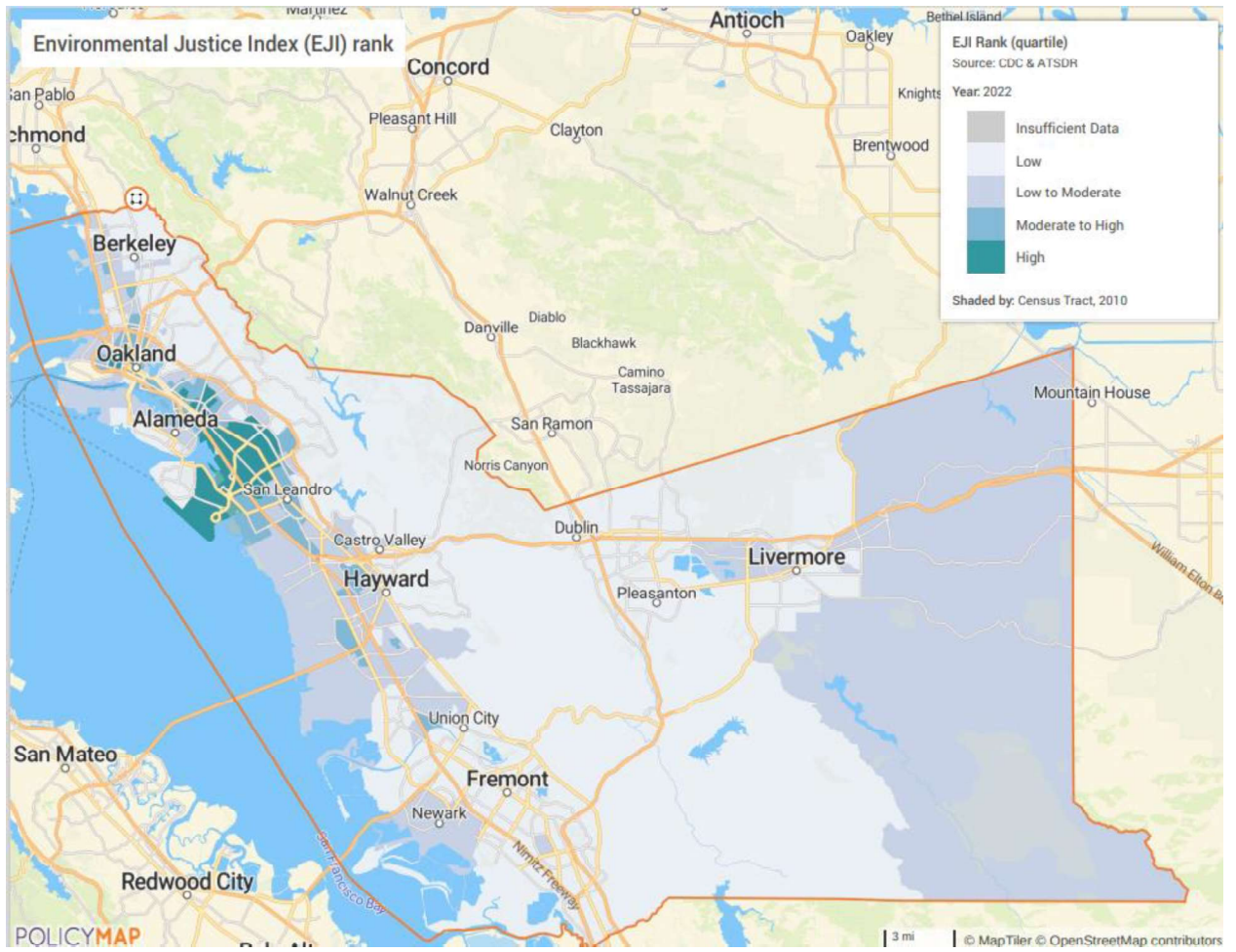
POLICYMAP

Environmental Health

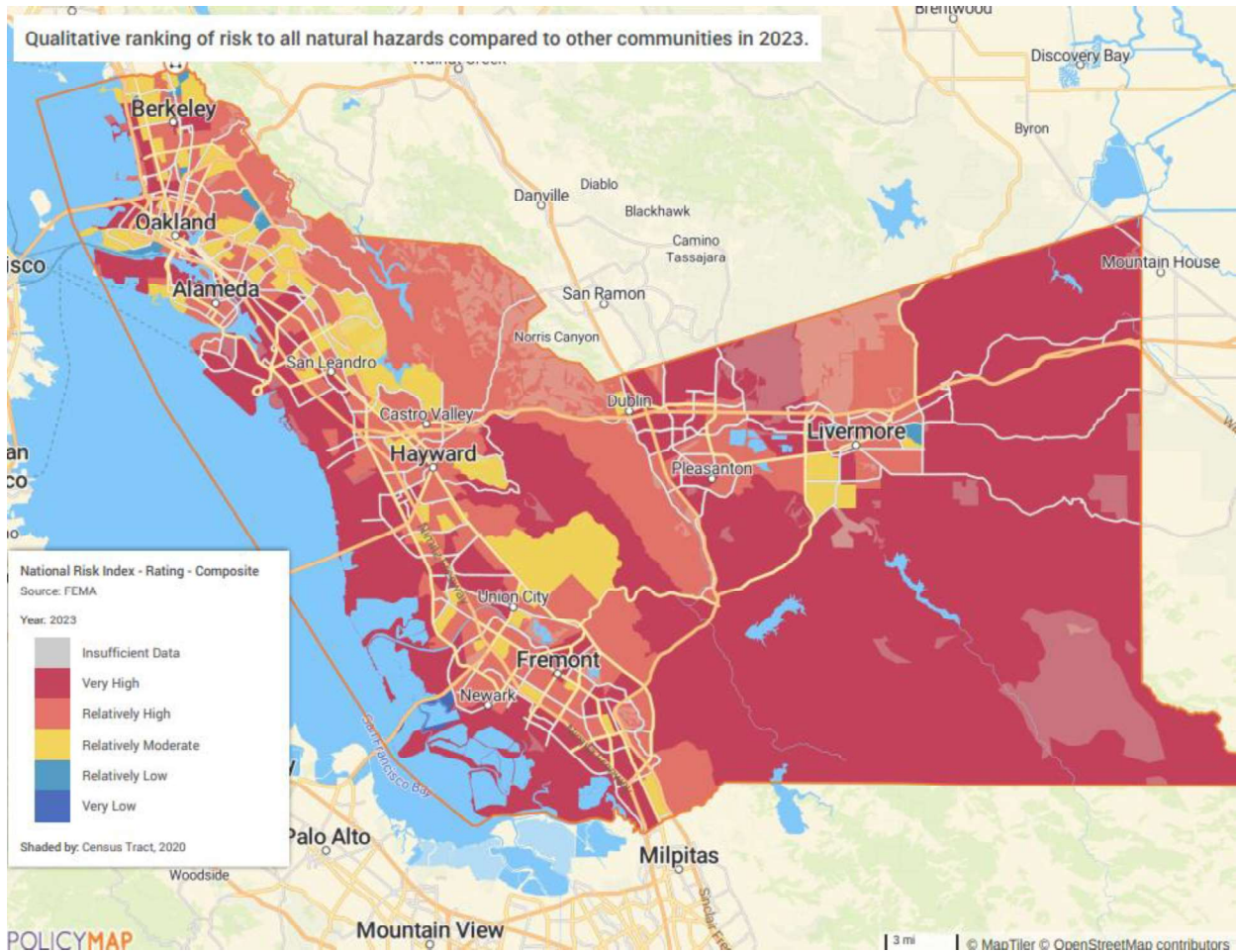
Map V.32 shows the Environmental Justice Index (EJI) rank by census tract throughout the County. The Environmental Justice Index scores census tracts using a percentile ranking which represents the proportion of tracts that experience cumulative impacts of environmental burden and injustice. A higher percentile rank means the census tract faces more severe impacts relative to other census tracts nationwide. The areas with a high EJI rank correlates to the areas of the County with higher rates of poverty, higher minority concentrations, and R/ECAP areas.

Map V.33 shows the ranking of risk to all natural hazards compared to other communities in 2023. A community has a higher index rating if there is a high concentration of people, buildings, or agriculture at risk for natural hazards in that community. A higher index rating and greater social vulnerability increases the risk index, while community resilience lowers the risk index. There are very few census tracts in Alameda County that have low index ratings, with most low rating tracts being in the North County. Most areas on the western side have relatively moderate to relatively high ratings, while the eastern areas mostly have very high ratings.

Map V.32 Environmental Justice rank



Map V.33 Risk to all natural hazards.



Disproportionate Housing Needs

HUD defines "disproportionate housing needs" as a situation where certain groups (often based on race, ethnicity, income level, disability status, or family status) experience housing challenges at significantly higher rates than the general population. These housing needs are typically measured in terms of cost burden, overcrowding, inadequate housing, and homelessness or risk of homelessness. Disproportionate housing needs are identified by comparing these housing challenges across different demographic groups to the general population. When certain groups experience these issues at notably higher rates, it may indicate systemic barriers, discrimination, or inequities in housing access.

Housing Costs

On average, household income has not risen at the same pace as housing costs in Alameda County. The table below shows that between 2017-2023, the median household income rose by 48.9% while the median gross rent rose by 39.8% and the median home value rose by 64.5%.

While both the median home value and the median gross rent both increased between 2022 and 2023, the median household income decreased by -3.1%. It is unlikely that the housing market will shift to increase the number of affordable owner-occupied or renter-occupied units. As the price of housing and related cost burdens continue to rise, it is likely that fewer affordable units will be available.

| Change in cost of housing and income over time | | | | | |
|---|-----------|-----------|-------------|--------------------------|--------------------------|
| | 2017 | 2022 | 2023 | Percent Change 2017-2022 | Percent Change 2017-2023 |
| Median Home Value (owner occupied) | \$649,100 | \$999,200 | \$1,067,800 | 53.9% | 64.5% |
| Median Gross Rent | \$1,547 | \$2,229 | \$2,303 | 44.1% | 48.9% |
| Median Household Income | \$85,743 | \$122,488 | \$119,931 | 42.9% | 39.8% |

Households By Income Bracket



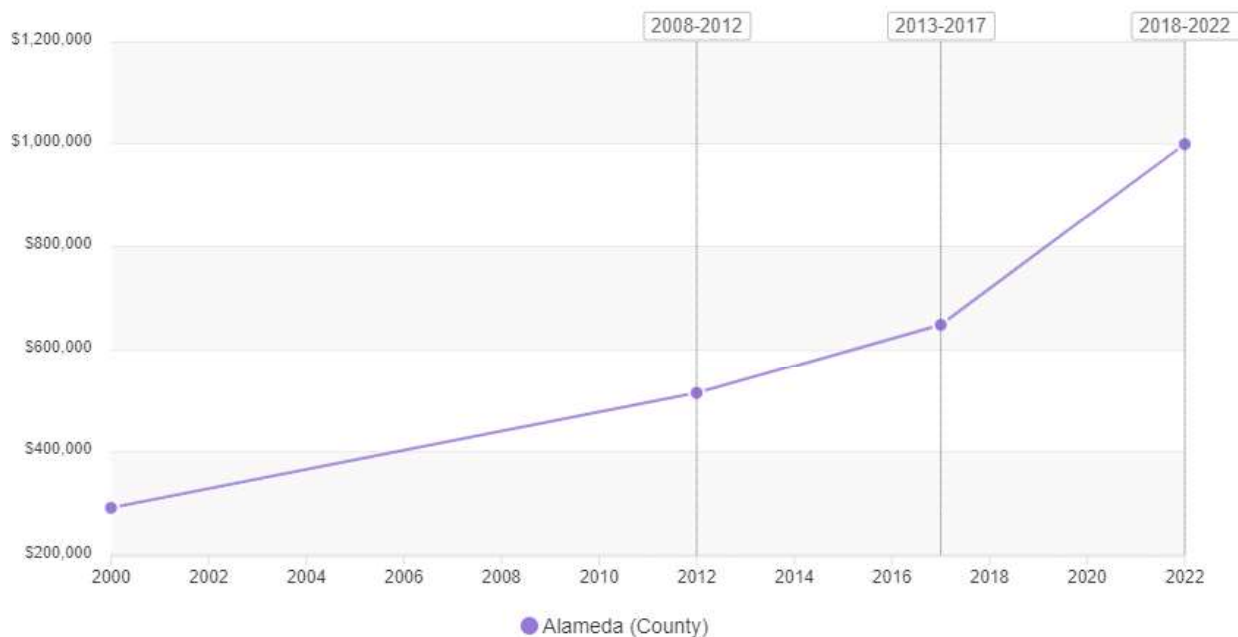
Source: [Census](#)
 2013-2017 - 2018-2022 Data Contains: 1 County ([show](#))

HOMEOWNERSHIP UNITS

Alameda County has seen the median home value increase between 2000 and 2023. The median value increased steadily between 2000 and 2017 and then began significantly increasing between 2017 and 2022. Since then, the median home values have been increasing steadily, increasing by 6.9% between 2022 and 2023. The high median home values are spread throughout the entire County and only 3 census tracts have median values less than \$480,000; these census tracts are: 16001409500, 16001432601, and 438204. The sharp increase in home values reflects the rising cost of housing across the state and the nation and creates further barriers to access and resources for the lower-income population.

Median Home Value from 2000 to 2018-2022.

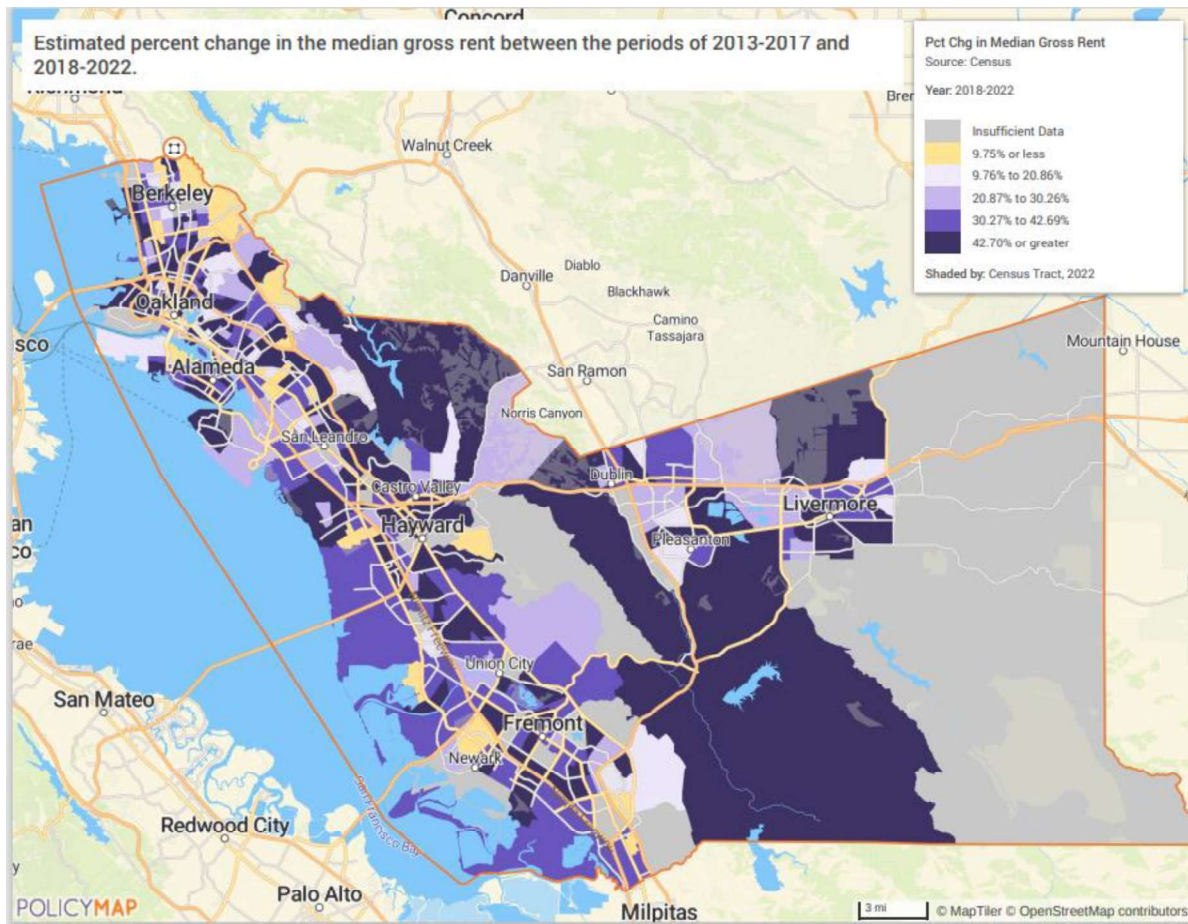
Powered by PolicyMap



RENTAL UNITS

The median rent has also significantly increased between 2017 and 2023. Between 2017 and 2023, Alameda County's median rent price increased by nearly 49%. There was a 3.3% increase in the median rent price between 2022 and 2023 alone, highlighting the continued rise in housing costs. Map V.33 shows the change in median rent prices between 2017 and 2022. The darker shaded areas on the map indicate the areas that have had the largest increases.

MAP V.33 Median gross rent percentage increase



HOURLY WAGE NEEDED TO AFFORD RENTAL HOUSING IN THE REGION

To afford a two-bedroom apartment at the Fair Market Rent (FMR) in Alameda County without being cost-burdened, a household should not spend more than 30% of its gross income on housing. The FMR for a two-bedroom unit in Alameda County is \$2,682 per month. Therefore, a household would need to earn approximately \$51.58 per hour or \$107,280 annually to afford a two-bedroom apartment at the FMR in Alameda County without spending more than 30% of their income on housing.

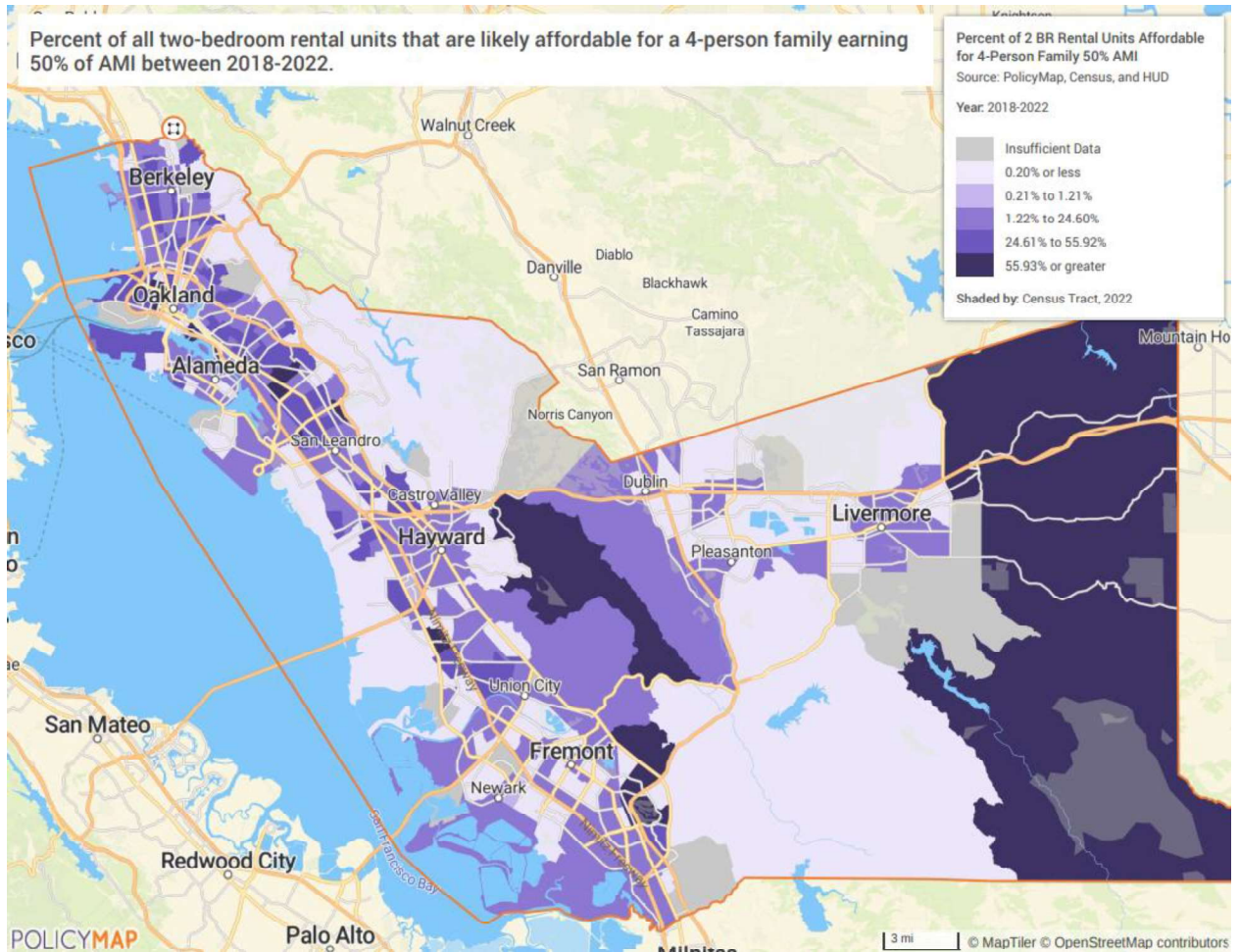
It's important to note that actual rental prices can vary based on location, amenities, and other factors. Additionally, housing assistance programs may have different income eligibility requirements.

LOCATION OF AFFORDABLE HOUSING

Any affordable rental units are provided in areas with higher concentrations of minorities. According to 2018-2022 ACS data, only 15.5% of 2-bedroom rental units in Alameda County

would be affordable to a 4-person family earning 50% of the AMI, highlighted in Map V.34. The greatest concentration of rental units for this category is located in the eastern area of the county, which is not a densely populated area. There are also greater concentrations of affordable two-bedroom units in tracts east of Hayward, Union City, and Fremont. The lighter shaded purple areas indicate less affordable units being available. Only 13.5% of 3-bedroom rental units in the County would be affordable to a 6-person family earning 50% of the AMI.

MAP V.34 Rental Affordability for 4-person family earning 50% AMI



Differences in Housing Problems

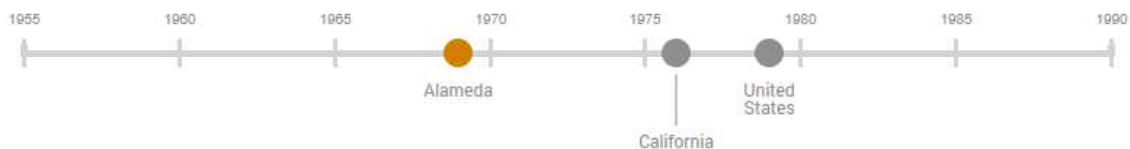
This section discusses the level of access protected classes have to resources, which generally indicates economic opportunity. These include education, employment, transportation, environmental health, and living in an area with a lower rate of poverty. The level of access for each group is referred to as “access to opportunity.”

Housing Conditions

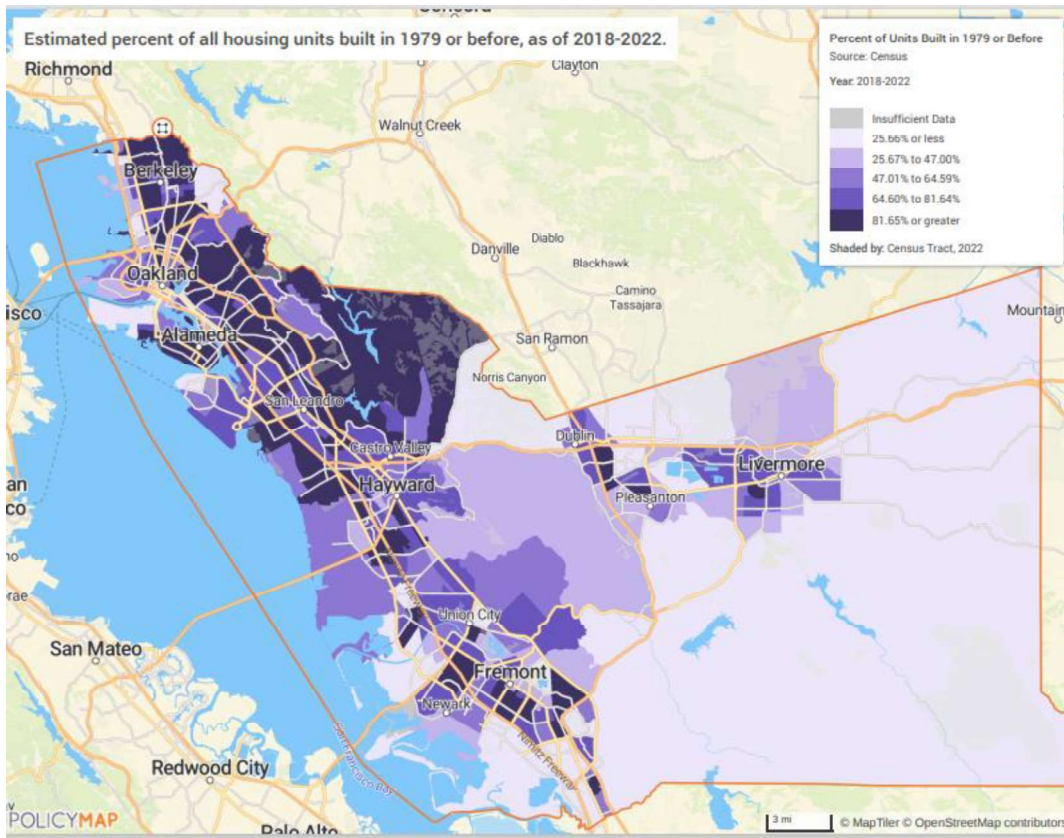
The year a house is built is heavily correlated with whether it is in substandard condition. Older homes are more likely to need regular maintenance to provide a safe and secure living environment for residents. When looking at the age of a home an important factor is whether it was built before 1978. Prior to 1978 lead-based paint was used in many homes and the presence of that paint can cause significant health problems for residents, particularly for children, the elderly, and those with compromised immune systems. Seniors or those on a fixed or limited income oftentimes cannot afford to maintain their home or to make necessary safety accommodations. As costs of materials for new builds continue to rise, rehabilitation assistance for low-income families and those on fixed incomes such as seniors and those with disabilities will be an important tool in allowing them to maintain their housing and lessen the risks of homelessness.

2018-2022 ACS data reports that about 67% of all housing units in Alameda County were built prior to 1980. The chart below shows that Alameda County's median year for a home being built is earlier than both California and the United States'. Map V.35 shows that the areas with larger densities of housing units built prior to 1980 are located in the North County, Mid/Central County, and South County. There are also some higher density tracts in the Tri-Valley area, particularly between Dublin and Pleasanton and in south Livermore. ~~along the western edge of the county, with more density seen in the northwest (often seeing more than 80% of housing units being built before 1980. The northwest areas of the county are also the areas with higher rates of poverty and minorities.~~

Median Year Built

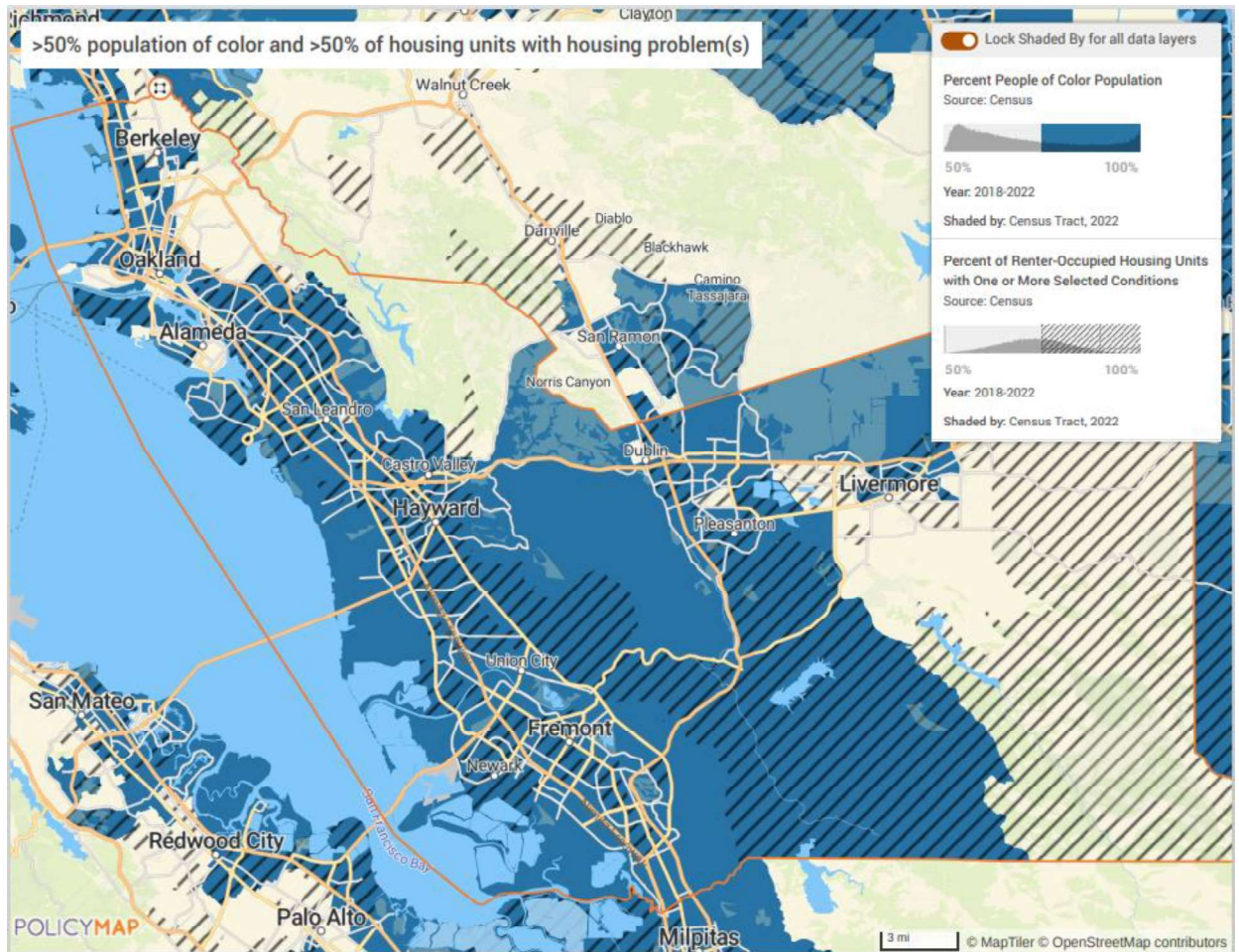


MAP V.35 Housing Units built before 1980



9.41% of owner-occupied housing units had at least one housing issue in Alameda County in 2022. This percentage has remained relatively stable since 2017. In comparison, nearly 52% of all renter housing units in Alameda County have at least one housing issue. This is almost a -2% decline since 2017. Renter households are much more likely to experience housing problems than homeowner households. The areas of the county with higher populations of renter households are also in higher minority concentration areas. Map V.36 highlights the areas of the county that have at least 50% of a non-Whitewhite population and at least 50% of rental units with at least one housing problem, indicated by blue shading overlaid by diagonal lines.

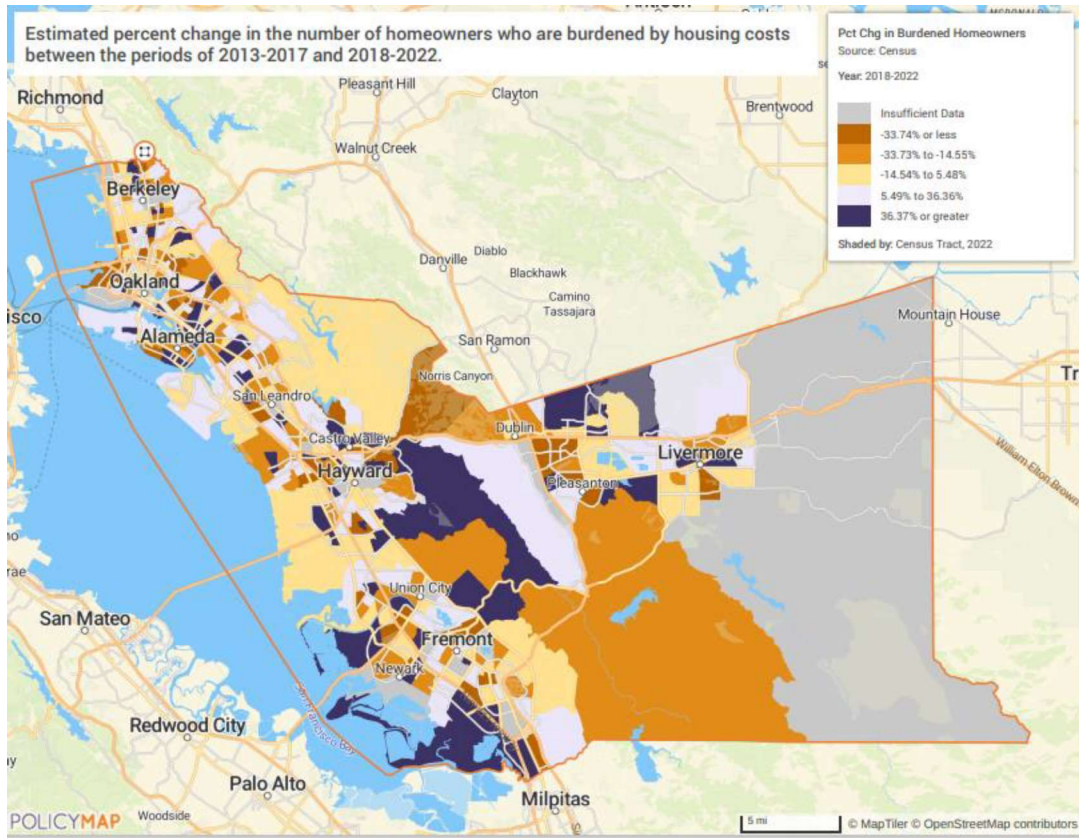
MAP V.36 Non-White population and housing problems



Housing Affordability

Between 2018-2022, there were 71,390 homeowner households with a mortgage that were cost burdened by paying more than 30% of their income towards housing costs and 29,073 homeowner households with a mortgage who were severely cost burdened by paying more than 50% of their income toward housing costs. Map V.37 shows the percent change of cost burdened homeowners between 2017-2022. The areas that are lighter purple shaded and darker blue shaded are all areas that saw an increase in cost burdened homeowners. The darker blue shaded areas all show an increase in cost burdened homeowners of over 36%.

MAP V.37 Percent Change in Number of Cost-Burdened Homeowners



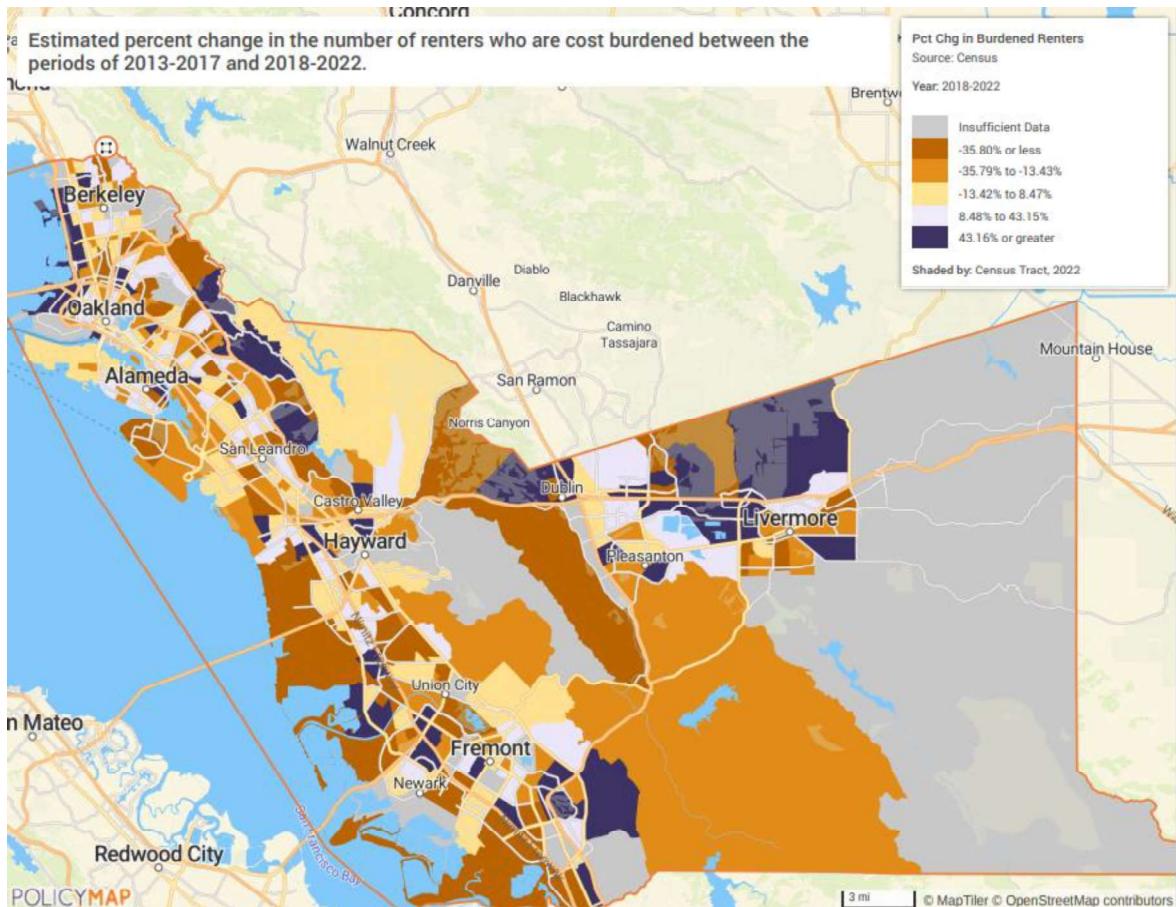
Between 2018-2022, 125,598 renters in Alameda County were cost burdened by paying more than 30% of their income towards housing costs. Of this number, 19.02% were aged 65 or older. There were 62,391 renters who were severely cost-burdened and paying more than 50% of their income on housing costs. The table below shows the breakdown of cost-burdened renters by annual income. 22.46% of cost-burdened renters in Alameda County make less than \$20,000 a year.

| Cost burdened renters by Annual Income 2018-2022 | | |
|---|--------|---------|
| Annual Income | Number | Percent |
| Less than \$20,000 | 28,213 | 22.46% |
| Less than \$50,000 | 69,335 | 55.20% |
| Less than \$75,000 | 95,698 | 76.19% |

Map V.38 shows the percent change of cost burdened renters between 2017-2022. The darker blue shaded areas all saw increases of over 43%.

Senior households are a population struggling with housing affordability and stability. 2022 ACS data suggest that 59% of renters who are 65 years or older are cost burdened and 32.5% of homeowners who are 65 years or older are cost burdened. Seniors or those on a fixed or limited income oftentimes cannot afford to maintain their home or to make necessary safety accommodations. As costs of materials for new builds continue to rise, rehabilitation assistance for low-income families and those on fixed incomes such as seniors and those with disabilities will be an important tool in allowing them to maintain their housing and lessen the risks of homelessness.

MAP V.38 Percent Change in Number of Cost Burdened Renters



Resistance to Development

Alameda County contains fundamental diversity, expanding from an urban core to a rural periphery and encompassing 14 cities and several unincorporated communities. Some jurisdictions in Alameda County have implemented growth management programs intended to concentrate urban development and preserve agriculture and open space. This is accomplished through the establishment of a development boundary or an overall cap on new residential

development. Growth management programs can achieve important goals of curbing urban sprawl and protecting open spaces but can limit a jurisdiction's ability to address its housing needs. In an effort to support critical housing needs, some jurisdictions have recently amended growth management programs or adopted new measures to support the production of housing, particularly affordable housing.

Alameda County Measure D

Alameda County voters approved Measure D (the Save Agriculture and Open Space Lands Initiative) in 2000, which established a County Urban Growth Boundary (UGB) that focuses urban development in the unincorporated County in currently developed areas near existing cities. Measure D draws boundaries around Dublin, Pleasanton, and Livermore that can only be changed by public vote. In establishing the County UGB, growth was halted on 3,200 acres north of Livermore, effectively removing 12,500 dwellings planned for that area.

Measure D does accommodate the County's RHNA, which is a state-imposed housing obligation. Sites inside the County UGB are prioritized to the maximum extent feasible; however, if necessary, the County voters may approve an extension of the UGB. While the amount of land available for new residential housing is limited by the County UGB, the provisions to meet RHNA requirements do not substantially constrain housing production in unincorporated Alameda County.

Berkeley Measure O

In an effort to support affordable housing development in the City, Berkeley voters adopted Measure O in November 2018. In response to the City's housing crisis, Measure O authorizes \$135 million in bond funding to finance the acquisition and improvement of real property for the purpose of constructing, rehabilitating, or preserving affordable housing for low-, very low-, and middle-income households, including teachers, seniors, veterans, persons experiencing homelessness, persons with disabilities, and other vulnerable populations.

Measure O will allow the City to support housing production on a larger scale than has been feasible in the past.

Dublin Urban Growth Boundaries

In 2000, voters in Dublin approved Measure M, which created an UGB on the western city limits so the foothills to the west of Dublin could not be rezoned and approved for residential development without voter approval. The foothills were preserved as agricultural and open space areas. This measure was approved by approximately 60 percent of Dublin voters.

In 2014, a citizen-initiated measure called the "Dublin Open Space Initiative of 2014" was adopted by the City Council to preserve the Doolan Canyon area east of the city as well as the foothill area to the west. The initiative removed the Council's authority to control the property, effectively preventing any urban development, residential or commercial. Only Dublin voters can authorize development in these areas. Dublin currently does not provide public services to the Doolan Canyon area and future development in

this area would have to pay for its own infrastructure and public services. While the UGB reduces land available for housing production, the installation of infrastructure to serve the development would likely be cost prohibitive for affordable housing developments.

Livermore Housing Implementation Program

The City of Livermore uses its UGB to manage the rate of development. Livermore's UGB is intended to promote infill development and protect existing agricultural uses and natural resources from urban development. First, Livermore voters passed the South Livermore UGB Initiative in 2000 to establish boundaries along the City's southern border. This was closely followed by the Northern Livermore UGB initiative, which created the boundary on the northern border. The Northern Livermore UGB limits development to within city limits, but, similar to the Alameda County UGB, it includes provisions that allow development outside the UGB so long as there is no land available within the UGB.

Pleasanton Growth Management Program

Pleasanton most recently updated its growth management program in 2015 (by Ordinance No. 2112) to allow ABAG's RHNA plan to generally direct the number of new residential building permits the City would issue. In 2015 Chapter 17.36.080(c) of the Pleasanton Municipal Code was modified to allow the City Council to borrow from previous and/or future years of growth management allocations to accommodate developments with affordable housing units should the allocations during a particular year be unavailable. As required by its Housing Element Program 30.2, Pleasanton will continue to present its growth management reports to the City Council and to its residents.

Regional Policies Encouraging Development

Measure A1: Affordable Housing Bond Issuance

In November 2016, the countywide Affordable Housing Bond (Measure A1) for \$580 million was passed by over 73 percent of the voters. It funds three programs related to homeownership and two rental housing development programs. The goal of Measure A1 funds is to increase affordable housing opportunities as soon as possible while ensuring that the income levels, target populations, and geographic distribution meet the requirements related to the general obligation bond financing.

The goal of the Measure A1 Rental Housing Development Fund is to assist in the creation and preservation of affordable rental housing for vulnerable populations. The total allocation to this fund is \$425 million over the course of the bond program. Under the program summary, the Rental Housing Development Fund will serve a variety of target populations, including a range of income levels and people who are homeless, disabled, seniors, veterans, or transition-age youth, or those dealing with reentry and/or are part of the low-income workforce. It is expected that the majority of the housing units financed will serve very low-income households with incomes between 30 percent to 60 percent of AMI. A portion of the funds are allowed to subsidize units for households at or below 80 percent of AMI, to create affordable housing for a mix of lower-income levels within developments. The program also includes a requirement that at least 20 percent of the rental units will be reserved for extremely low-income households at or

below 20 percent of AMI. This income level includes homeless households, seniors, and people with disabilities on social security income, and others.

Under law and the policies of the Affordable Housing Bond, all Measure A1 developments are required to comply with fair housing law. Some units will be specifically designated for particular target populations but, as a whole, the Rental Housing Development Fund supports the creation of housing units which will serve all of the target populations, although not every development will contain units specifically designated for all of the named target populations.

Since the approval of the implementation plan in January 2017, \$~~375.79~~ million has been allocated to affordable rental housing developments from the Rental Housing Development Fund. The ~~5348~~ projects approved are located in all regions of the County (cities of Alameda, [Albany](#), Berkeley, [Dublin](#), [Emeryville](#), [Fremont](#), [Hayward](#), Livermore, [Newark](#), Oakland, Pleasanton, ~~and~~ San Leandro, [Unincorporated](#), and [Union City](#)) and contain almost ~~41,000~~ new affordable units for a variety of income levels and target populations, including:

- ~~941172~~ units for households at 20 percent AMI
- 160 units for veterans
- 120 units for homeless households
- ~~19497~~ units for people with disabilities
- ~~473288~~ units for seniors

Implementation of the bond programs is expected to be substantially completed over an eight-year period.

Lending

Lending practices were analyzed using data gathered from lending institutions in compliance with the Home Mortgage Disclosure Act (HMDA). The HMDA was enacted by Congress in 1975 and is implemented by the Federal Reserve Board as Regulation C. The intent of the Act is to provide the public with information related to financial institution lending practices and to aid public officials in targeting public capital investments to attract additional private sector investments.

Since enactment of the HMDA in 1975, lending institutions have been required to collect and publicly disclose data regarding applicants including: location of the loan (by Census tract, state, and MSA); income, race and gender of the borrower; the number and dollar amount of each loan; property type; loan type; loan purpose; whether the property is owner-occupied; action taken for each application; and, if the application was denied, the reason(s) for denial. Property types examined include one-to-four family units, manufactured housing and multi-family developments.

HMDA data is a useful tool in accessing lending practices and trends within a jurisdiction. While many financial institutions are required to report loan activities, it is important to note that not

all institutions are required to participate. Depository lending institutions – banks, credit unions, and savings associations – must file under HMDA if they hold assets exceeding the coverage threshold set annually by the Federal Reserve Board; have a home or branch office in one or more metropolitan statistical areas (MSA); or originated at least one home purchase or refinancing loan on a one-to-four family dwelling in the preceding calendar year. Such institutions must also file if they meet any one of the following three conditions: status as a federally insured or regulated institution; originator of a mortgage loan that is insured, guaranteed, or supplemented by a federal agency; or originator of a loan intended for sale to Fannie Mae or Freddie Mac. For-profit, non-depository institutions (such as mortgage companies) must file HMDA data if: 1) the value of the home purchase or refinancing loans exceeds 10 percent of their total loan originations or equals or exceeds \$25 million; 2) they either maintain a home or branch office in one or more MSAs or in a given year execute five or more home purchase, home refinancing, or home improvement loan applications, originations, or loan purchases for properties located in MSAs; or 3) they hold assets exceeding \$10 million or have executed more than 100 home purchase or refinancing loan originations in the preceding calendar year.

It is recommended that the analysis of HMDA data be tempered by the knowledge that no one characteristic can be considered in isolation but must be considered in light of other factors. For instance, while it is possible to develop conclusions simply based on race data, it is more accurate when all possible factors are considered, particularly in relation to loan denials and loan pricing. According to the Federal Financial Institutions Examination Council (FFIEC), “with few exceptions, controlling for borrower-related factors reduces the differences among racial and ethnic groups.” Borrower-related factors include income, loan amount, lender, and other relevant information included in the HMDA data.

The following analysis is provided for the Alameda County summarizing 2023 HMDA data (and data between 2018 and 2023) where applicable. When specific details are included in the HMDA records, a summary is provided below for loan denials, including information regarding the purpose of the loan application; race of the applicant; and the primary reason for denial. For the purposes of analysis, this report will focus only on the information available and will not make assumptions regarding data that is not available or was not provided as part of the mortgage application or in the HMDA reporting process.

[2023 County Overview](#)

In 2023, there were approximately 37,125 applications within Alameda County for home loans to purchase, refinance or make home improvements for a single-family home (not including manufactured homes). Of those applications, nearly 16,112 (44%) were approved and originated. This represents a decline from prior years – the peaks were 2020 and 2021. The loan originations have declined to approximately 16% from its peak in 2020 and approximately 50% from 2023. The national decline from 2022 to 2023 is 34.5%.

Of the remaining 21,013 applications, approximately (23%) of all applications were denied. The top three application denial reasons within the county were debt-to-income ratio (47%), Collateral (14%) and credit history (13%), representing about 75% of the county’s total denials. It is important to note that financial institutions are not required to report reasons for loan denials, although many do so voluntarily. Also, while many loan applications are denied for more than one reason, HMDA data reflects only the primary reason for the denial of each loan. The balance of the approximately 16,000 applications that were not originated or denied were closed for one reason or another, including: 1) the loan was approved but not accepted by the borrower; 2) the application was closed because of incomplete information or inactivity by the borrower; or 3) in many instances the application may have been withdrawn by the applicant.

Disposition of Application by Loan Type and Purpose, 2023

Single Family Homes (excluding manufactured homes)

| | Loan Type | Home Purchase | Refinance | Home Improvement |
|--|--------------|---------------|-----------|------------------|
| Total Applications | | | | |
| | Conventional | 17,538 | 8,126 | 4,515 |
| | FHA | 917 | 593 | 14 |
| | RHS/FSA | 9 | 1 | 0 |
| | VA | 195 | 132 | 0 |
| Loan Originated | | | | |
| | Conventional | 9145 | 2709 | 2025 |
| | FHA | 424 | 195 | 6 |
| | RHS/FSA | 7 | 0 | 0 |
| | VA | 105 | 27 | 0 |
| Application approved but not accepted | | | | |
| | Conventional | 362 | 164 | 160 |
| | FHA | 19 | 18 | 0 |
| | RHS/FSA | 0 | 0 | 0 |
| | VA | 3 | 3 | 0 |

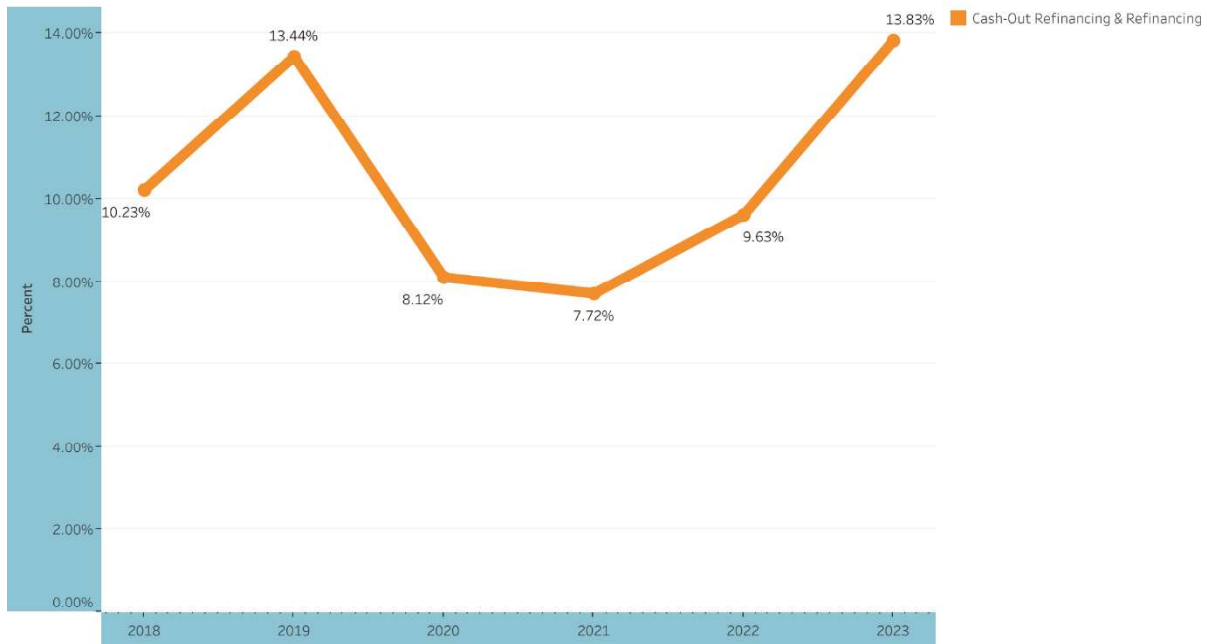
| Application Denied | | | | |
|------------------------------------|--------------|------|------|------|
| | Conventional | 943 | 1065 | 1444 |
| | FHA | 122 | 121 | 3 |
| | RHS/FSA | 0 | 0 | 0 |
| | VA | 22 | 36 | 0 |
| Application withdrawn by applicant | | | | |
| | Conventional | 2543 | 977 | 324 |
| | FHA | 166 | 140 | 1 |
| | RHS/FSA | 1 | 0 | 0 |
| | VA | 32 | 37 | 0 |
| File closed for incompleteness | | | | |
| | Conventional | 349 | 520 | 266 |
| | FHA | 20 | 56 | 1 |
| | RHS/FSA | 1 | 1 | 0 |
| | VA | 4 | 20 | 0 |

Source: 2023 HMDA

A further examination of the 4971 denials within Alameda County during 2023 indicates that approximately 29% were applicants seeking to do home improvement on existing mortgages for owner-occupied, primary residences. Refinance at 21% and Home Purchase at 19% were the next two reasons.

The top three application denial reasons within the county were debt-to-income ratio (47%), Collateral (14%) and credit history (13%). The majority of Home Improvement denials were due to debt-to-income ratio. Typically, homeowners seeking to refinance their existing home mortgage are able to use their home as collateral. When the denial reason given for a refinance is a lack of collateral, this could indicate the home is worth less than the existing mortgage and, therefore, refinancing is not an option. These homes are commonly referred to as “under-water” or the borrowers are “upside-down” in their mortgage. Shown below, the lack of collateral as a share of refinance denials has declined since the peak of the housing crisis, suggesting that the number of “under-water” homes in Alameda County are increasing again since the lows of 2020 and 2021.

Lack of Collateral as a Share of Refinance Denials



Source: 2018-2023 HMDA

Home Purchase Lending in Alameda County

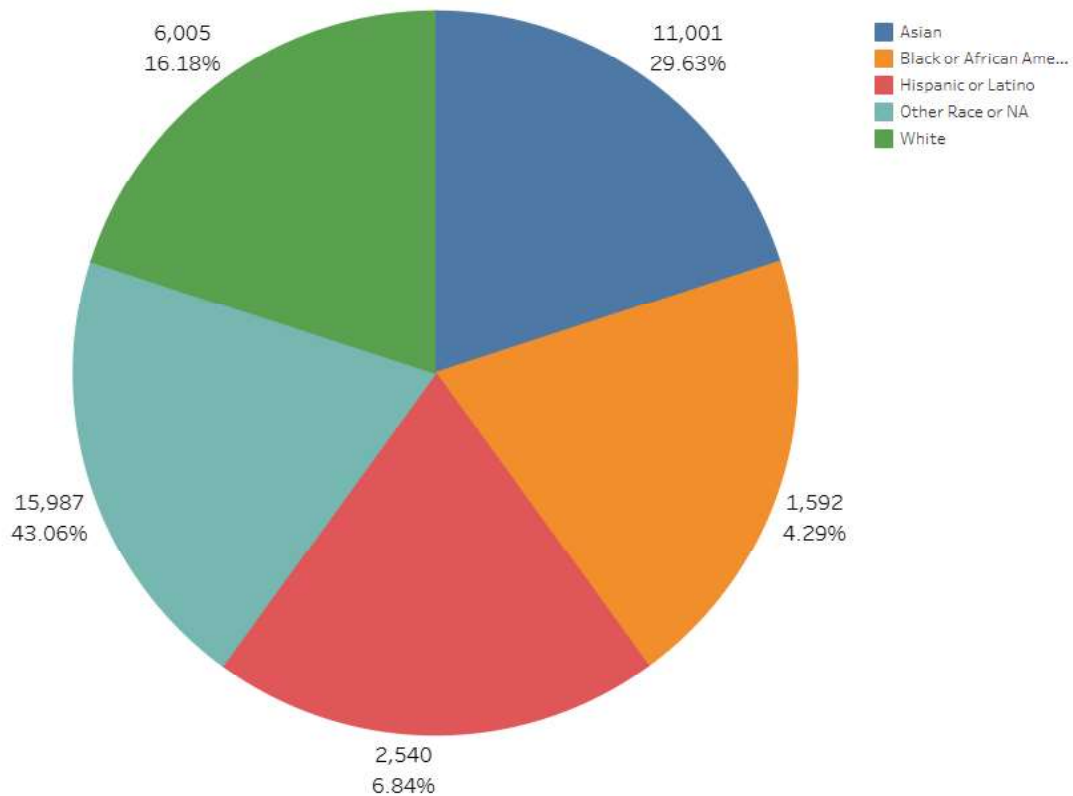
Of the 98,658 home purchase loans for single family homes that originated in 2023, approximately 94% were provided by conventional lenders, higher than the national conventional home purchase share of 73%. The remaining 6% of home purchase loans in Alameda County were provided by federally backed sources such as the Federal Housing Administration (FHA), the Farm Service Agency (FSA) and the Department of Veterans Affairs (VA). Non-conventional loans have relatively lower down-payment requirements in comparison to conventional lenders.

Home Purchases by Type, 2023

| | <i>Originations</i> | <i>Share of Total</i> | <i>Approval Rate</i> |
|---------------------|---------------------|-----------------------|----------------------|
| <i>Conventional</i> | 17,538 | 93.99% | 52.14% |
| <i>FHA</i> | 917 | 4.91% | 46.24% |
| <i>RHS/FSA</i> | 9 | 0.05% | 77.78% |
| <i>VA</i> | 195 | 1.05% | 53.85% |
| <i>Total</i> | 18,659 | | |

Source: 2023 HMDA

The share of applications and percentage of loan application denials for traditional home purchase loans in Alameda County varies by race/ethnic groups. The largest applicant group in 2023 were Other Race (43%) followed by Asians at 29% and White at 16%. Blacks represented 4% of all home purchase applications. Whites were least likely to be denied for conventional single-family home purchases at a rate of 16%, followed by Asians at 14%. Black population applications denial rate was highest at 29% and Hispanics were denied at a rate of 27%.



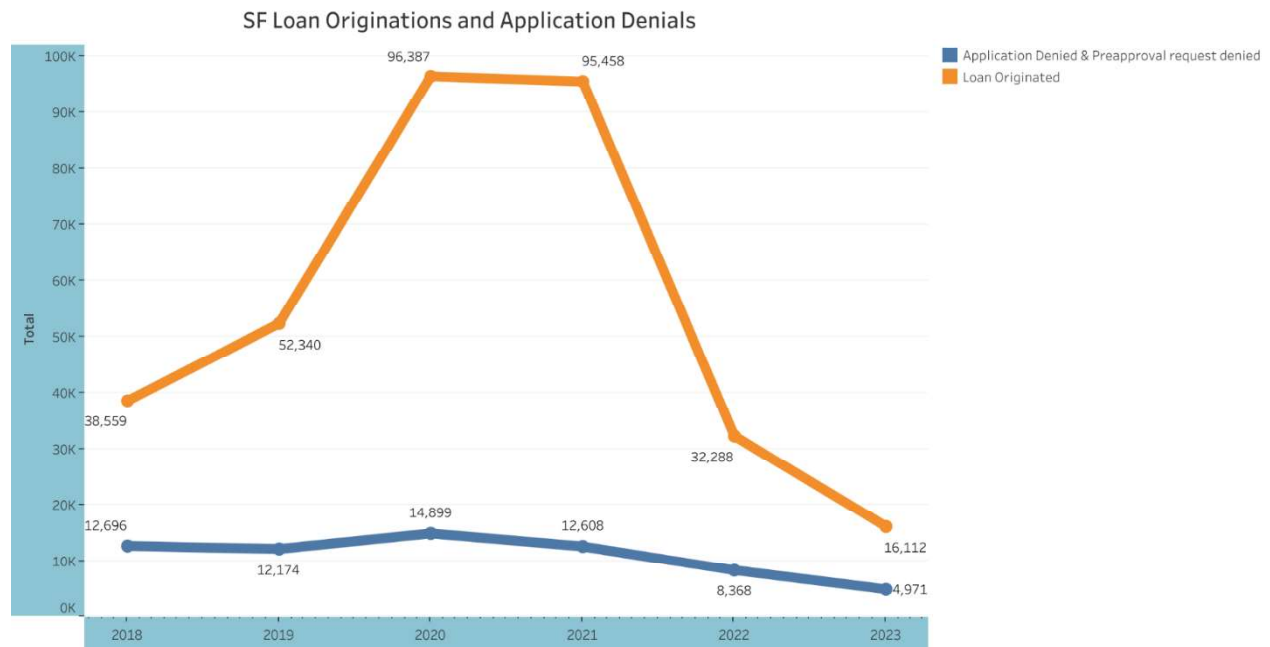
Source: 2023 HMDA

Alameda County’s Single-Family Lending Market, 2018-2023

The following section will examine HMDA data for Alameda County between 2018-2023.

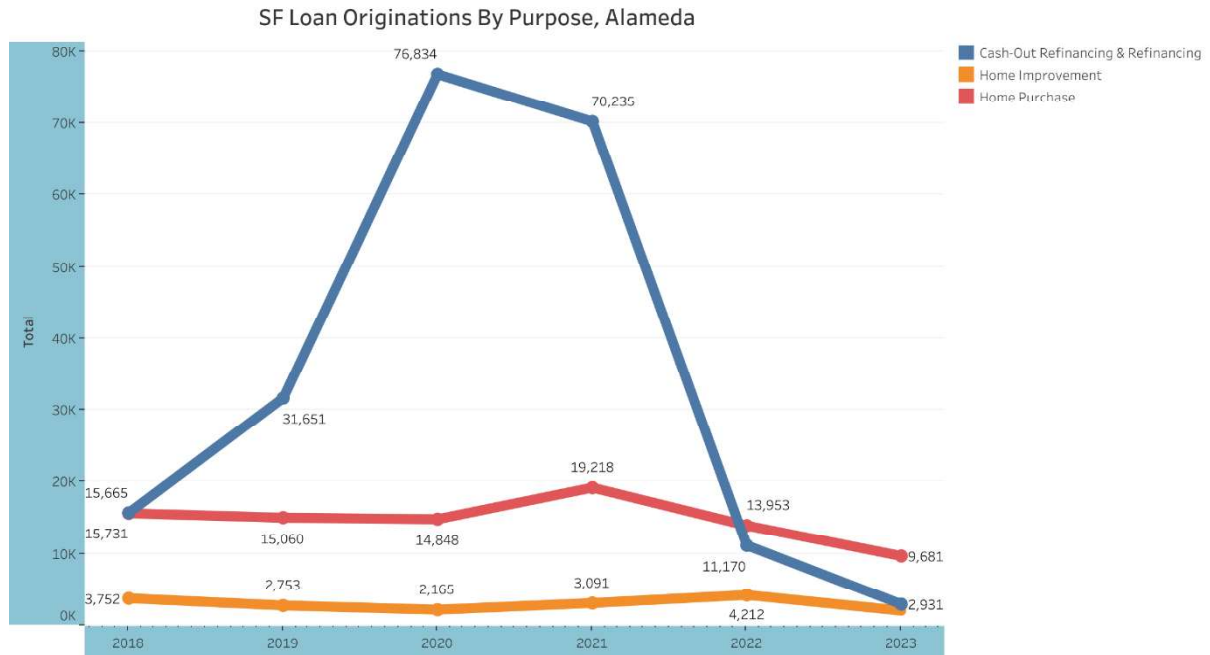
Highlighted below, the number of single-family loan originations in Alameda County followed a dynamic, though broadly downward trajectory between 2018-2023. At the onset of the housing boom due to low interest rates, originations increased 45% between 2019 and 2020, followed by a decrease of 195% between 2021 and 2022. The decrease was due to higher interest rates. The originations further decreased by 100% from 2022 and 2023.

In contrast to originations, the number of application denials within Alameda County demonstrated similar behavior. In 2020 and 2021, the denial rate was 15.46% and 13.21% respectively. In 2022 and 2023 as loan originations decreased, the application denials increased with 26% and 31%.



Source: 2018-2023 HMDA

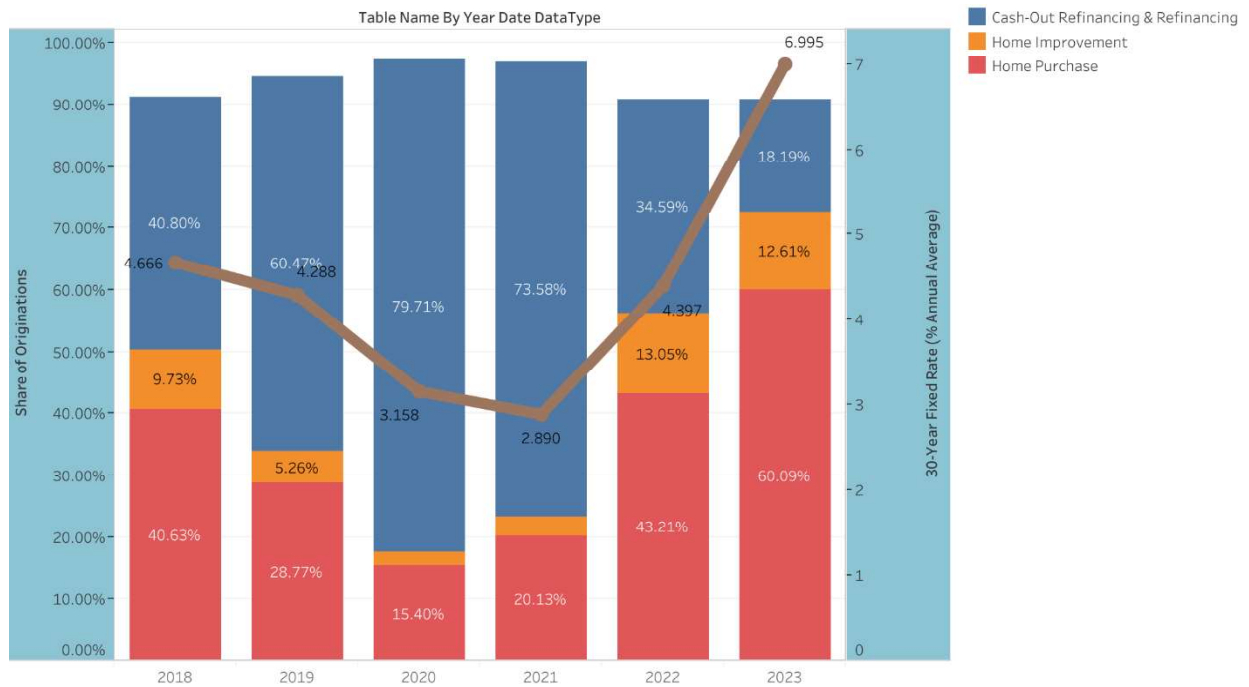
Shown below, much of the year-to-year fluctuations in total originations that occurred between 2018 and 2023 were the result of refinancing originations. Refinancing was the dominant loan for all years examined with the exceptions of 2022 and 2023. Refinance loans grew significantly between 2018 and 2021 as interest rates were broadly low (discussed further below). In 2021 the US 30 YR conventional loans were around 3% and gradually increased to 7% in mid-2023. As of 2023, home purchases and refinances comprised 49% and 11% of the state’s total originations respectively. Home purchases have steadily declined in 2022 and 2023.



Source: 2018-2023 HMDA

The share of refinance originations in Alameda County appears to move generally with the 30-year fixed rate mortgage average (shown below). For example, in 2020 when the average 30-year fixed rate mortgage was at its lowest level of all the years examined, refinance originations reached the highest share in absolute and percentage terms of all data years analyzed. Similarly, when interest rates rose between 2021 and 2023, the share of refinance originations fell from 73.5% to 18.2%. The increase in the annual average of the 30-year fixed mortgage rate between 2018 and 2023 is consistent with Alameda County's reduction in the number of refinance loan originations over the same time period.

SF Loan Originations Share By Purpose, Alameda

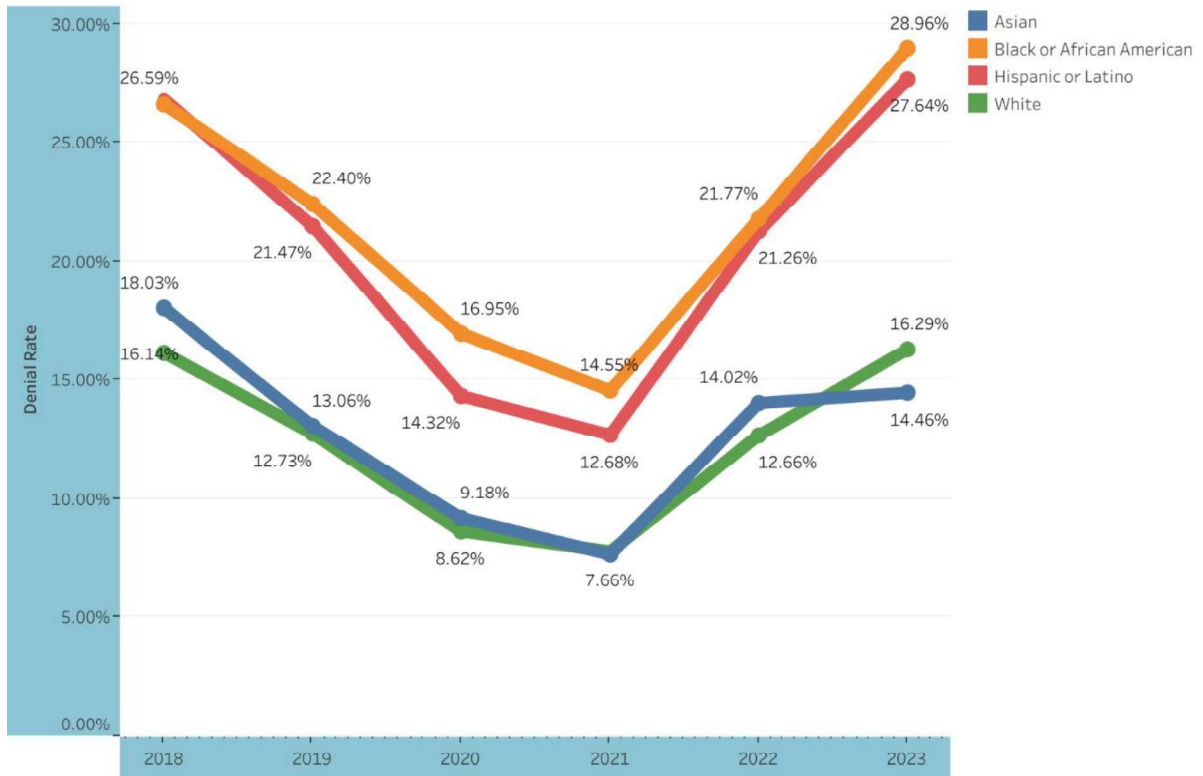


Source: 2018-2023 HMDA

Income, Race, and Single-Family Loan Denials in Alameda County

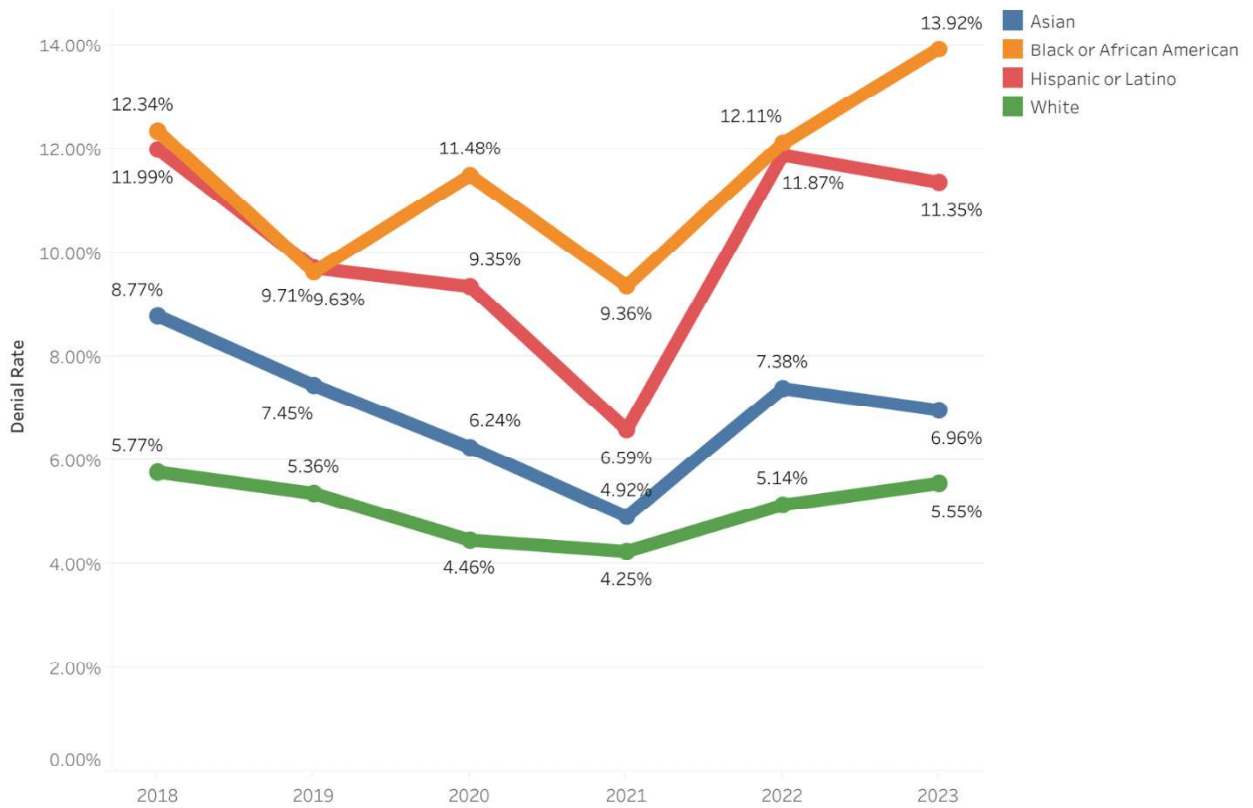
Denial rates for single-family loans in Alameda County over time vary by race and ethnicity. The charts below indicate that between 2018 and 2023, White and Asian applicants were less likely to be denied relative to Blacks and Hispanics. Additionally, Black applicants were the most likely to be denied relative to other groups for all years analyzed. In addition to the overall denial rate, this pattern is evident in both home purchase and refinance loans.

Single Family Denial Rate By Race/Ethnicity, Overall



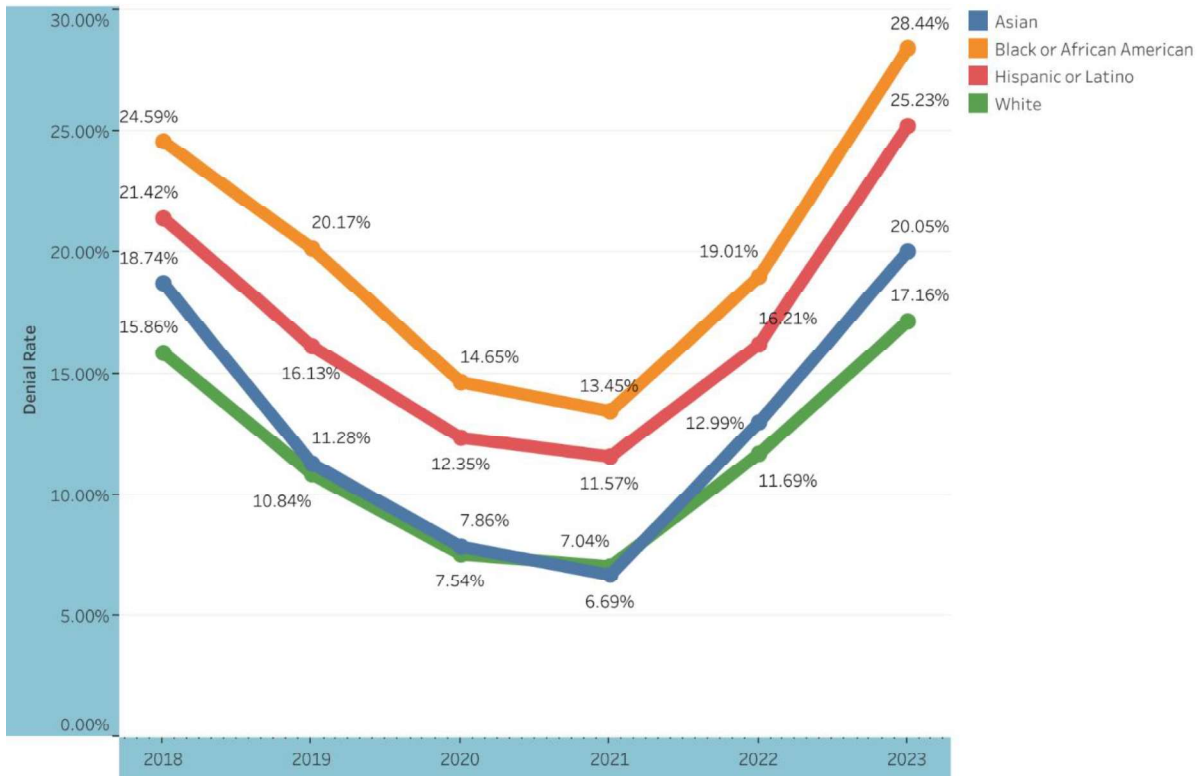
Source: 2018-2023 HMDA

Single Family Denial Rate By Race/Ethnicity, Home Purchase



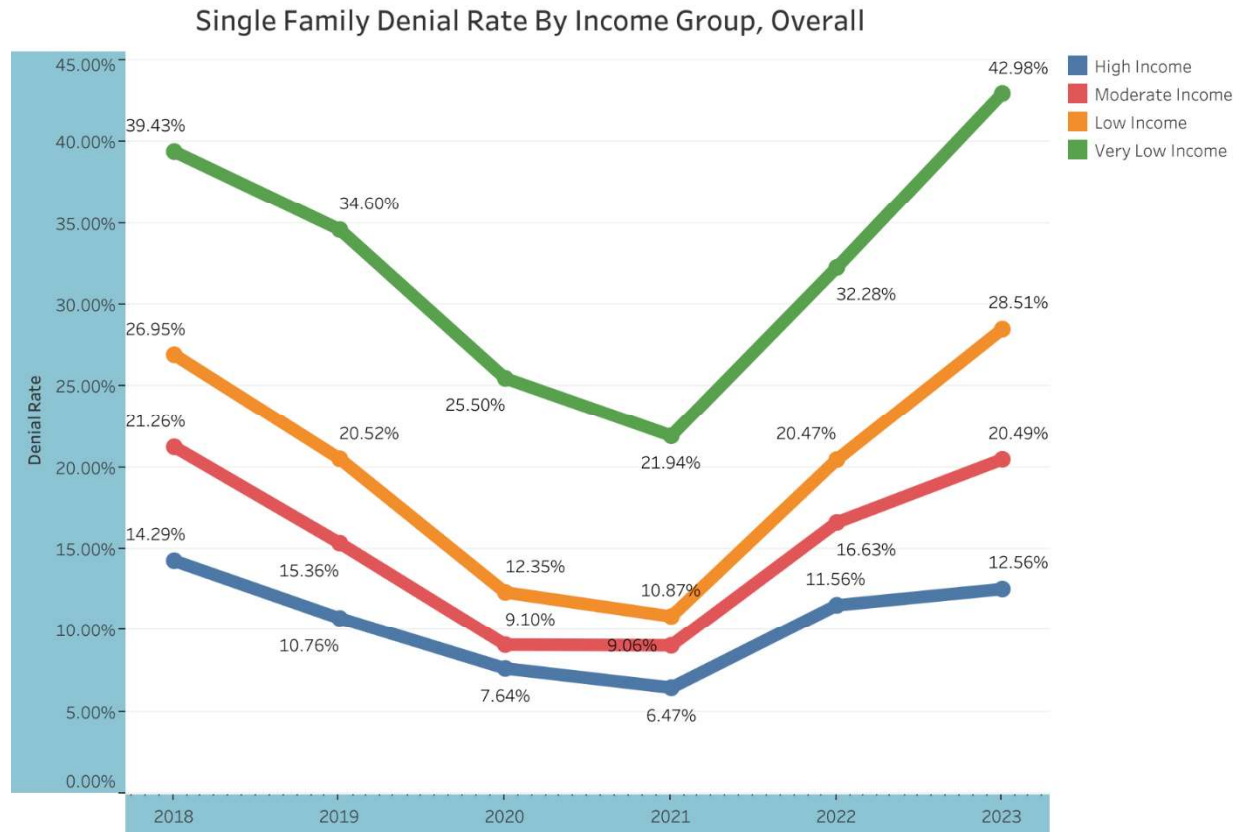
Source: 2018-2023 HMDA

Single Family Denial Rate By Race/Ethnicity, Refinance



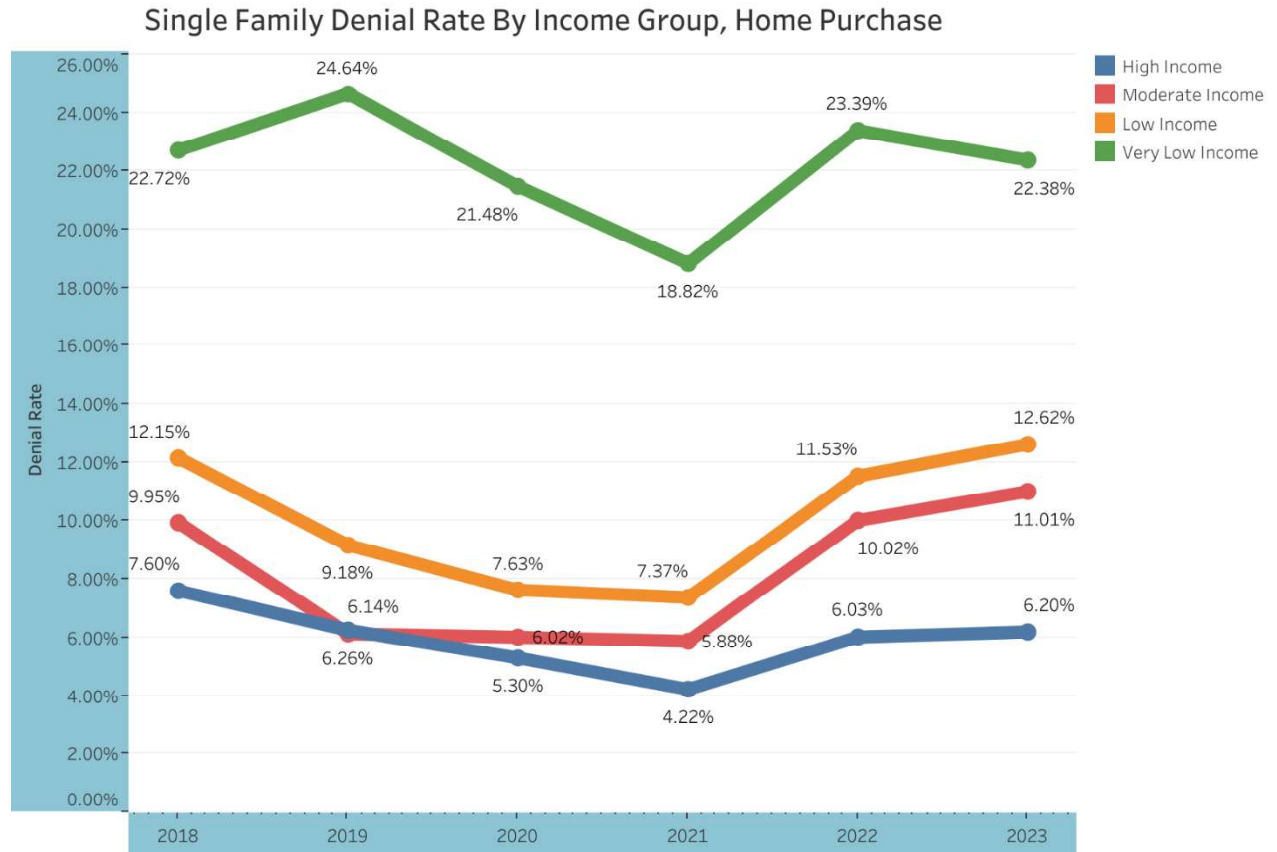
Source: 2018-2023 HMDA

A view of single-family denial rates by applicant income group within Alameda County (highlighted below) shows the expected outcome of higher income groups experiencing lower denial rates than lower income groups. The denials across all income groups have risen since 2022 due to higher interest rates and stagnant wages. However, the percentage of denials by income group has risen with very Low-Income applicants (50% or less of Area Median Income) at 43% compared to 13% for High Income groups. The variation in the denial rates is considerably higher for lower income groups – while the high-income group denial changed from 11.56% to 12.74% from 2022 to 2023, the very low-income group went from 32.28% to 43.32%.

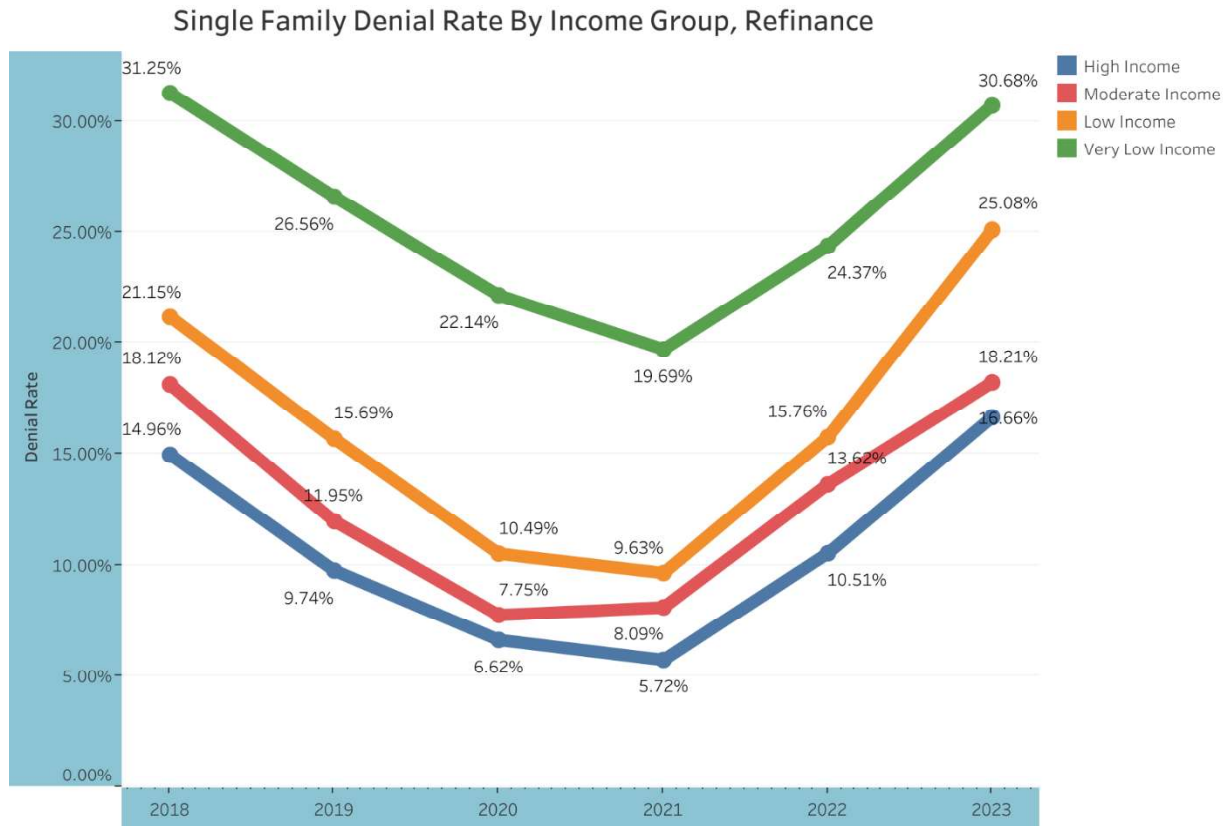


Source: 2018-2023 HMDA

Unlike overall denial rates by income group, home purchase applications denial rates by income group show little variation from year to year within the income group. The denial rates due to refinancing is the major contribution to the income group variations – the very low-income groups are denied at 30.45% in 2023 compared to 16.90% for High income.



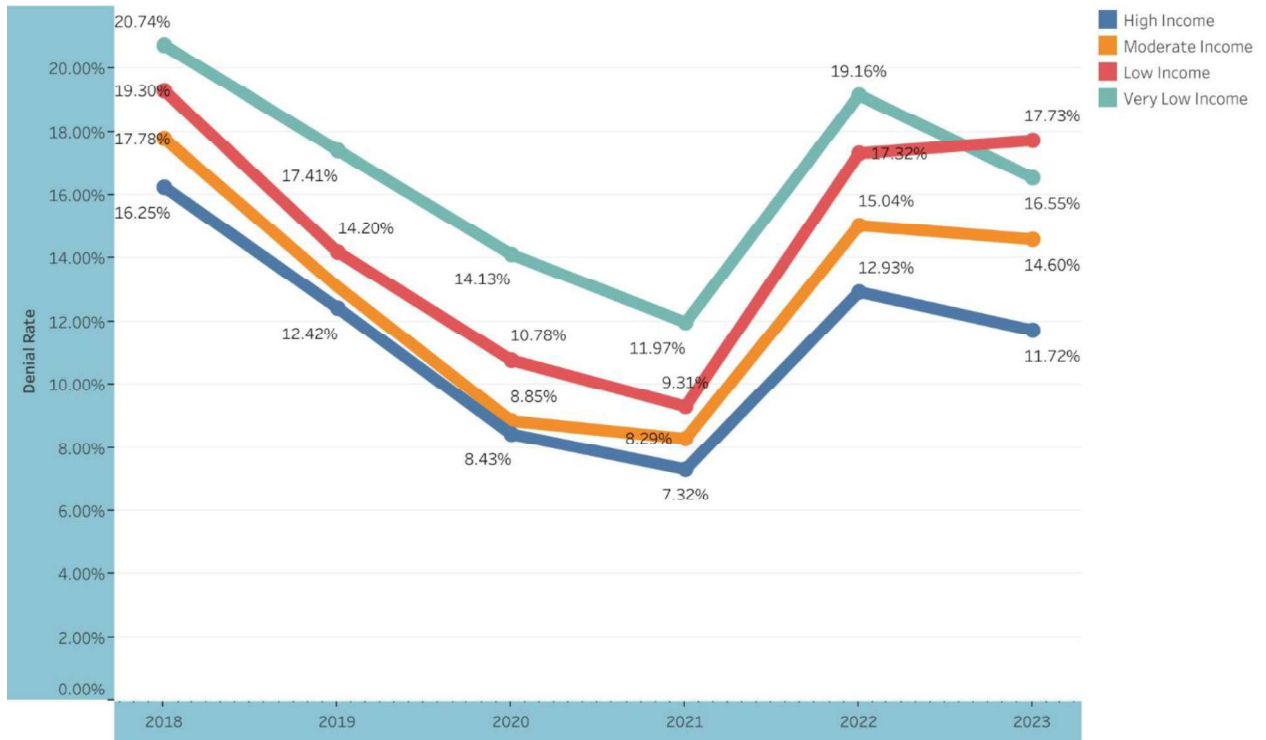
Source:2018- 2023 HMDA



Source: 2018-2023 HMDA

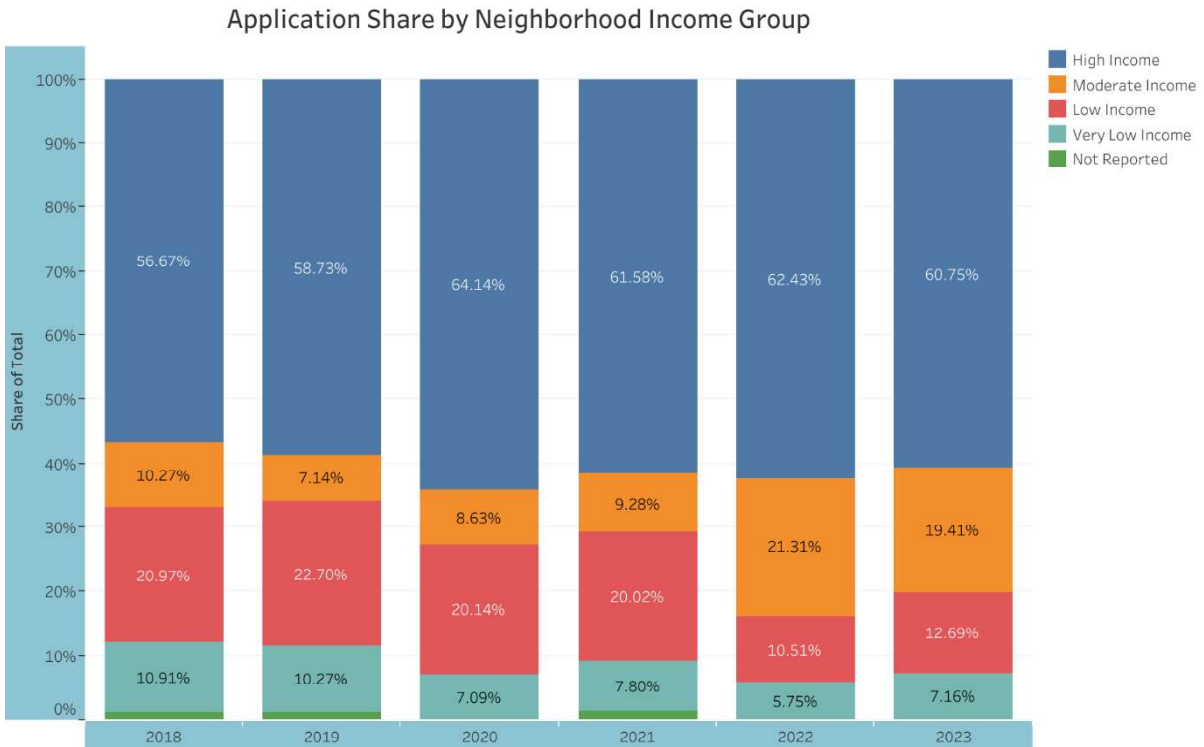
Denial rates by neighborhood income group (defined as median income of property’s Census tract) similarly shows higher income neighborhoods are less likely to be denied compared to lower income neighborhoods.

SF Denial Rate By Neighborhood Income Group



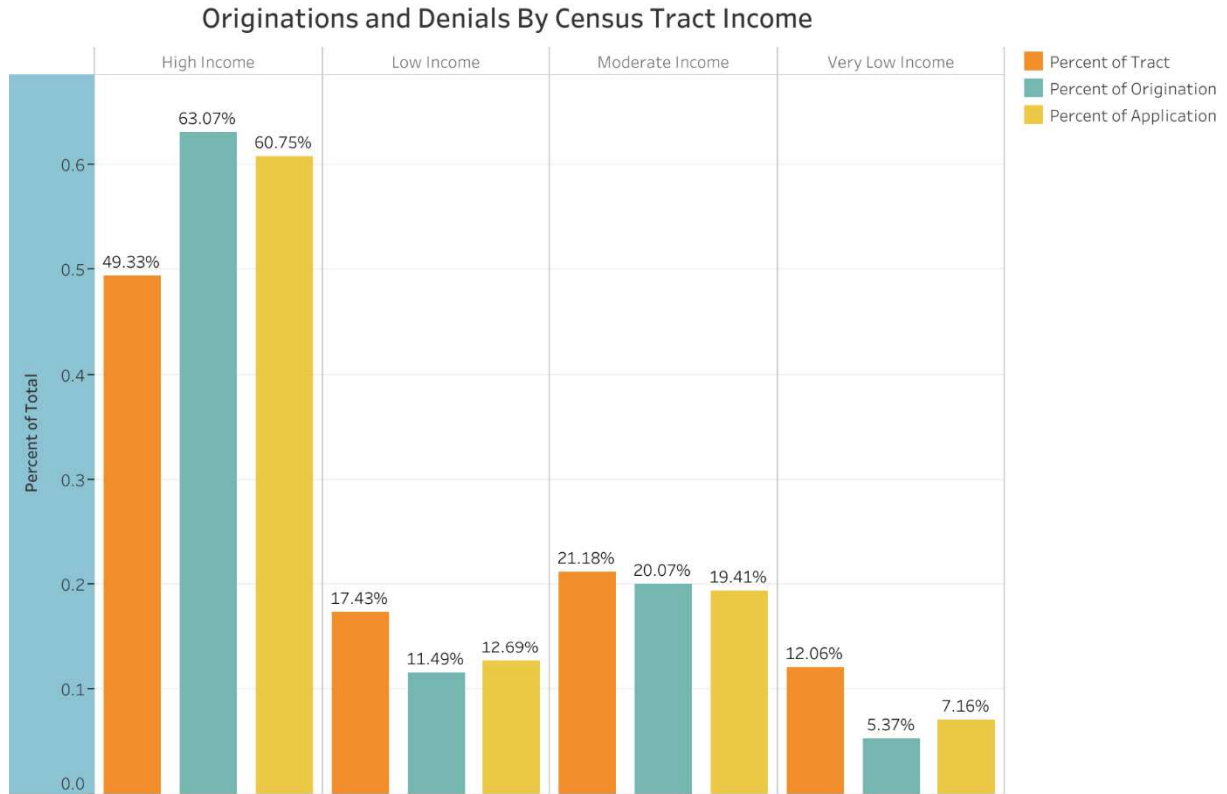
Source: 2018-2013 HMDA

As a percentage of total applications within Alameda, the distribution among neighborhoods by income group shows that for every year examined, Middle and High-Income neighborhoods represented most applicants (83% as of 2023).



Source: 2018-2023 HMDA

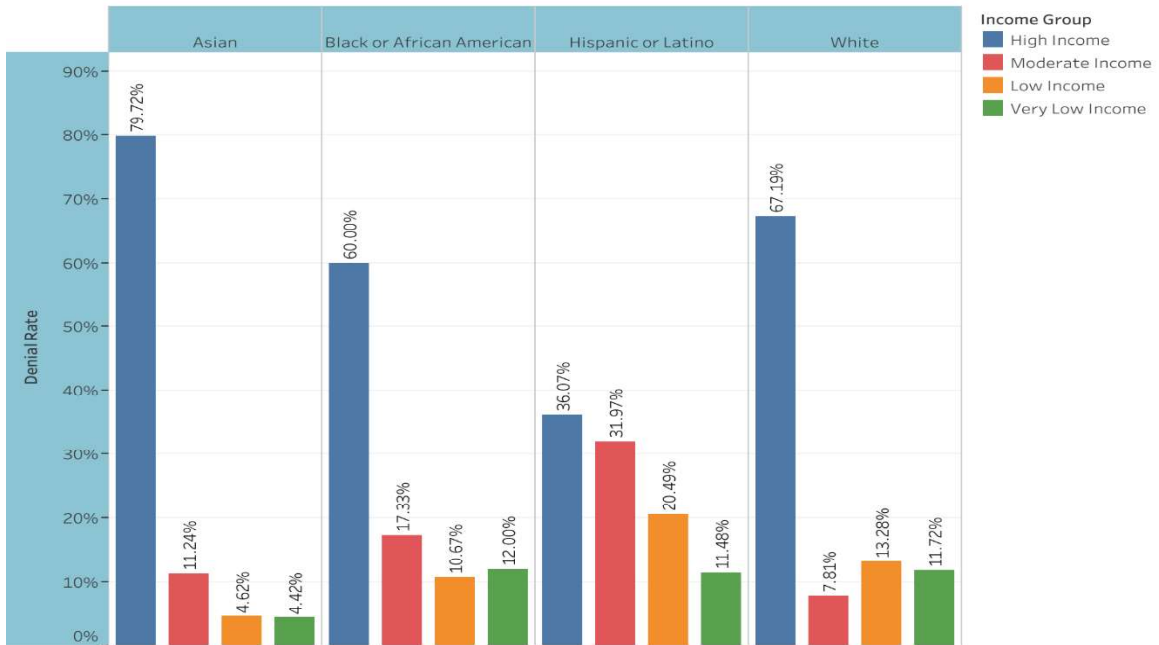
Within Alameda, Very Low-Income and Low-Income neighborhoods represent 27% of the county’s total neighborhoods, although they are represented by approximately 16% of total originations and 15% of applications as of 2023 (shown below). This suggests that Low and Very Low-Income neighborhoods within the county are less likely to participate in the single-family lending market relative to other neighborhoods. By contrast, loan applications and originations within Alameda are disproportionately likely to occur for properties in Middle and particularly High-Income neighborhoods.



Source: 2023 HMDA

Additionally, a closer look at home purchase denial rates by race/ethnicity and income group within Alameda County (shown below) demonstrates that High-Income Asians (earning greater than 120% of Area Median Income) were more likely to be denied for a single-family home purchase.

Single Family Home Purchase Denial Rate By Income Group - Graph

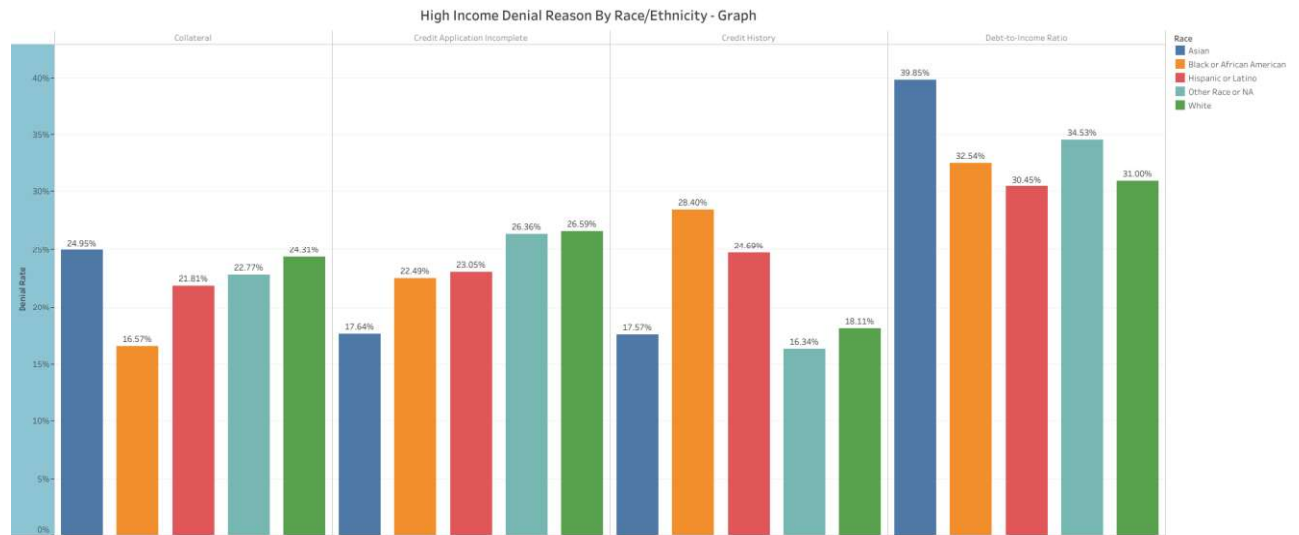


Source: 2023 HMDA

Application Denial Reasons by Income Group

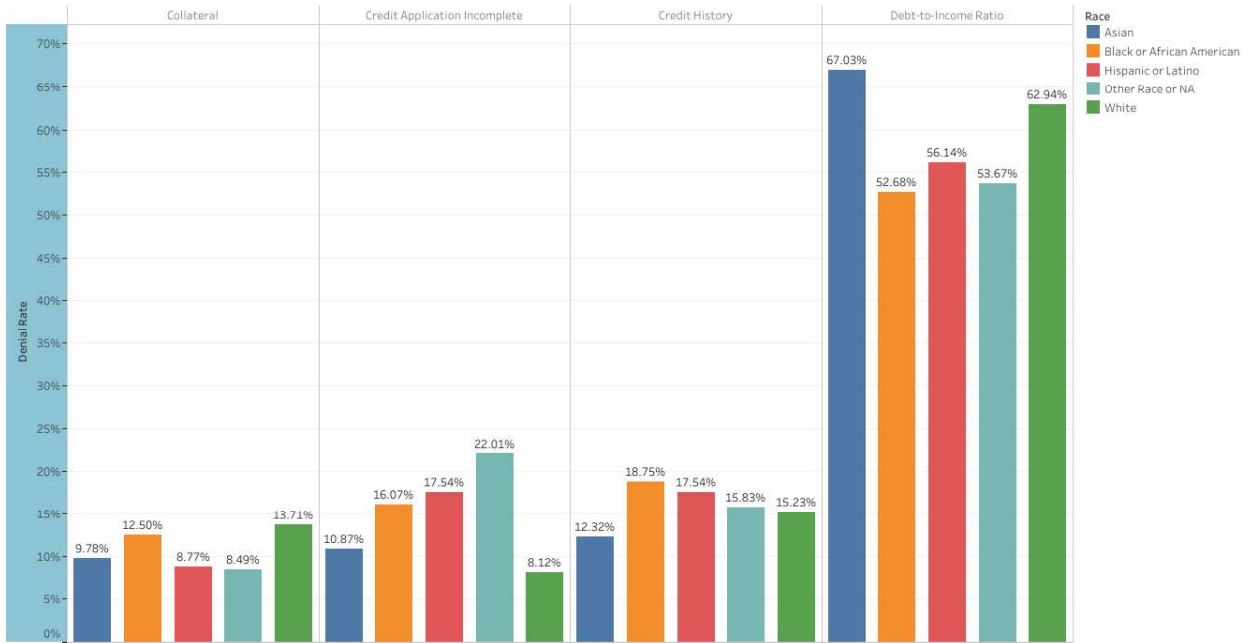
The charts below compare denial reasons among White, Black, Hispanic and Asian applicants in Alameda County for 2023 by income group.

As of 2023, the leading denial reason for all applicants across all income groups was Debt-to-Income Ratio. Credit History was the next reason for Black and Hispanic applicants. This is reflective of high home prices in Alameda County coupled with high interest rates.



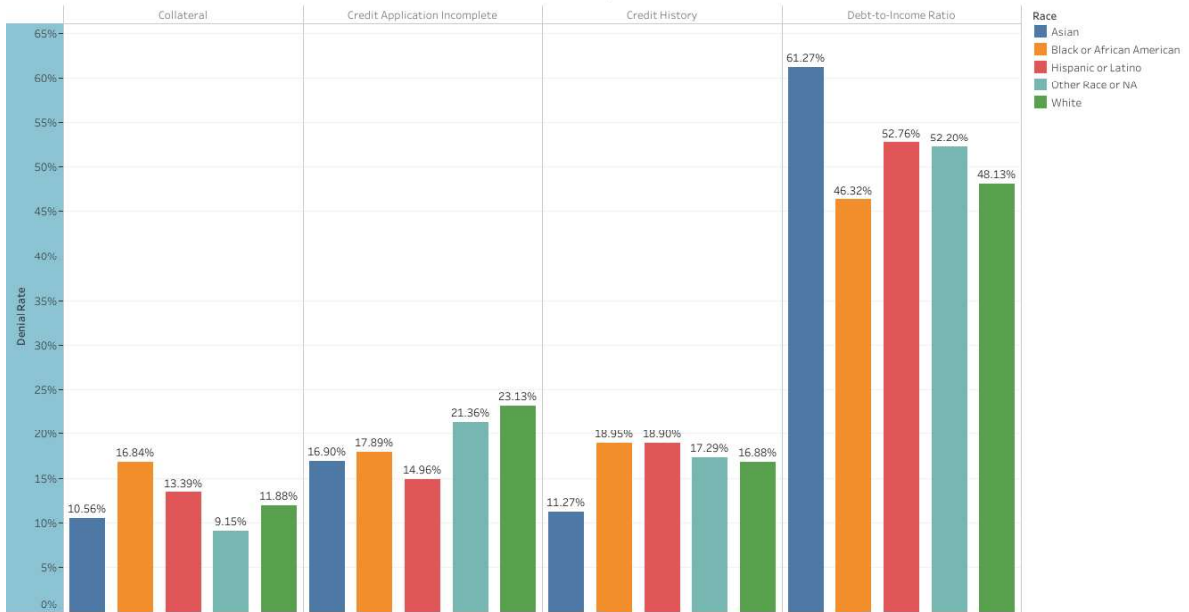
Source: 2023 HMDA

Low Income Denial Reason By Race/Ethnicity - Graph

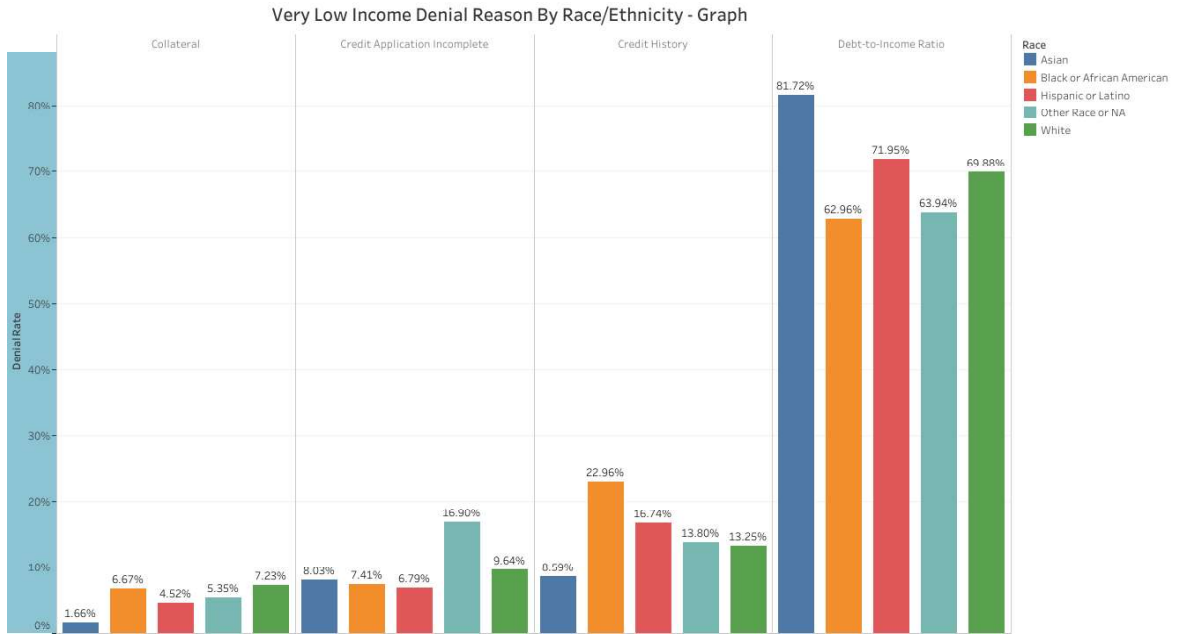


Source: 2023 HMDA

Moderate Income Denial Reason By Race/Ethnicity - Graph



Source: 2023 HMDA



Source: 2023 HMDA

The Subprime Market and Predatory Lending

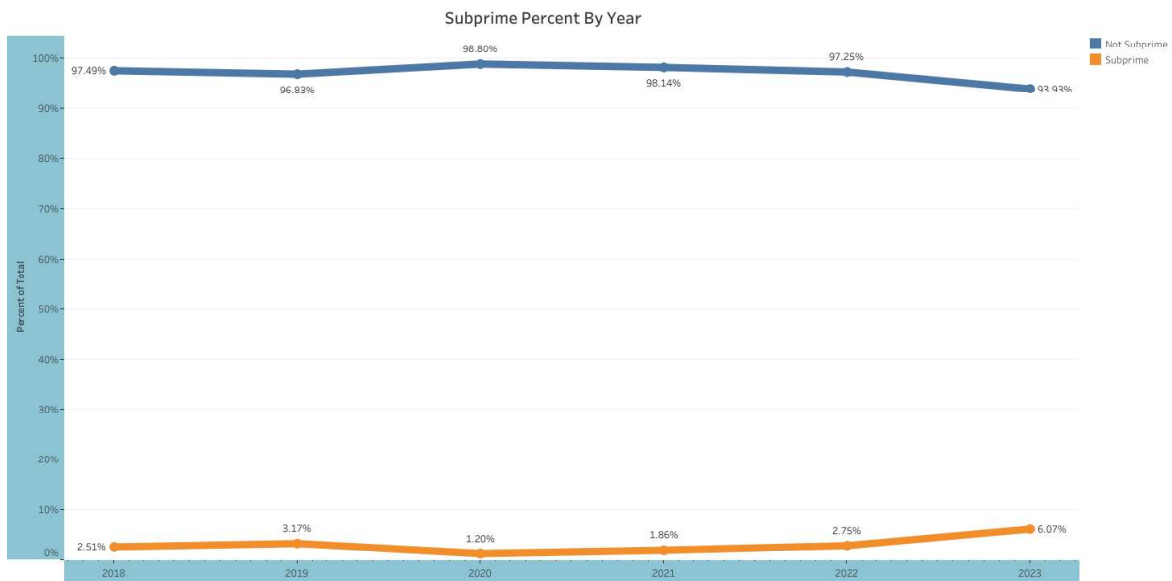
According to the Federal Reserve, “prime” mortgages are offered to persons with excellent credit and employment history and income adequate to support the loan amount. “Subprime” loans are loans to borrowers who have less-than-perfect credit history, poor employment history, or other factors such as limited income. By providing loans to those who do not meet the credit standards for borrowers in the prime market, subprime lending can and does serve a critical role in increasing levels of homeownership. Households that are interested in buying a home but have blemishes in their credit record, insufficient credit history or nontraditional credit sources, might otherwise be unable to purchase a home. The subprime loan market offers these borrowers opportunities to obtain loans that they would be unable to realize in the prime loan market.

Subprime lenders generally have interest rates that are higher than those in the prime market and often lack the regulatory oversight required for prime lenders because they are not owned by regulated financial institutions. In the past decade, however, many large and well-known banks became involved in the subprime market either through acquisitions of other firms or by initiating loans that were subprime directly.

Most subprime loans provide families with payments for the first few years at a low “teaser” rate. After that, the loans reset every six months or year to a higher, fully indexed rate, which can cost borrowers hundreds of extra dollars each month. This extra expense has increased the housing cost burden of many families and for many has ultimately resulted in foreclosure.

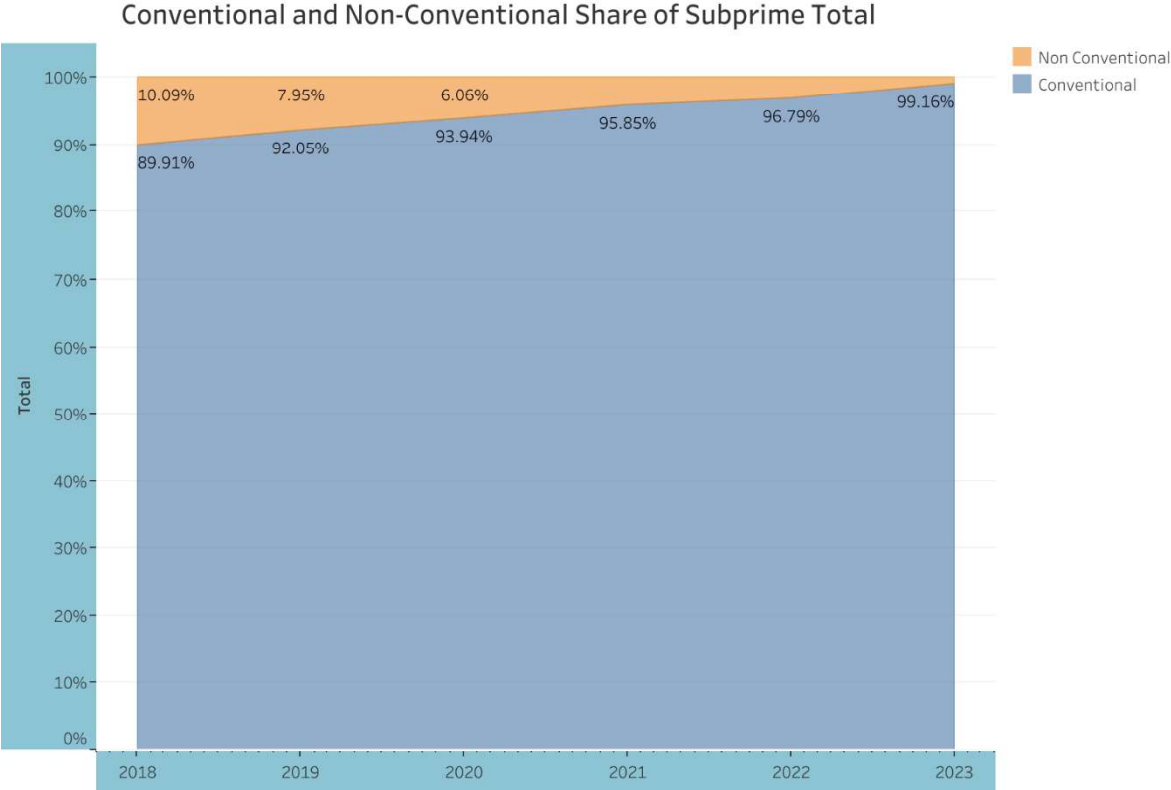
With an active housing market, potential predatory lending practices by financial institutions may arise. Predatory lending involves abusive loan practices usually targeting minority homeowners or those with less-than-perfect credit histories. The predatory practices typically include high fees, hidden costs and unnecessary insurance and larger repayments due in later years. One of the most common predatory lending practices is placing borrowers into higher interest rate loans than called for by their credit status. Although the borrowers may be eligible for a loan in the “prime” market, they are directed into more expensive and higher fee loans in the “subprime” market. In other cases, fraudulent appraisal data is used to mislead homebuyers into purchasing overvalued homes, or fraudulent or misrepresented financial data is used to encourage homebuyers into assuming a larger loan than can be afforded. Both cases almost inevitably result in foreclosure.

Data available to investigate the presence of predatory lending are extremely limited. At present, HMDA data are the most comprehensive available for evaluating lending practices. However, the HMDA data lack the financial details of the loan terms to conclude any kind of predatory lending. Efforts at the national level are pushing for increased reporting requirements in order to curb predatory lending.



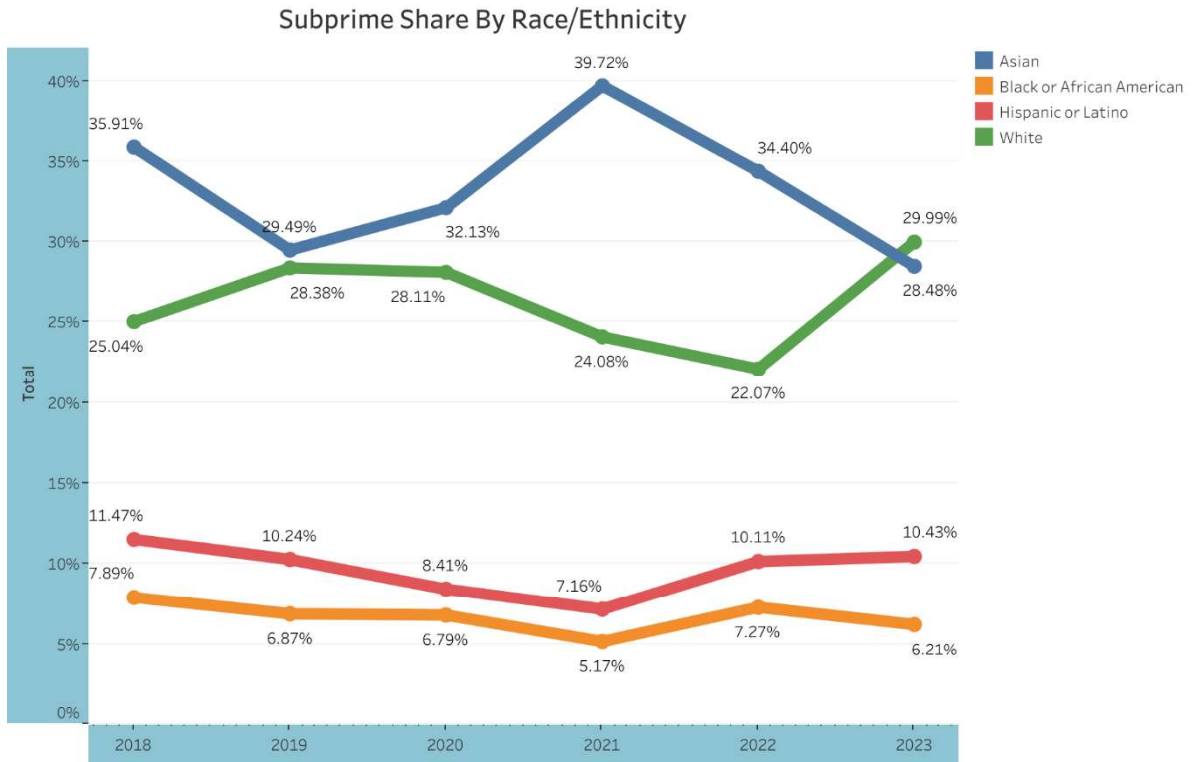
Source: 2018-2023 HMDA

The subprime loans in 2018 were more in Non-Conventional applications but are now almost entirely (99.16%) in the Conventional applications.



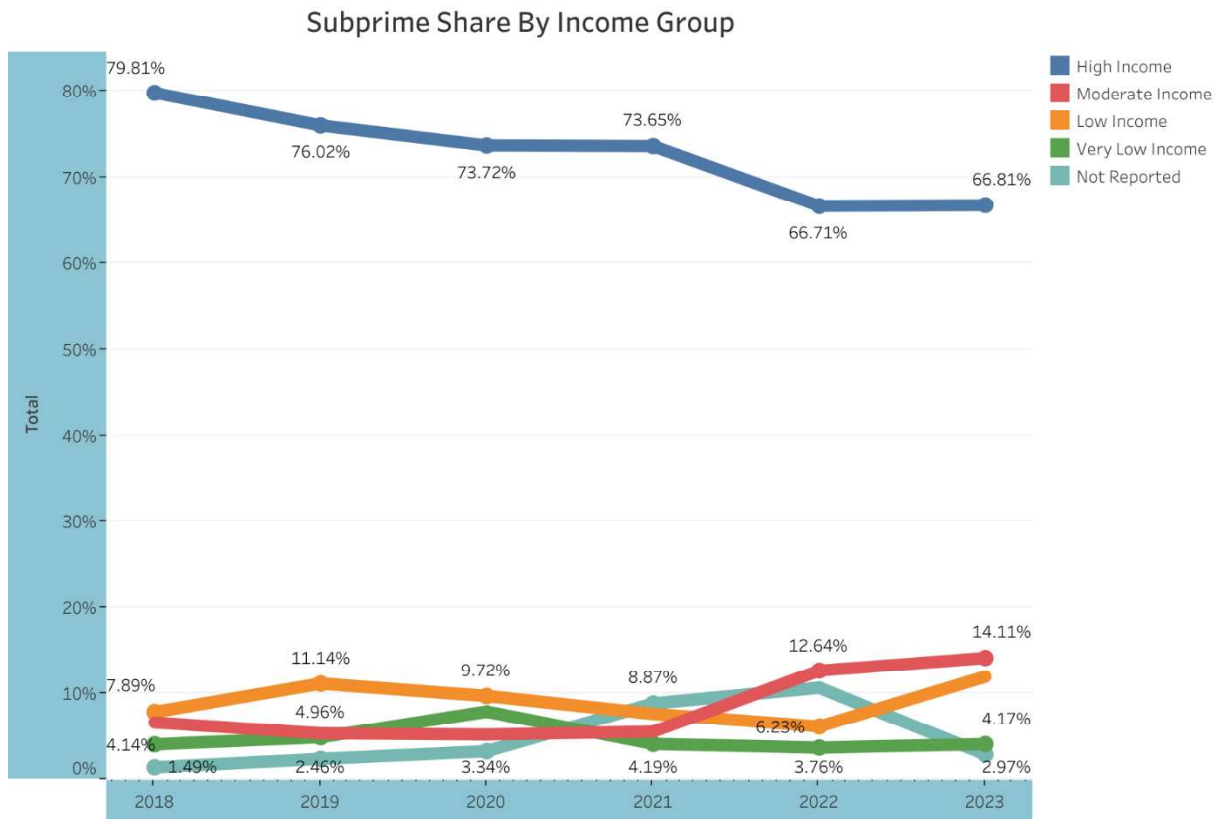
Source: 2018-2023 HMDA

Subprime originations by race/ethnicity show that Asian and White loan recipients had the highest share compared to other groups for nearly everyone examined.



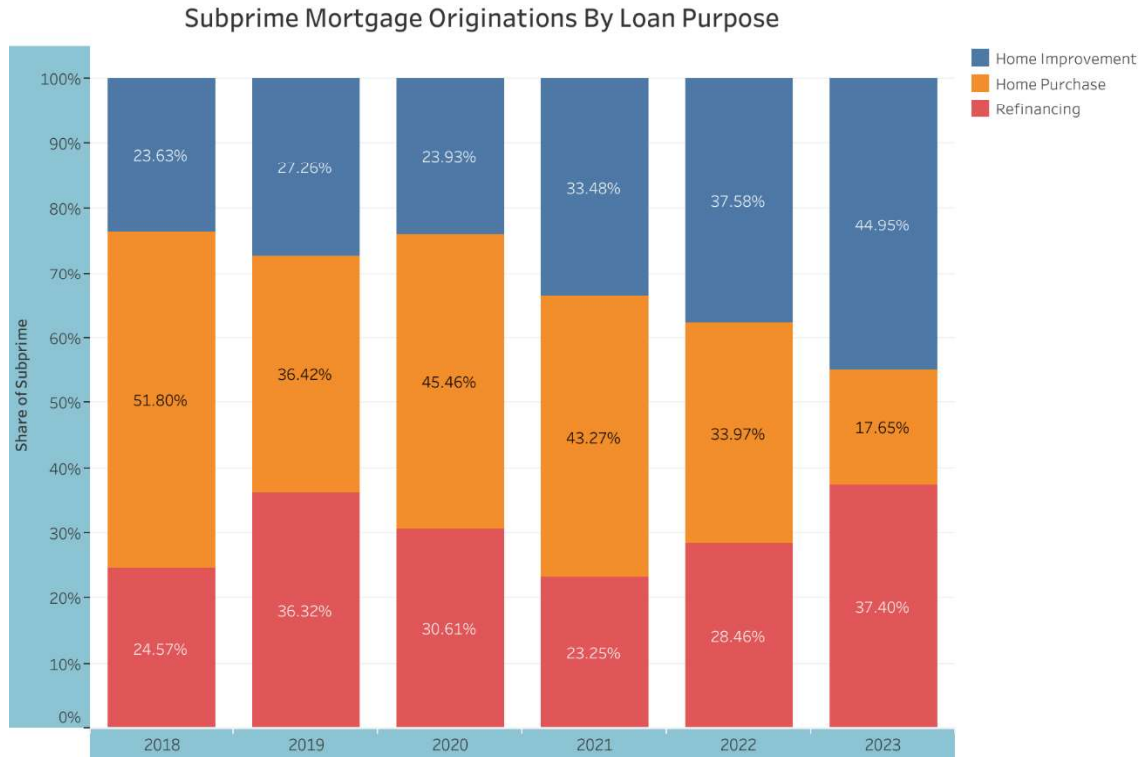
Source:2018- 2023 HMDA

Subprime shares by loan recipient income group show that since 2018, income groups have diverged, with High-Income remaining much higher than other income groups.



Source: 2018-2023 HMDA

Subprime loans have been characterized by growth in home improvements in recent years. As a percentage of all subprime loan originations within Alameda County, home improvements represented 44.95% in 2023, up from its share of 23.63% in 2018.



Source: 2018-2023 HMDA

Lending Practices Conclusion

Mortgage lending activity in Alameda County is consistent with many of the broader trends that have occurred in the wake of high inflation and high interest rates.

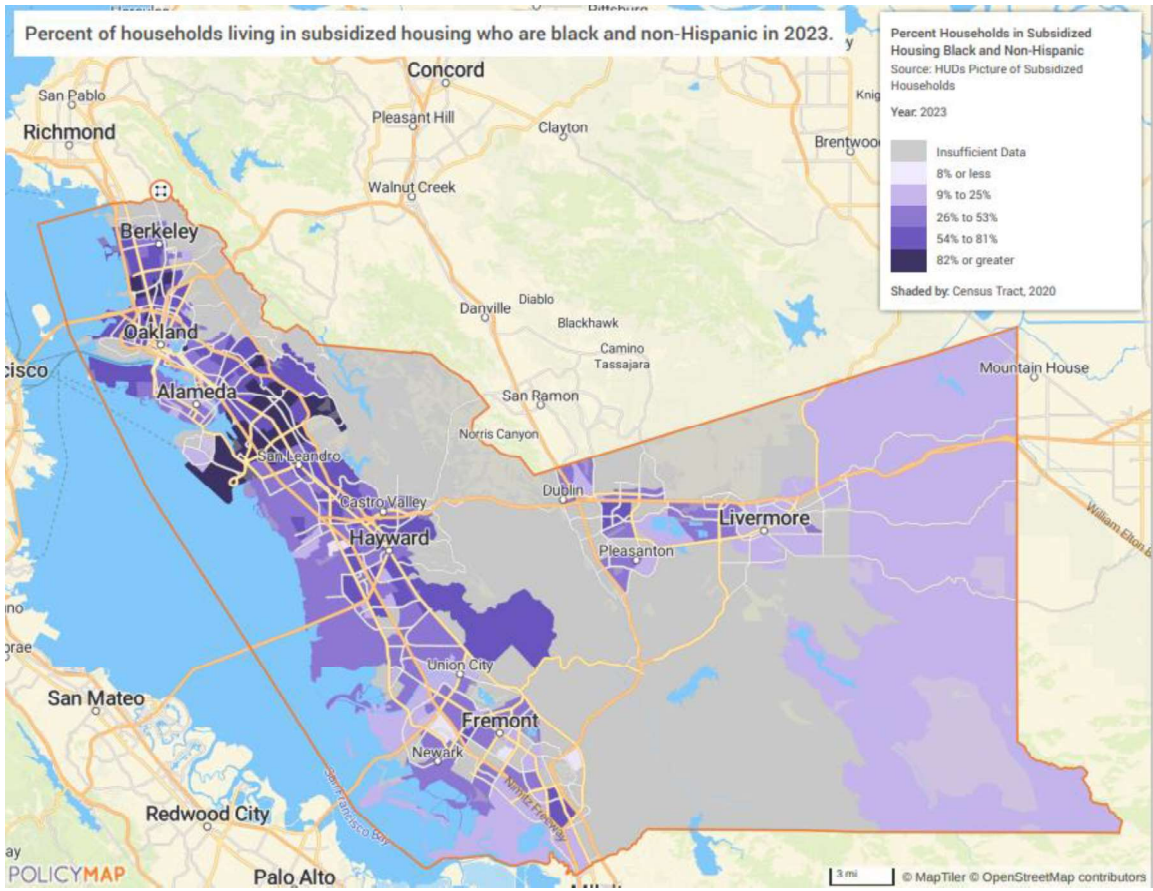
Further, Alameda County exhibits slowing mortgage market fundamentals from the highs of 2020 and 2021 when the interest rates were lower and housing supply was low. Home purchase originations have decreased by 100% from 2022 and 2023, suggesting signs of declining housing demand and a housing market recovery within the county. Additionally, the share of refinance applications has reduced drastically. Debt-to-Income ratio is the most common reason for denial across all income groups reflecting high inflation and stagnant wages, coupled with high interest rates.

Some trends, however, have continued despite business cycle fluctuations, such as higher denial rates for Black and Hispanic applicants relative to White and Asian applicants, in addition to higher denial rates for lower income applicants and neighborhoods.

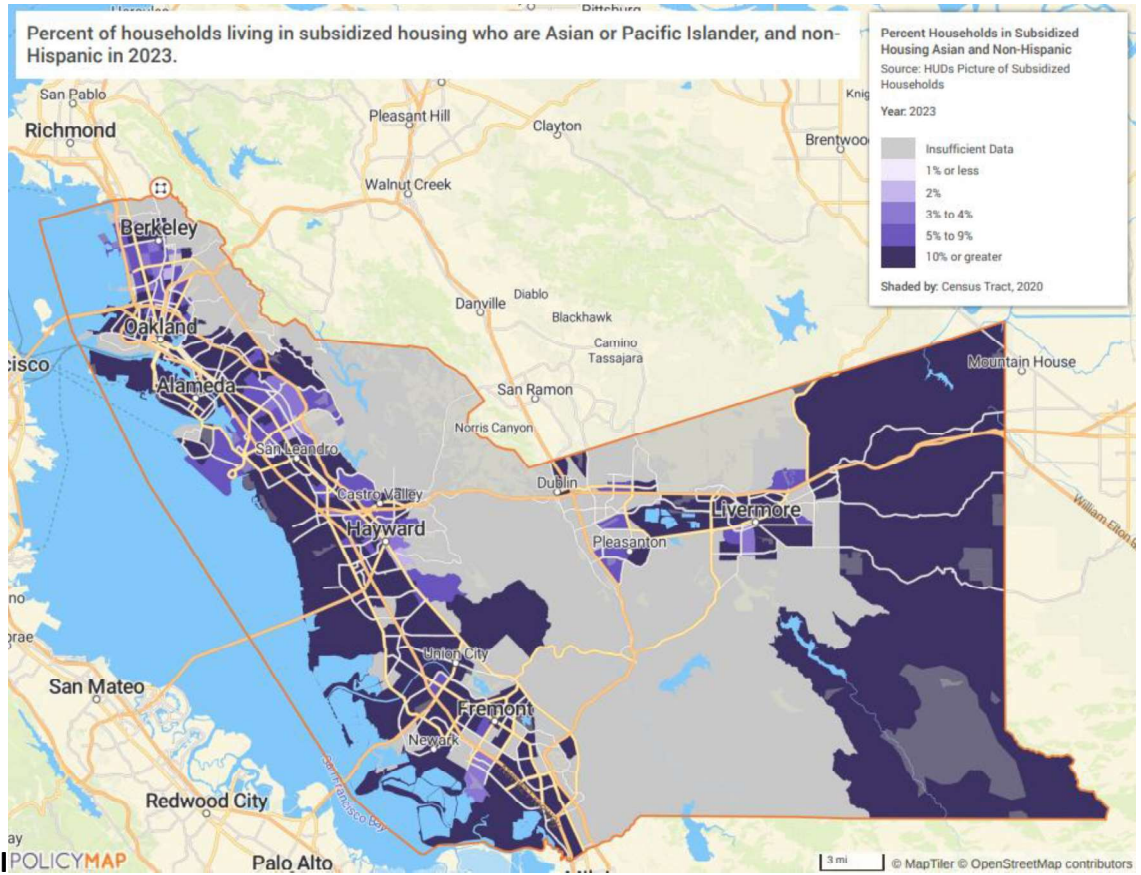
Publicly Supported Housing

HUD's 2023 Picture of Subsidized Households estimates that 3.62% of Alameda County's population was living in subsidized housing – this is a –0.14% decline from 2018. Comparatively, it is estimated that 2.34% of the State of California's population was living in subsidized housing in 2023. Maps V.39 to V.41 shows the percentage of households living in subsidized housing who are Black, Asian or Pacific Islander, and Hispanic. Black residents living in subsidized housing have higher concentrations in the North and Central County, particularly between the City of Alameda and the City of San Leandro, and in north Oakland. northwest areas of the County. Asian or Pacific Islander residents living in subsidized housing are spread throughout the County - both along the entire western border of the County and the Tri-Valley area ~~the eastern border~~. Hispanic residents living in subsidized housing have higher concentrations in the Central County near Hayward and Union City, with other high density tracts near Fremont and in Livermore. ~~area on the western border and along the eastern border~~. Map V.42 shows the percentage of households living in subsidized housing that have a disability - there are higher concentrations in the South County near Fremont, in Hayward, and southwestern areas of the County and near the cities of Pleasanton and Livermore.

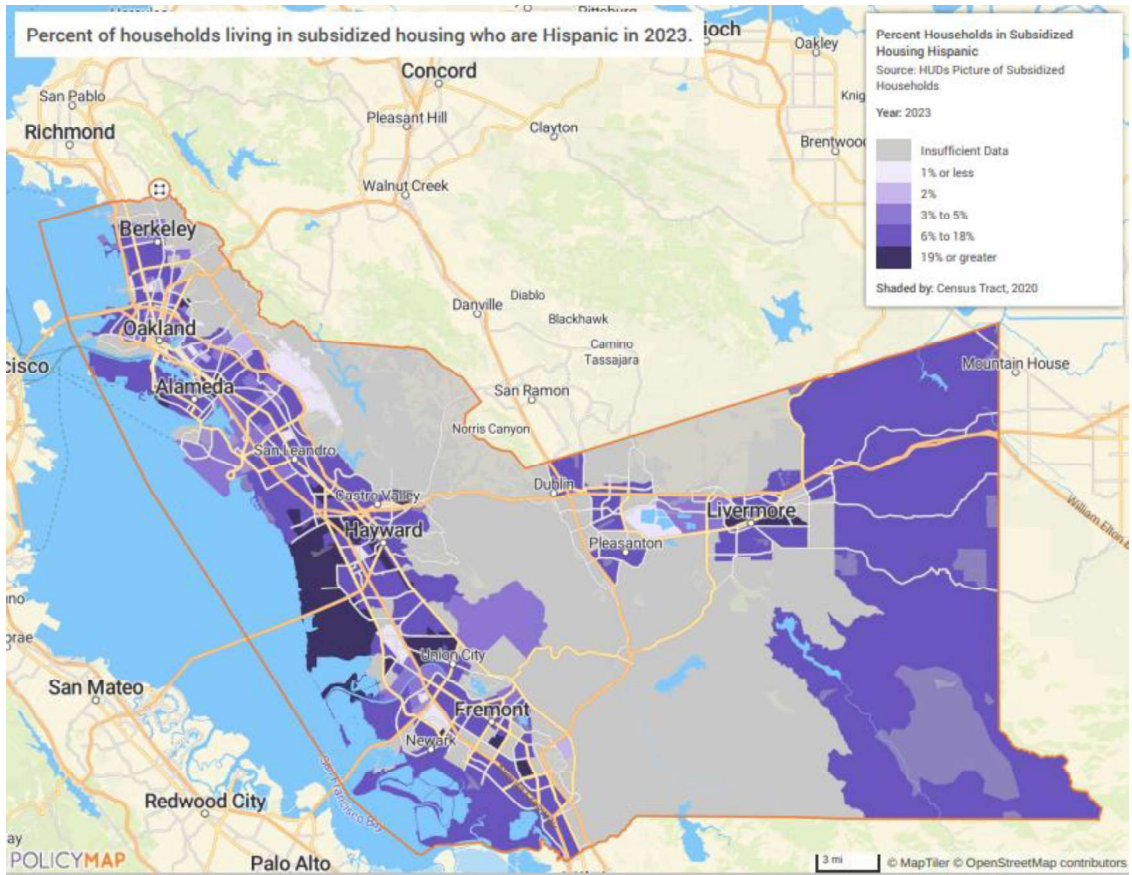
MAP V.39 Percent of Households Living in Subsidized Housing Who Are Black



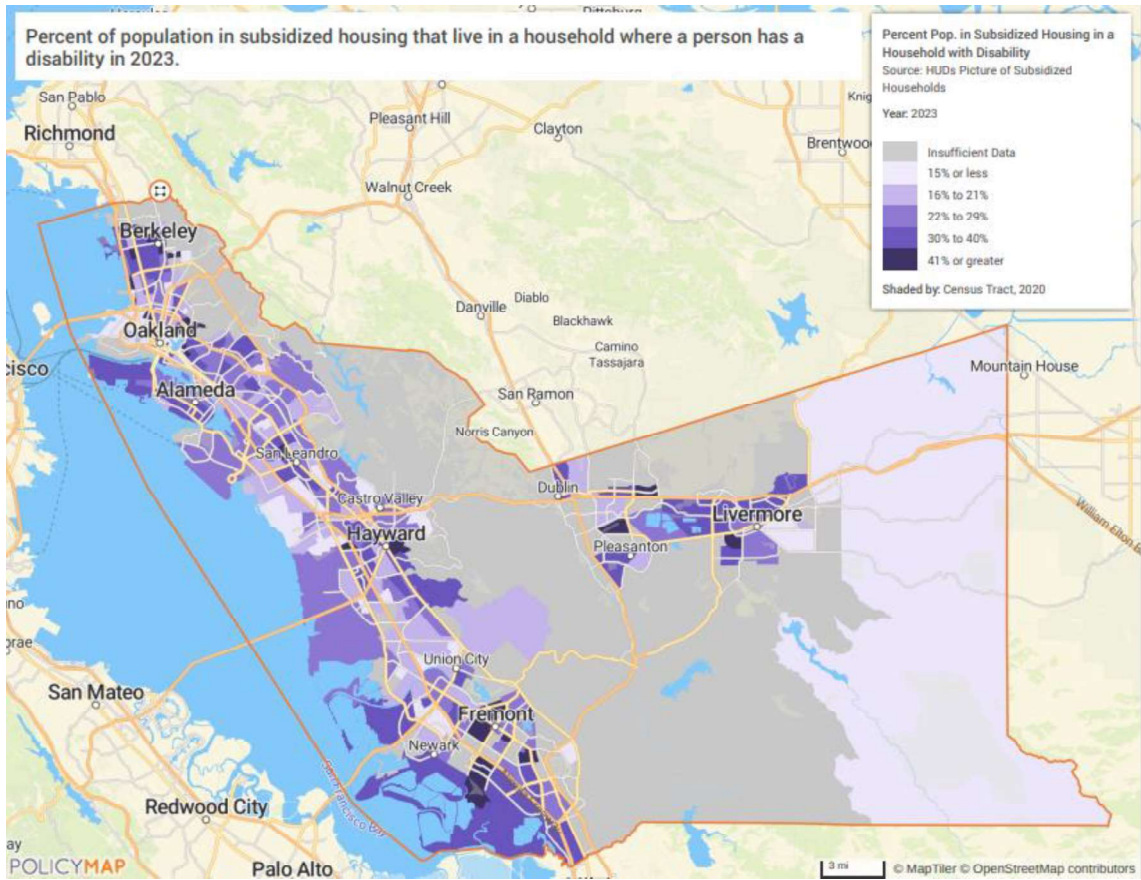
MAP V.40 Percent of Households Living in Subsidized Housing Who Are Asian or Pacific Islander



MAP V.41 Percent of Households Living in Subsidized Housing Who Are Hispanic

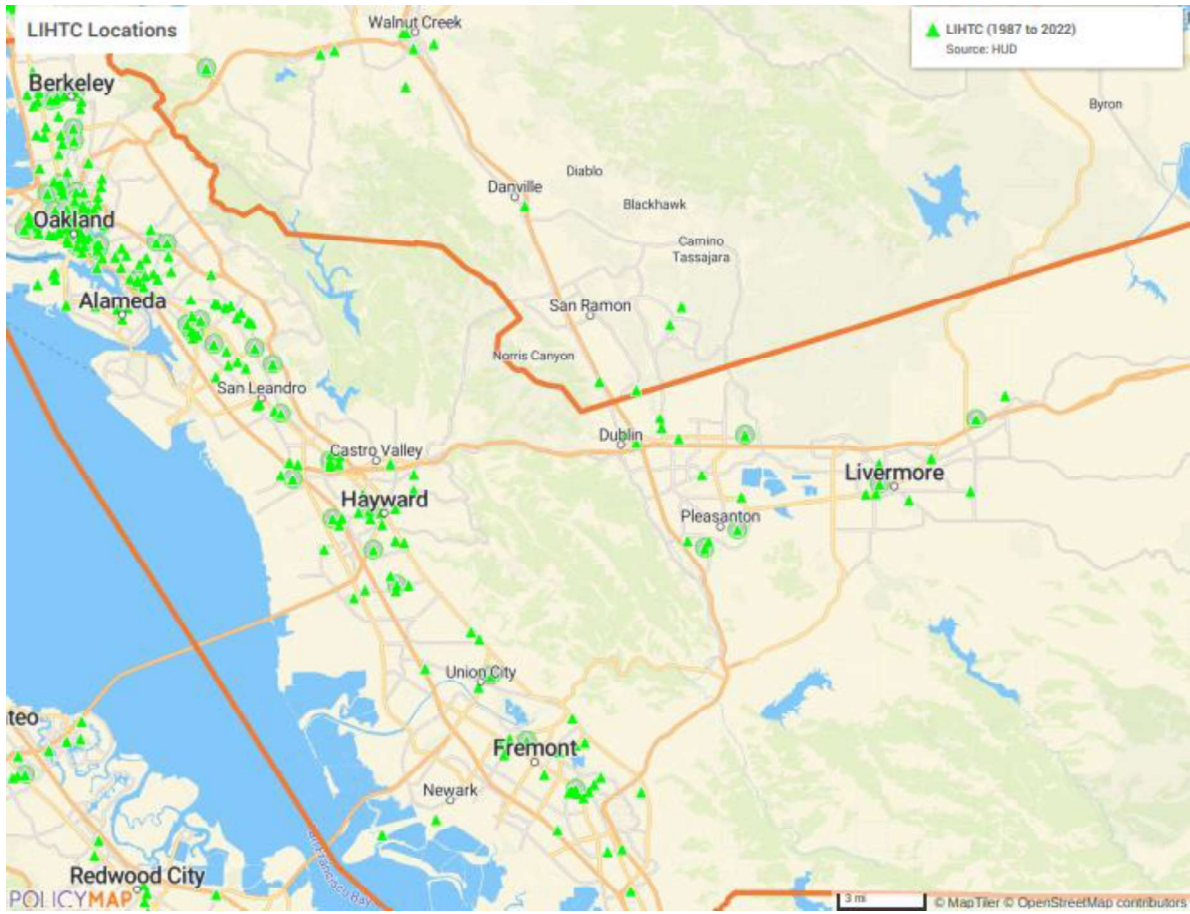


MAP V.42 Percent of Households Living in Subsidized Housing Where a Person Has a Disability

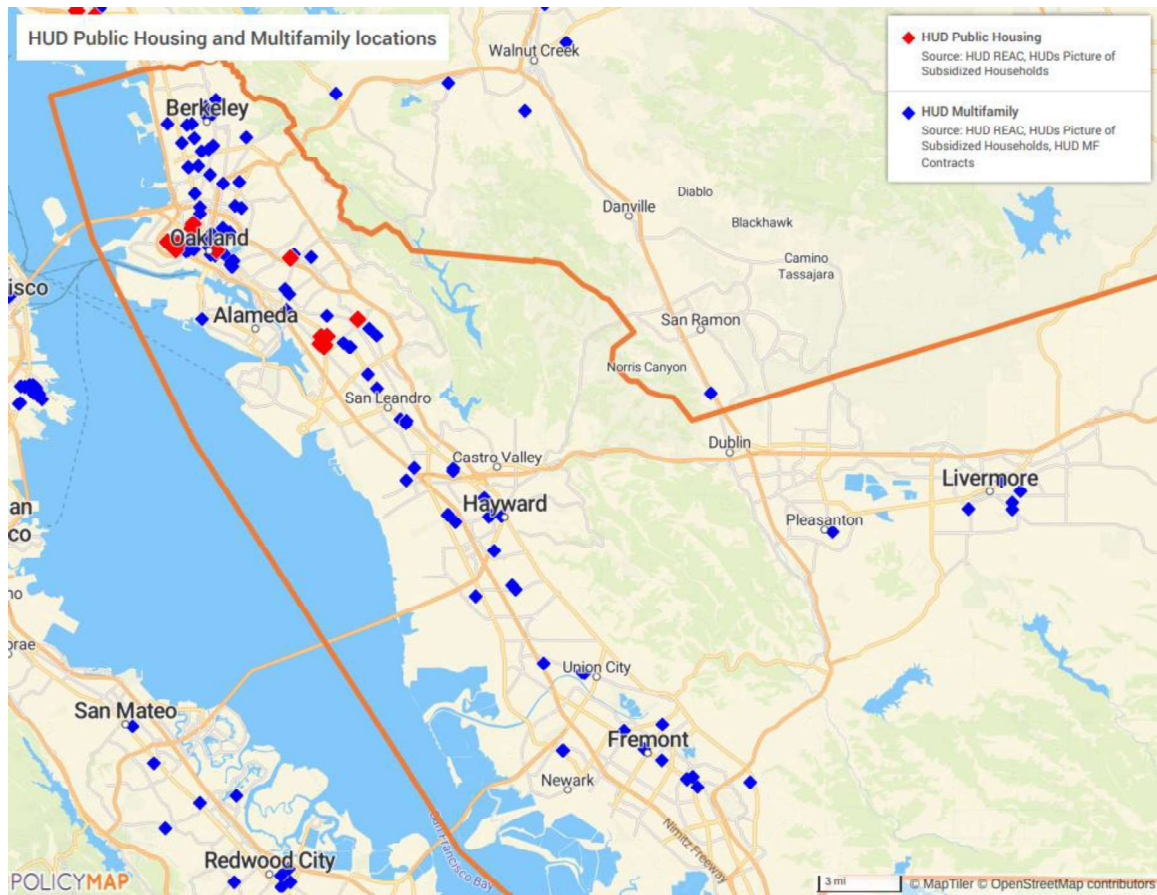


Map V.43 shows LIHTC locations and Map V.44 shows the locations of HUD Public Housing and Multifamily housing units.

MAP V.43 LIHTC Locations



MAP V.44 HUD Public Housing and Multifamily Locations



Disability and Access Analysis

According to 2018-2022 ACS data, 9.6% of residents in Alameda County were living with a disability, which was lower than California's average of 11%. The rate of disability has not changed since 2013-2017 ACS estimates. The two most common types of disability are independent living and ambulatory. Pleasanton has the lowest rate of those living with a disability at 7.9%, which is a 1% increase from 2013-2017 ACS estimates. San Leandro has the highest rate of disability at 11.5%, which is a 0.6% increase from 2013-2017 estimates.

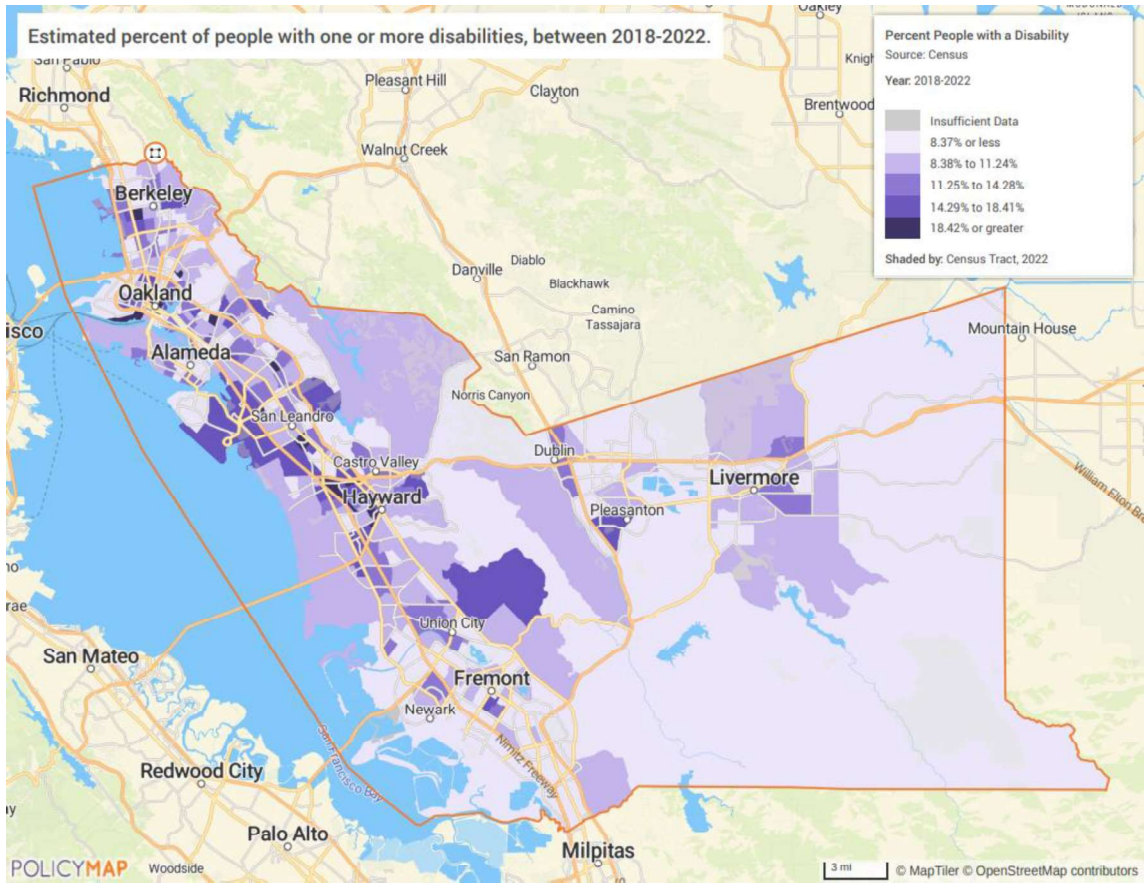
Map V.45 shows the concentrations ~~disbursement~~ of people living with disabilities throughout the County. The darker shaded areas have higher concentrations of people living with disabilities. The northernwestern area of the county and Oakland sees a higher prevalence. Map V.46 shows the percentage change of disability over the past 5 years. The darker orange shaded areas all saw a decline in the percentage of people with a disability, while the dark blue indicates an increase of at least 36.8%.

Table: Percent of People with Disabilities by Type of Disability

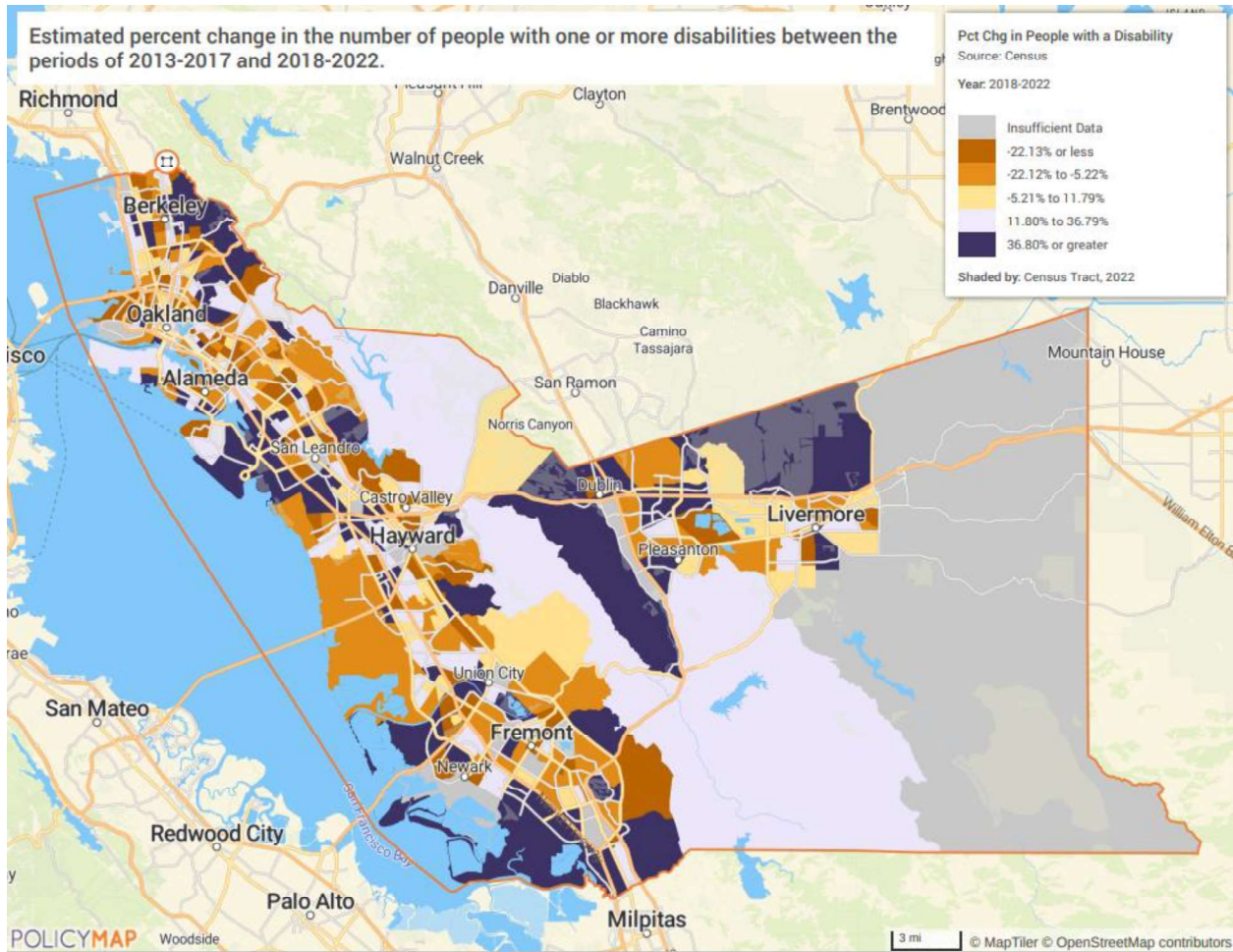
| Jurisdiction | % with Disability | % with Hearing Disability | % with Vision Disability | % with Cognitive Disability | % with Ambulatory Disability | % with Self-Care Disability | % with Independent Living Disability |
|----------------|-------------------|---------------------------|--------------------------|-----------------------------|------------------------------|-----------------------------|--------------------------------------|
| Alameda County | 9.6% | 2.3% | 1.8% | 4.0% | 4.9% | 2.3% | 5.1% |
| Alameda | 9.3% | 2.3% | 1.9% | 3.8% | 4.5% | 2.2% | 4.3% |
| Berkeley | 10.0% | 2.1% | 1.6% | 4.8% | 4.1% | 1.9% | 4.3% |
| Fremont | 7.0% | 1.7% | 1.2% | 2.7% | 3.8% | 2.1% | 4.5% |
| Hayward | 9.8% | 2.4% | 1.7% | 3.8% | 5.5% | 2.9% | 5.7% |
| Livermore | 8.9% | 2.8% | 1.7% | 3.4% | 4.0% | 1.9% | 4.4% |
| Oakland | 11.0% | 2.5% | 2.2% | 5.1% | 5.7% | 2.4% | 5.5% |
| Pleasanton | 7.9% | 2.5% | 1.6% | 2.5% | 3.5% | 1.7% | 3.9% |
| San Leandro | 11.5% | 3.1% | 2.3% | 4.0% | 6.4% | 3.0% | 5.9% |
| Union City | 9.8% | 2.4% | 1.3% | 4.2% | 5.5% | 2.9% | 6.3% |

Source: 2018-2022 ACS

MAP V. 45 Percent of People with One or More Disabilities



MAP V. 46 Percent Change in the Number of People with One or More Disabilities Between the Periods of 2013-2017 and 2018-2022

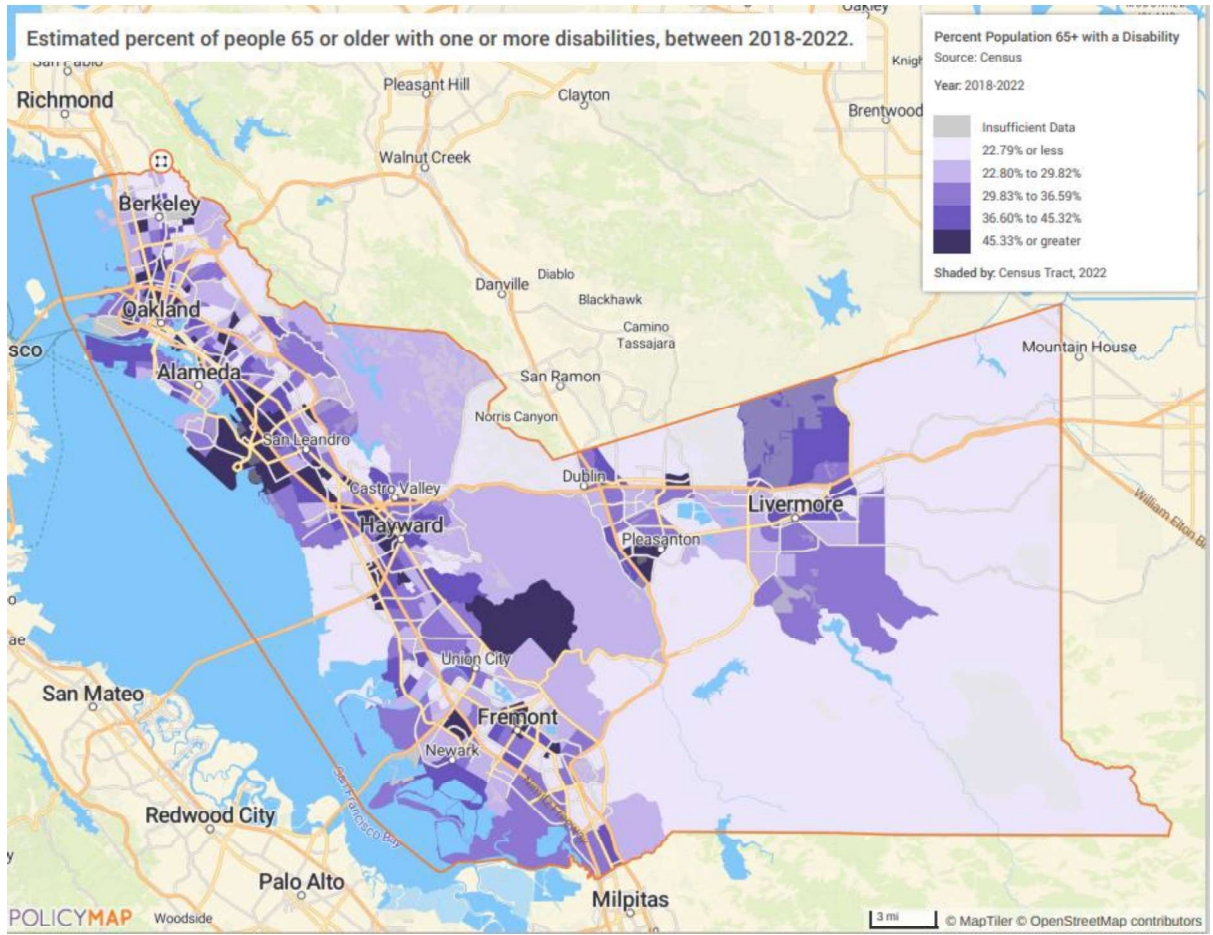


30.8% of those aged 65 or older in the county are living with a disability. Oakland has the highest rate of those who are 65 years or older and living with a disability at 34.1%. The rate of disability for those aged 65 or older has decreased since 2017 – both for the County and for each jurisdiction except for San Leandro. San Leandro saw an almost 3% increase.

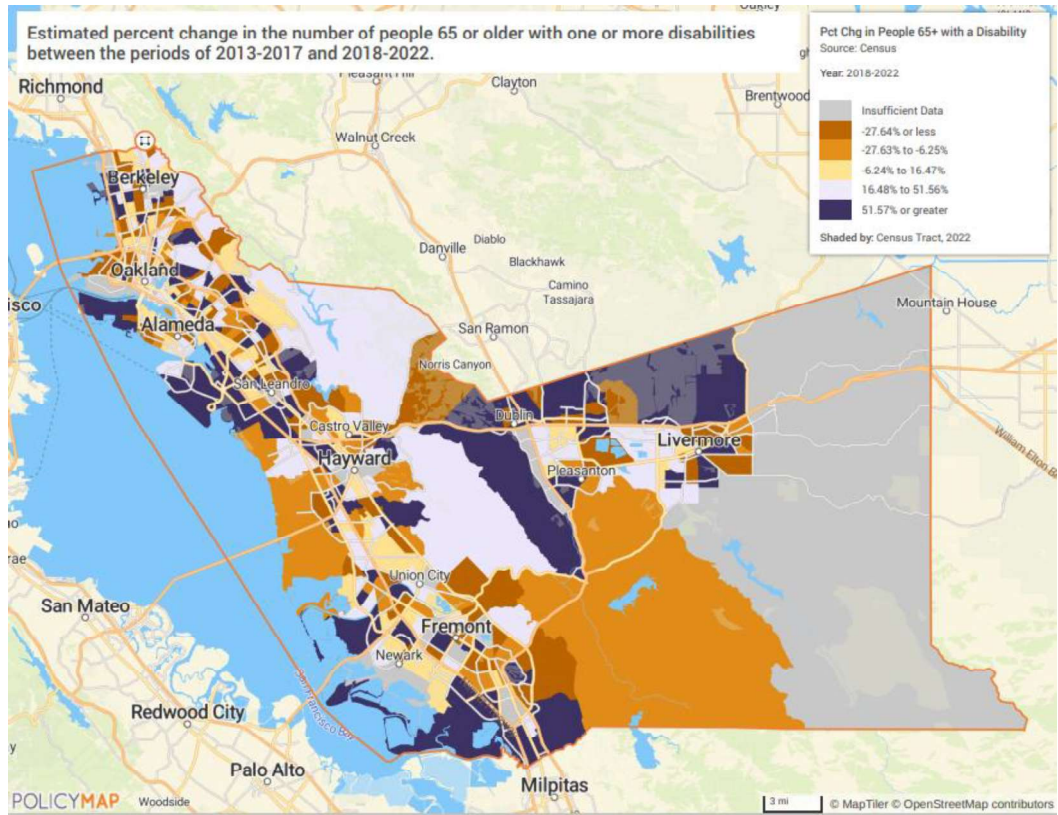
Map V.47 highlights the prevalence of seniors living with a disability and Map V.48 highlights the change in disability rates for seniors over the past 5 years. The darker purple and darker blue shaded areas indicate a higher rate of disability. The table below lists the census tracts with the highest rates of disability for those 65 or older – these tracts all have 55% or more of disability. The top census tract has a rate of 76.1% disability for seniors.

| Table Percent of Seniors 65+ with a Disability | | |
|---|---------|---------------------|
| Jurisdiction | Seniors | % with a disability |
| Alameda County | 73,441 | 30.8% |
| Alameda | 3,579 | 28.4% |
| Berkeley | 5,143 | 26.9% |
| Fremont | 8,257 | 28.2% |
| Hayward | 6,626 | 32.3% |
| Livermore | 3,773 | 30.5% |
| Oakland | 20,638 | 34.1% |
| Pleasanton | 3,588 | 29.1% |
| San Leandro | 5,228 | 33.6% |
| Union City | 3,743 | 30.2% |
| Source: 2018-2022 ACS | | |

MAP V. 47 Estimate of People 65 or Older with One or More Disabilities between 2018 - 2022



MAP V. 48 Estimate of People 65 or Older with One or More Disabilities between 2018 - 2022



| Table: Disability for 65+ by Census Tract | |
|--|---------|
| Census Tract | Percent |
| 06001409100 | 76.1% |
| 06001450607 | 70.9% |
| 06001401400 | 67.7% |
| 06001409400 | 67.6% |
| 06001409000 | 66.7% |
| 06001436301 | 65.6% |
| 06001435400 | 65.4% |
| 06001403301 | 65.3% |
| 06001406400 | 64.6% |
| 06001403701 | 62.6% |
| 06001420401 | 62.5% |
| 06001442302 | 61.6% |
| 06001406000 | 60.6% |
| 06001401500 | 58.5% |
| 06001406202 | 57.9% |
| 06001433103 | 57.8% |
| 06001408800 | 57.3% |
| 06001441923 | 57.1% |
| 06001433700 | 55.4% |
| Source: 2018-2022 ACS | |

American Indian and Alaska Native residents and Black or African American residents experience the highest rates of disability compared to any other racial or ethnic group. 17.4% of American Indian or Alaska Native residents and 16.9% of Black or African American residents are living with a disability.

| Table: Disability by Race and Ethnicity, Alameda County | | |
|--|--------|---------|
| Race/Ethnicity | Number | Percent |
| White | 58,465 | 12.4% |
| Black or African American | 25,474 | 16.9% |
| American Indian and Alaska Native | 2,880 | 17.4% |
| Asian | 46,299 | 8.5% |
| Native Hawaiian and Other Pacific Islander | 984 | 8.3% |
| Some other race | 22,02 | 10.1% |
| Two or more races | 22,383 | 11.2% |
| Hispanic or Latino | 40,085 | 10.7% |
| Source: 2023 ACS | | |

Fair Housing Complaint Data

The US Office of Fair Housing and Equal Opportunity is charged with implementing and enforcing fair housing protections. However, many cases are resolved on the local level. From 2016 to 2023, 375 fair housing discrimination cases were forwarded to the Office of Fair Housing and Equal Opportunity. The table below shows the breakdown of cases filed across Participating Jurisdictions. The largest number of complaints were filed in Oakland with 36% of the total complaint filed. The next largest number of complaints came from Berkeley with about 15% of complaints filed. The year with the largest number of complaints filed was 2017.

Table: HUD Fair Housing Complaints - Number of complaints filed per year throughout the County

| Year | Number of Complaints Across County | Alameda (city) | Berkeley | Castro Valley | Dublin | Emeryville | Fremont | Hayward | Livermore | Newark | Oakland | San Lorenzo | Pleasanton | San Leandro | Union City |
|--------------|------------------------------------|----------------|-----------|---------------|----------|------------|-----------|-----------|-----------|----------|------------|-------------|------------|-------------|------------|
| 2016 | 49 | 8 | 5 | 1 | 3 | 2 | 4 | 4 | 1 | 2 | 12 | 1 | 1 | 4 | 0 |
| 2017 | 53 | 2 | 4 | 3 | 1 | 1 | 5 | 9 | 3 | 0 | 20 | 1 | 2 | 1 | 3 |
| 2018 | 39 | 2 | 9 | 0 | 0 | 3 | 2 | 6 | 0 | 0 | 11 | 1 | 0 | 3 | 1 |
| 2019 | 34 | 3 | 6 | 0 | 0 | 1 | 4 | 3 | 1 | 2 | 10 | 0 | 0 | 1 | 2 |
| 2020 | 39 | 5 | 8 | 0 | 0 | 0 | 2 | 2 | 1 | 0 | 12 | 1 | 2 | 3 | 2 |
| 2021 | 32 | 2 | 1 | 3 | 1 | 1 | 3 | 1 | 0 | 0 | 17 | 0 | 0 | 2 | 1 |
| 2022 | 48 | 2 | 10 | 1 | 0 | 1 | 2 | 3 | 0 | 0 | 22 | 0 | 2 | 2 | 0 |
| 2023 | 50 | 2 | 11 | 0 | 0 | 2 | 3 | 6 | 3 | 0 | 15 | 0 | 1 | 5 | 0 |
| 2024 | 31 | 0 | 1 | 3 | 0 | 1 | 0 | 4 | 1 | 2 | 11 | 0 | 1 | 6 | 1 |
| TOTAL | 375 | 26 | 55 | 11 | 5 | 12 | 25 | 38 | 10 | 6 | 130 | 4 | 9 | 27 | 10 |

Source: HUD, FHEO 2024

Fair Housing complaints often include more than one issue as a basis for the complaint. Below is a breakdown of the reasons cited in complaints between 2016 and 2024. Disability was cited more frequently at 43.2%. The next most often cited reason for complaints was Race at 9.9%.

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year across County

| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | TOTAL | % |
|-------------------------|------|------|------|------|------|------|------|------|------|-------|--------------|
| Disability | 32 | 33 | 26 | 28 | 25 | 17 | 26 | 37 | 22 | 181 | 43.2% |
| Retaliation | 1 | 4 | 5 | 6 | 1 | 2 | 6 | 3 | 3 | 26 | 6.3% |
| Familial Status | 7 | 11 | 3 | 3 | 5 | 1 | 0 | 3 | 2 | 17 | 4.1% |
| Race | 4 | 2 | 4 | 0 | 4 | 10 | 13 | 8 | 2 | 41 | 9.9% |
| Religion | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0.2% |
| National Origin | 2 | 2 | 4 | 0 | 2 | 0 | 5 | 1 | 1 | 13 | 3.1% |
| Sex | 0 | 5 | 2 | 2 | 1 | 5 | 2 | 4 | 3 | 19 | 4.6% |
| Color | 1 | 1 | 1 | 0 | 1 | 1 | 1 | 3 | 1 | 8 | 1.9% |
| Total Bases | 49 | 59 | 46 | 39 | 39 | 36 | 53 | 59 | 34 | 414 | 100% |
| Total Complaints | 49 | 53 | 39 | 34 | 39 | 32 | 48 | 50 | 31 | 375 | - |

Source: HUD, FHEO 2024

Fair Housing complaints are closed for varying reasons. Below is a breakdown of the reasons cited for closure in complaints between 2016 and 2024. No cause determination was cited as the top closure reason at 53.4%. Conciliation or successful settlement was the next most often cited closure reason at 26.9%.

Table: HUD Fair Housing Complaints - Closure reasons by year across County

| Closure Reason | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percentage |
|--|------|------|------|------|------|------|------|------|------|-------|------------|
| Unable to locate complainant | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0.9% |
| Complainant failed to cooperate | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 4 | 1.8% |

| | | | | | | | | | | | |
|--|----|----|----|----|----|----|----|----|----|-----|-------|
| No cause determination | 9 | 28 | 39 | 22 | 25 | 23 | 13 | 24 | 14 | 121 | 53.2% |
| Complaint withdrawn by complainant after resolution | 1 | 1 | 0 | 1 | 1 | 1 | 1 | 5 | 0 | 11 | 4.9% |
| Conciliation/Settlement successful | 7 | 17 | 10 | 7 | 11 | 6 | 13 | 9 | 15 | 61 | 26.9% |
| Dismissed for lack of jurisdiction | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 3 | 0 | 6 | 2.6% |
| Complaint withdrawn by complainant without resolution | 1 | 1 | 1 | 0 | 5 | 0 | 3 | 6 | 5 | 22 | 9.7% |
| Total Closures | 18 | 48 | 54 | 31 | 43 | 30 | 32 | 47 | 34 | 227 | 100% |

Source: HUD, FHEO 2024

There are multiple jurisdictions within Alameda County. Below are the Fair Housing complaint breakdowns for the individual jurisdictions by City. All of the jurisdictions have disability cited as the most frequent basis for complaint.

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Alameda

| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | TOTAL | % |
|------------------------|------|------|------|------|------|------|------|------|------|-------|-------|
| Disability | 6 | 2 | 2 | 3 | 2 | 1 | 1 | 1 | 0 | 18 | 60.0% |
| Retaliation | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 6.7% |
| Familial Status | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 3.3% |

| | | | | | | | | | | | |
|-------------------------|----|---|---|---|---|---|---|---|---|----|-------|
| Race | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 3 | 10.0% |
| Religion | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3.3% |
| National Origin | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 6.7% |
| Sex | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 3 | 10.0% |
| Color | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Total Bases | 10 | 2 | 3 | 3 | 5 | 2 | 2 | 3 | 0 | 30 | 100% |
| Total Complaints | 8 | 2 | 2 | 3 | 5 | 2 | 2 | 2 | 0 | 26 | – |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Berkeley

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|
| Disability | 2 | 2 | 7 | 5 | 6 | 1 | 8 | 11 | 0 | 42 | 68.9% |
| Retaliation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% |
| Familial Status | 2 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 6 | 9.8% |
| Race | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 | 4.9% |

| | | | | | | | | | | | |
|-------------------------|---|---|----|----|---|---|----|----|---|----|------|
| Religion | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 4.9% |
| National Origin | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 4.9% |
| Sex | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 3 | 4.9% |
| Color | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1.6% |
| Total Bases | 7 | 4 | 14 | 10 | 7 | 1 | 9 | 11 | 1 | 61 | 100% |
| Total Complaints | 5 | 4 | 9 | 6 | 8 | 1 | 10 | 11 | 1 | 55 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Dublin

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percentage |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|-------------------|
| Disability | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 80.0% |
| Race | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 20.0% |
| Total Bases | 3 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 5 | 100% |
| Total Complaints | 3 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 5 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Emeryville

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|---------------------|------|------|------|------|------|------|------|------|------|-------|-------------|
| Disability | 2 | 1 | 2 | 1 | 0 | 1 | 1 | 1 | 1 | 10 | 62.5% |
| Retaliation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 6.3% |
| Race | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 | 5 | 31.3% |
| Total Bases | 3 | 1 | 3 | 1 | 0 | 1 | 2 | 2 | 2 | 16 | 100% |
| Total Complaints | 2 | 1 | 3 | 1 | 0 | 1 | 1 | 2 | 1 | 12 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Fremont

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percentage |
|---------------------|------|------|------|------|------|------|------|------|------|-------|------------|
| Disability | 1 | 2 | 1 | 2 | 1 | 1 | 0 | 4 | 0 | 12 | 30.8% |
| Retaliation | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 2 | 0 | 7 | 18.0% |
| Familial Status | 1 | 3 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 6 | 15.4% |
| Race | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 4 | 10.3% |
| Religion | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 5.1% |
| National Origin | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 | 7.7% |

| | | | | | | | | | | | |
|-------------------------|----|---|---|---|---|---|---|---|---|----|-------|
| Sex | 2 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 5 | 12.8% |
| Total Bases | 11 | 6 | 3 | 5 | 1 | 4 | 2 | 7 | 0 | 39 | 100% |
| Total Complaints | 4 | 5 | 2 | 4 | 1 | 3 | 2 | 4 | 0 | 25 | – |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Hayward

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|

| | | | | | | | | | | | |
|------------------------|---|---|---|---|---|---|---|---|---|----|-------|
| Disability | 3 | 6 | 3 | 2 | 1 | 1 | 1 | 3 | 2 | 22 | 42.3% |
| Retaliation | 1 | 1 | 2 | 0 | 0 | 0 | 1 | 1 | 0 | 6 | 11.5% |
| Familial Status | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 | 7.7% |
| Race | 1 | 0 | 2 | 0 | 0 | 0 | 1 | 3 | 1 | 8 | 15.4% |
| National Origin | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 | 5.8% |
| Sex | 0 | 0 | 2 | 2 | 0 | 0 | 0 | 2 | 0 | 6 | 11.5% |
| Color | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 3 | 5.8% |

| | | | | | | | | | | | |
|-------------------------|---|----|---|---|---|---|---|---|---|----|------|
| Total Bases | 6 | 12 | 9 | 4 | 2 | 1 | 4 | 9 | 5 | 52 | 100% |
| Total Complaints | 4 | 9 | 6 | 3 | 2 | 1 | 3 | 6 | 4 | 38 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Livermore

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|
| Disability | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 6 | 50.0% |
| Race | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 2 | 0 | 4 | 33.3% |
| Color | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 16.7% |
| Total Bases | 2 | 1 | 0 | 2 | 1 | 0 | 0 | 5 | 1 | 12 | 100% |
| Total Complaints | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 3 | 1 | 9 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Oakland

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|
| Disability | 7 | 12 | 6 | 8 | 8 | 9 | 11 | 12 | 8 | 81 | 49.1% |
| Retaliation | 3 | 4 | 3 | 5 | 0 | 2 | 2 | 0 | 0 | 19 | 11.5% |

| | | | | | | | | | | | |
|-------------------------|----|----|----|----|----|----|----|----|----|-----|-------|
| Familial Status | 3 | 2 | 2 | 0 | 2 | 0 | 1 | 2 | 0 | 12 | 7.3% |
| Race | 0 | 3 | 2 | 0 | 1 | 7 | 10 | 0 | 1 | 24 | 14.5% |
| Religion | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 1.2% |
| National Origin | 0 | 1 | 2 | 0 | 0 | 0 | 2 | 1 | 0 | 6 | 3.6% |
| Sex | 0 | 6 | 2 | 3 | 0 | 2 | 2 | 0 | 1 | 16 | 9.7% |
| Color | 1 | 0 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 5 | 3.0% |
| Total Bases | 14 | 28 | 18 | 16 | 12 | 21 | 29 | 16 | 11 | 165 | 100% |
| Total Complaints | 12 | 20 | 11 | 10 | 12 | 17 | 22 | 15 | 11 | 130 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of Pleasanton

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|
| Disability | 0 | 1 | 0 | 0 | 2 | 0 | 2 | 1 | 1 | 7 | 53.9% |
| Retaliation | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 2 | 15.4% |
| Familial Status | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 7.7% |

| | | | | | | | | | | | |
|-------------------------|---|---|---|---|---|---|---|---|---|----|-------|
| Race | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 15.4% |
| National Origin | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7.7% |
| Total Bases | 1 | 2 | 0 | 0 | 3 | 0 | 5 | 1 | 1 | 13 | 100% |
| Total Complaints | 1 | 2 | 0 | 0 | 2 | 0 | 2 | 1 | 1 | 9 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - City of San Leandro

| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|
| Disability | 2 | 1 | 2 | 1 | 1 | 1 | 1 | 2 | 5 | 16 | 43.2% |
| Retaliation | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 4 | 10.8% |
| Familial Status | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 5.4% |
| Race | 2 | 0 | 1 | 1 | 1 | 1 | 1 | 2 | 0 | 9 | 24.3% |
| Sex | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 3 | 8.1% |
| Color | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 3 | 8.1% |
| Total Bases | 7 | 1 | 4 | 2 | 3 | 3 | 3 | 7 | 7 | 37 | 100% |
| Total Complaints | 4 | 1 | 3 | 1 | 3 | 2 | 2 | 5 | 6 | 27 | |

Source: HUD, FHEO 2024

Table: HUD Fair Housing Complaints - Number of times basis for complaint was cited per year - Union City

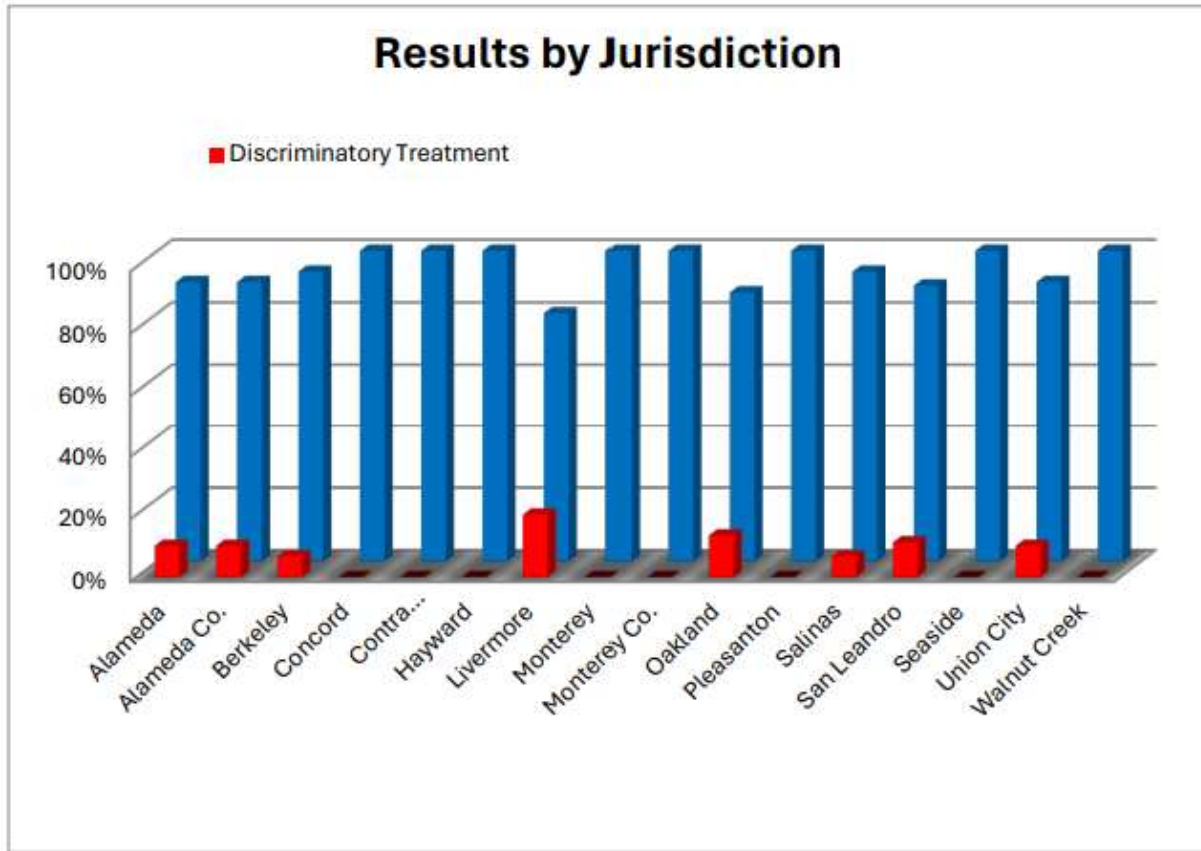
| Basis for Complaint | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | Total | Percent age |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------------|
| Disability | 0 | 2 | 0 | 2 | 2 | 1 | 0 | 0 | 0 | 7 | 50.0% |
| Retaliation | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 2 | 14.3% |
| Race | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 14.3% |
| Religion | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7.1% |
| National Origin | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7.1% |
| Sex | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 7.1% |
| Total Bases | 0 | 4 | 2 | 3 | 2 | 1 | 0 | 0 | 2 | 14 | 100% |
| Total Complaints | 0 | 3 | 1 | 2 | 2 | 1 | 0 | 0 | 1 | 10 | |

Source: HUD, FHEO 2024

Fair Housing Audit

Every year the Eden Council for Hope and Opportunity (ECHO) conducts an audit of rental properties in local communities to see how well they are conforming to fair housing. In 2024, ECHO focused on Disability. Specifically, it wanted to see if a potential renter who uses a wheelchair would face barriers in obtaining the housing of her choice. In 1988, the Federal Fair Housing Act was amended to include Disability as a protected class. It is illegal for housing providers to deny or treat an applicant differently based on their disability. This protection covers people with mental, intellectual, or physical impairments. ECHO tested 217 properties in 16 jurisdictions. The testing was conducted from March 2024 to May 2024. ECHO found that in 6% of the tests, the disabled tester faced different and/or unfair treatment in her search for housing. Below is a graph from ECHO’s audit report showing the results by jurisdiction. Alameda City,

Alameda County, Berkely, Livermore, Oakland, San Leandro, and Union City all had findings for discriminatory treatment. Livermore had the highest percentage of any jurisdiction at 20% with 2 out of 10 properties engaged in discriminatory treatment.



Source: ECHO Housing, Fair Housing Audit Report, FY 2023-2024

Chapter 6: Assessment of Past Goals, Actions, and Strategies

The following chart summarizes outcomes of the outcomes planned in the 2020 AI. Responses identify the level of effectiveness that the goal or action had in addressing previous fair housing issues. Most of the past goals that were in the previous analysis of impediments have either been accomplished or are still ongoing. Of the goals and actions that were not completed, most are carried over and included in this report's new set of goals.

[We will work on reformatting the excel chart to fit into the Word format after everyone completes their pieces.]

Chapter 7: Fair Housing Findings, Impediments, and Planned Actions

Findings

As a result of detailed demographic, economic, and housing analysis, along with a range of activities designed to foster public involvement and feedback, the following findings were made and impediments identified.

Demographic Shifts:

- Alameda County's population has grown since 1990 but recently declined slightly. Growth has been driven by foreign-born and minority residents, especially among Asian and Pacific Islander populations, while White and Black populations have decreased.

Housing Affordability and Cost Burden:

- Housing costs have significantly increased, outpacing income growth. Median home values rose by 64.5%, and median rents increased by nearly 49% from 2017 to 2023, intensifying affordability challenges for lower-income residents.
- A household would need to earn \$107,280 annually to afford a two-bedroom apartment without being cost-burdened.
- Renters and seniors face significant affordability challenges; nearly 52% of renter households experience at least one housing issue.

Segregation and Displacement:

- Patterns of segregation persist, with minority residents more concentrated in rental-heavy, lower-income neighborhoods. Areas with high poverty are predominantly in the [North County and Central County](#). ~~northwestern region of the county.~~

Homeownership and Racial Disparities:

- White and Asian households have the highest homeownership rates, while Black, Hispanic, and Native American households have the lowest rates.
- Certain cities, like Livermore and Berkeley, have disproportionately high White homeownership rates relative to their demographics.

Poverty and Income Disparities:

- Black, Hispanic, and Native American residents experience disproportionately higher poverty rates. Median incomes for Black and Hispanic residents are significantly lower than those of White and Asian residents, highlighting income disparities.

Disproportionate Housing Needs:

- Minority and low-income groups face higher rates of cost burden, overcrowding, and inadequate housing, underscoring systemic barriers in housing access. Cost-burdened households are mostly renters, including a large number of seniors.

Publicly Supported Housing:

- About 3.62% of Alameda County's population resides in subsidized housing, slightly higher than the state average, but insufficient to meet the growing needs for affordable housing.

Education and Transportation:

- Low graduation rates for Limited English Proficiency (LEP) students and high transit dependency in lower-income areas highlight educational and mobility challenges, particularly in areas with high minority populations.
- Educational attainment varies, with lower graduation rates in areas with high minority populations. Women earn significantly less than men with similar educational levels, impacting housing affordability.

Disability Access:

- Approximately 9.6% of residents live with disabilities, with higher concentrations among Black and American Indian residents. Many elderly residents with disabilities face housing affordability and accessibility issues.
- There are higher rates among American Indian, Alaska Native, and Black populations. The highest concentration of disability occurs in Oakland and areas with higher poverty and older housing stock.

Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs):

- R/ECAPs in Alameda County are in the North and Central County - particularly near the cities of Oakland, Berkeley, Alameda, and San Leandro - ~~are concentrated in the northwestern area,~~ aligning with regions of high minority populations and poverty, illustrating the intersection of race, income, and geographic disparity.

Impediments to Fair Housing Choice

According to HUD's Fair Housing Planning Guide, and based within the legal framework of federal and state laws, impediments to fair housing choice are:

- Any actions, omissions or decisions taken because of race, color, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual

orientation or any other arbitrary factor that restricts housing choices or the availability of housing choices, or

- Any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual orientation or any other arbitrary factor.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice.

In addition, the participating jurisdictions, as part of the process to have their Housing Element certified by the California Department of Housing and Community Development (HCD), completed Affirmatively Furthering Fair Housing (AFFH) requirements. The goal of AFFH is to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation and lift barriers that restrict access in order to foster inclusive communities and achieve racial equality, fair housing choice, and opportunities for all residents.

[Impediments/Action Chart to be added when complete.]



PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Jenny Wong, Senior Project Manager

Date: January 15, 2025

Re: Authorize the Executive Director to Execute Amendment No.2 with Rincon Consultants, Inc. for \$85,000 and to Execute Amendments Up To \$351,162 for Environmental Consulting Services for The Poplar (2615 Eagle Avenue).

BACKGROUND

The Housing Authority of the City of Alameda (AHA) purchased the property at 2615 Eagle Avenue in March 2022. AHA has a goal of serving 50 families with affordable housing, with up to 25% supportive housing apartments if required by funding sources. The development will have a preference for Alameda Unified School District (AUSD) staff, as well as a live/work preference for Alamedans.

In March 2024, the project was awarded \$534,565 in Equitable Community Revitalization Grant (ECRG) funds from the Department of Toxic Substances Control Office of Brownfields (DTSC). The grant has a two-year term (March 2024 to March 2026). Grant funds are disbursed on a reimbursement basis and can only be used for environmental site investigation activities. The ECRG funding requires the site to be fully remediated, not just mitigated. This means any environmental concerns above safe residential standards are required to be removed from the site, not just capped in place by a vapor barrier, and the clean-up methodology cannot result in long term monitoring controls.

The property, formerly used by AUSD as a maintenance and storage yard, has low levels of environmental concerns that require remediation. There was also a former leaking 550-gal gas underground storage tank (UST) which was successfully removed and cleaned up to commercial standards in 1991 under Alameda County Department of Environmental Health (ACDEH) regulatory oversight. Rincon Consultants, Inc. (Rincon) is the environmental consultant responsible for assessing the full extent of the residual impacts from AUSD operations to determine the appropriate plan for remediation. San Francisco Bay Regional Water Quality Control Board (Water Board) is serving as the regulatory oversight agency overseeing Rincon's environmental scope of work and ultimately providing case closure when the site is cleaned up to residential standards.



DISCUSSION

Rincon's initial contract included Phase I and Phase II environmental assessment reports, one round of site testing and laboratory analysis, and consulting services. The first contract amendment added geophysical testing and hazardous building materials testing to the scope, both of which were required by AHA and the Water Board. The geophysical testing helps identify potential USTs and plumbing lines underground and the hazardous building materials testing identifies materials that must be properly abated prior to demolition.

The lab results from the first round of testing aligned with AHA's understanding of the environmental concerns on the site. There were pockets of metals detected in shallow soil (less than three feet below ground), petroleum hydrocarbons found generally in the center of the site and in the vicinity of the former UST, and chlorinated solvents found near the sewer line and storm drain. The second amendment adds a data gap assessment around hot spot areas and seasonal testing to Rincon's scope of services. A data gap assessment is necessary to understand the lateral extent of the impacted soil and its classification level, which determines how much soil must be removed and which landfill the soil can be safely disposed at, as well as, to confirm the source of the soil vapor impacts, which identifies an impacted zone of soil that can then be targeted for excavation. Signs point to the soil vapor impacts potentially resulting from improperly dumping chemicals down the drains. Since testing results can vary depending on the weather, seasonal testing is required by the Water Board to evaluate health risks on the site during two different seasons.

The total cost for environmental site testing is anticipated to be \$351,162, which exceeds the Executive Director's financial authority. The cost is outlined below:

| | <u>Amount</u> | <u>Contract Status</u> |
|------------------|-----------------|--|
| Initial Contract | \$169,300 | Signed, included as Attachment 1 |
| Amendment No.1 | \$21,862 | Signed, included as Attachment 2 |
| Amendment No.2 | \$85,000 | To be signed, draft included as Attachment 3 |
| Contingency | <u>\$75,000</u> | As needed |
| TOTAL | \$351,162 | |

Since developing an environmental scope of work is an iterative process, staff recommends approval of a \$75,000 contingency to allow for any changes, additional reports and unforeseen conditions. There is a possibility of additional testing, reporting or other requirements if the Water Board determines it is necessary after their review of the data. Additionally, a soil management plan and a health and safety plan will be required prior to demolition. The requested Board action allows the Executive Director to sign amendments up to a total budget of \$351,162.

Once the environmental impacts are properly located and characterized and a cleanup plan has been developed, staff will bring the proposed plan, costs, and timeline for

remediation back to the Board for approval, likely in Spring 2025.

FISCAL IMPACT

The project has sufficient funds within the ECRG grant budget to cover environmental site investigation costs. The consultant will submit monthly invoices for work completed. As required by the grant, advanced payments for upfront environmental costs will be made by AHA to ensure the consultant is paid timely for their work completed. Staff are submitting reimbursement requests to DTSC as soon as a minimum of \$15,000 is expended on environmental costs. DTSC’s draw process takes up to 90 days to fund, in which AHA will then be reimbursed for its advance.

CEQA

Not applicable.

RECOMMENDATION

Authorize the Executive Director to Execute Amendment No.2 with Rincon Consultants, Inc. for \$85,000 and to Execute Amendments Up To \$351,162 for Environmental Consulting Services for The Poplar (2615 Eagle Avenue).

ATTACHMENTS

- 1. Att1_Rincon Initial Contract
- 2. Att2_Rincon Contract Amendment No.1
- 3. Att3_Rincon Contract Amendment No.2_draft

Respectfully submitted,



Jenny Wong, Senior Project Manager

CONSULTANT SERVICES AGREEMENT

THIS AGREEMENT, entered into this 2nd day of August 2024, by and between HOUSING AUTHORITY OF THE CITY OF ALAMEDA, and its affiliates, a public body corporate and politic (hereinafter referred to as "AHA"), and Rincon Consultants, Inc., a California corporation, whose address is 180 North Ashwood Avenue, Ventura, CA 93003, (hereinafter referred to as "Consultant"), is made with reference to the following:

RECITALS:

A. AHA is a public body, corporate and politic, duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California.

B. Consultant is specially trained, experienced and competent to perform the special services which will be required by this Agreement; and

C. Consultant possesses the skill, experience, ability, background, applicable certification and knowledge to provide the services described in this Agreement on the terms and conditions described herein.

D. AHA and Consultant desire to enter into an agreement for environmental consulting services for The Poplar project located at 2615 Eagle Avenue, Alameda, CA 94501.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. **TERM:**

The time for Completion shall be by December 31, 2026, (the "Completion Date"), unless terminated earlier as set forth herein.

2. **SERVICES TO BE PERFORMED:**

Consultant shall perform services according to the schedule set forth in Exhibit "A" which is attached hereto and incorporated herein by this reference.

3. **COMPENSATION TO CONSULTANT:**

AHA agrees to compensate Consultant pursuant to the terms and conditions of this Agreement only for the performance, to the reasonable satisfaction of AHA, of those tasks which take place during the term of this Agreement. AHA will not be obligated to compensate Consultant for any work, services, or functions performed by Consultant which do not arise directly from the performance of tasks relating to the Scope of Services as outlined in Exhibit A, and according to the Fee Schedule set forth in Exhibit B. AHA shall pay Consultant for work completed within thirty (30) days receipt of Consultant's properly submitted invoice.

Total compensation under this contract will not exceed one hundred sixty-nine thousand, three hundred dollars (\$169,300.00), including all expenses.

4. **TIME IS OF THE ESSENCE:**

Consultant and AHA agree that time is of the essence regarding the performance of this Agreement.

5. **STANDARD OF CARE:**

Consultant agrees to perform all services hereunder in a manner commensurate with the prevailing standards of like professionals in the San Francisco Bay Area and agrees that all services shall be performed by qualified and experienced personnel who are not employed by the AHA nor have any contractual relationship with AHA.

6. **INDEPENDENT PARTIES:**

AHA and Consultant intend that the relationship between them created by this Agreement is that of employer-independent contractor. The manner and means of conducting the work are under the control of Consultant, except to the extent they are limited by statute, rule or regulation and the express terms of this Agreement. No right of employment will be acquired by virtue of Consultant's services. None of the benefits provided by AHA to its employees, including but not limited to unemployment insurance, workers' compensation coverage, vacation and sick leave are available from AHA to Consultant, its employees or agents. Deductions shall not be made for any state or federal taxes, FICA payments, PERS payments, or other purposes normally associated with an employer-employee relationship from any fees due Consultant. Payments of the above items, if required, are the responsibility of Consultant.

AHA and Consultant agree that during the term of this Agreement and for a period of one year after termination, the parties shall not solicit for employment, hire, or retain, whether as an employee or independent contractor, any person who is or has been employed by the other without written agreement by the other party.

7. **IMMIGRATION REFORM AND CONTROL ACT (IRCA):**

Consultant assumes any and all responsibility for verifying the identity and employment authorization of all of its employees performing work hereunder, pursuant to all applicable IRCA or other federal or state rules and regulations. Consultant shall indemnify and hold AHA harmless from and against any loss, damage, liability, costs or expenses arising from any noncompliance of this provision by Consultant.

8. **NON-DISCRIMINATION:**

Consistent with AHA's policy that harassment and discrimination are unacceptable employer/employee conduct, Consultant agrees that harassment or discrimination directed toward a job applicant, an AHA employee, or a citizen by Consultant or Consultant's employee on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, marital status, pregnancy, sex, age, gender identity or sexual orientation will not be tolerated. Consultant agrees that any and all violations of this provision shall constitute a breach of this Agreement.

9. **INDEMNIFICATION/HOLD HARMLESS:**

Consultant shall indemnify, defend, and hold harmless AHA, its Board of Commissioners officials, employees and designated volunteers ("Indemnitees") from and against any and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys' fees ("Claims"), arising from or in any manner connected to negligent act or omission, whether alleged or actual, regarding performance of services or work conducted or performed pursuant to this Agreement. If Claims are filed against Indemnitees which allege negligence on behalf of the Consultant, Consultant shall have no right of reimbursement against Indemnitees for the costs of defense even if negligence is not found on the part of Consultant. However, Consultant shall not be

obligated to indemnify Indemnitees from Claims arising from the sole or active negligence or willful misconduct of Indemnitees.

10. **INSURANCE:**

On or before the commencement of the terms of this Agreement, Consultant shall furnish AHA with certificates showing the type, amount, class of operations covered, effective dates and dates of expiration of insurance coverage in compliance with paragraphs 10A, B, C, D and E. Such certificates, which do not limit Consultant’s indemnification, shall also contain substantially the following statement:

“Should any of the above insurance covered by this certificate be canceled or coverage reduced before the expiration date thereof, the insurer affording coverage shall provide thirty (30) days’ advance written notice to the Housing Authority of the City of Alameda by certified mail.”

It is agreed that Consultant shall maintain in force at all times during the performance of the Agreement all appropriate coverage of insurance acceptable to AHA and licensed to do insurance business in the State of California.

An endorsement naming the AHA as additional insured shall be submitted with the insurance certificates.

A. **COVERAGE:**

Consultant shall maintain the following insurance coverage:

(1) **Workers’ Compensation:**

Statutory coverage as required by the State of California.

(2) **Liability:**

Commercial general liability coverage in the following minimum limits:

| | | |
|------------------|-------------|-----------------------|
| Bodily Injury: | \$1,000,000 | each occurrence |
| | \$2,000,000 | aggregate – all other |
| Property Damage: | \$1,000,000 | each occurrence |
| | \$2,000,000 | aggregate |

If submitted, combined single limit policy with aggregate limits in the amounts of \$1,000,000 will be considered equivalent to the required minimum limits shown above.

(3) **Automotive:**

Comprehensive automobile liability coverage in the following minimum limits:

| | | |
|------------------|-------------|--------------|
| Bodily Injury: | \$1,000,000 | per accident |
| | \$2,000,000 | aggregate |
| Property Damage: | \$1,000,000 | per accident |
| | \$2,000,000 | aggregate |

OR

| | | |
|------------------------|-------------|--------------|
| Combined Single Limit: | \$1,000,000 | per accident |
|------------------------|-------------|--------------|

(4) **Professional Liability:**

Professional liability insurance which includes coverage for the negligent professional acts, errors and omissions of Consultant in the amount of at least \$1,000,000.

B. **SUBROGATION WAIVER:**

Consultant agrees that in the event of loss due to any of the perils for which it has agreed to provide comprehensive general and automotive liability insurance that Consultant shall look solely to its insurance for recovery. Consultant hereby grants to AHA, on behalf of any insurer providing comprehensive general and automotive liability insurance to either Consultant or AHA with respect to the services of Consultant herein, a waiver of any right to subrogation which any such

insurer of said Consultant may acquire against AHA by virtue of the payment of any loss under such insurance.

C. FAILURE TO SECURE:

If Consultant, at any time during the term hereof, should fail to secure or maintain the foregoing insurance, AHA shall be permitted to obtain such insurance in the Consultant's name or as an agent of the Consultant and shall be compensated by the Consultant for the costs of the insurance premiums at the maximum rate permitted by law and computed from the date written notice is received that the premiums have not been paid.

D. ADDITIONAL INSURED:

AHA, its Board of Commissioners, officers, employees and designated volunteers, and Community Housing Fund LLC c/o Capital Impact Partners ISAOA, ATIMA, shall be named as an additional insured under all insurance coverage's, except any professional liability insurance or worker's compensation insurance, required by this Agreement. The naming of an insured shall not affect any recovery to which such additional insured would be entitled under this policy if not named as such additional insured. An additional insured named herein shall not be held liable for any premium, deductible portion of any loss, or expense of any nature on this policy or any extension thereof. Any other insurance held by an additional insured shall not be required to contribute anything toward any loss or expense covered by the insurance provided by this policy.

E. SUFFICIENCY OF INSURANCE:

The insurance limits required by AHA are not represented as being sufficient to protect Consultant. Consultant is advised to consult Consultant's insurance broker to determine adequate coverage for Consultant.

11. CONFLICT OF INTEREST:

Consultant warrants that it is not a conflict of interest for Consultant to perform the services required by this Agreement. Consultant may be required to fill out a conflict of interest form if the services provided under this Agreement require Consultant to make certain governmental decisions or serve in a staff capacity as defined in Title 2, Division 6, Section 18700 of the California Code of Regulations.

12. PROHIBITION AGAINST ASSIGNMENTS:

Consultant shall not assign, sublease, hypothecate, or transfer this Agreement or any interest therein directly or indirectly, by operation of law or otherwise without prior written consent of AHA. Any attempt to do so without said consent shall be null and void, and any assignee, sub lessee, hypothecate or transferee shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer. However, claims for money by Consultant from AHA under this Agreement may be assigned to a bank, trust company or other financial institution without prior written consent, but written notice of such assignment shall be promptly furnished to AHA by Consultant.

The sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock of Consultant, or of the interest of any general partner or joint venturer or syndicate member or cotenant if Consultant is a partnership or joint venture or syndicate or co tenancy, which shall result in changing the control of Consultant, shall be construed as an assignment of this Agreement. Control means fifty percent (50%) or more of the voting power of the corporation.

13. SUBCONTRACTOR APPROVAL:

Unless prior written consent from AHA is obtained, only those people and subcontractors whose names are attached to this Agreement shall be used in the performance of this Agreement.

In the event that Consultant employs subcontractors, such subcontractors shall be required to furnish proof of worker's compensation insurance and shall also be required to carry general, automobile and professional liability insurance in reasonable conformity to the insurance carried by Consultant. In addition, any work or services subcontracted hereunder shall be subject to each provision of this Agreement.

14. **PERMITS AND LICENSES:**

Consultant, at its sole expense, shall obtain and maintain during the term of this Agreement, all appropriate permits, certificates and licenses, including, but not limited to, a City of Alameda business license, that may be required in connection with the performance of services hereunder.

15. **REPORTS:**

A. Each and every report, draft, work product, map, record and other document, hereinafter collectively referred to as "Report" reproduced, prepared or caused to be prepared by Consultant pursuant to or in connection with this Agreement shall be the exclusive property of AHA. Consultant shall not copyright any Report required by this Agreement and shall execute appropriate documents to assign to AHA the copyright to Reports created pursuant to this Agreement. Any Report, information and data acquired or required by this Agreement shall become the property of AHA, and all publication rights are reserved to AHA.

B. All Reports prepared by Consultant may be used by AHA in execution or implementation of:

- (1) The original Project for which Consultant was hired;
- (2) Completion of the original Project by others;
- (3) Subsequent additions to the original project; and/or
- (4) Other AHA projects as appropriate.

C. Consultant shall, at such time and in such form as AHA may require, furnish reports concerning the status of services required under this Agreement.

D. All Reports required to be provided by this Agreement shall be printed on recycled paper. All Reports shall be copied on to both sides of the paper except for one original which shall be single sided.

E. No Report, information nor other data given to or prepared or assembled by Consultant pursuant to this Agreement shall be made available to any individual or organization by Consultant without prior approval by AHA

F. Consultant shall not be held liable for reuse of "Reports" for any purpose other than the original intent of this Agreement.

16. **RECORDS:**

Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by AHA that relate to the performance of services under this Agreement.

Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of AHA or its designees to such books and records at proper times; and gives AHA the right to examine and audit same, and to make transcripts there from as necessary, and to allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be kept separate from other documents and records and shall be maintained for a period of three (3) years after receipt of final payment.

17. **NOTICES:**

All notices, demands, requests or approvals to be given under this Agreement shall be given in writing and conclusively shall be deemed served when delivered personally or on the second business day after the deposit thereof in the United States mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests or approvals from Consultant to AHA shall be addressed to AHA at:

Housing Authority of the City of Alameda
701 Atlantic Avenue
Alameda, CA 94501-2161
Attention: Vanessa Cooper, Executive Director

All notices, demands, requests, or approvals from AHA to Consultant shall be addressed to Consultant at:

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, CA 93003
Attention: Torin Snyder, Principal
Phone: (510) 834-4455 Email: tsnyder@rinconconsultants.com

18. **NO SMOKING, DRINKING OR RADIO USE:**

Consultant agrees and acknowledges that smoking of tobacco products, drinking alcoholic beverages, and listening to radios is prohibited at any AHA site, including individual units, common areas, and every building and adjoining grounds. Consultant shall ensure that his/her employees and suppliers comply with these prohibitions.

19. **TERMINATION:**

In the event Consultant hereto fails or refuses to perform any of the provisions hereof at the time and in the manner required hereunder, Consultant shall be deemed in default in the performance of this Agreement. If such default is not cured within a period of two (2) days after receipt by Consultant from AHA of written notice of default, specifying the nature of such default and the steps necessary to cure such default, AHA may terminate the Agreement forthwith by giving to the Consultant written notice thereof. Consultant will not be held responsible for failure to perform in the event such failure is due to delay caused by the AHA. AHA shall have the option, at its sole discretion and without cause, of terminating this Agreement by giving seven (7) days' prior written notice to Consultant as provided herein. Upon termination of this Agreement, each party shall pay to the other party that portion of compensation specified in this Agreement that is earned and unpaid prior to the effective date of termination.

20. **COMPLIANCES:**

Consultant shall comply with all state and federal laws, all City of Alameda ordinances, and all rules and regulations enacted or issued by AHA. In the event that the Consultant encounters a potential conflict between state, federal or local law, Consultant shall inform AHA and AHA shall direct Consultant on proper course of action.

21. **GOVERNING LAW:**

This Agreement shall be interpreted under, and enforced by the laws of the State of California excepting any choice of law rules which may direct the application of laws of another jurisdiction. The Agreement and obligations of the parties are subject to all valid laws, orders, rules, and regulations of the authorities having jurisdiction over this Agreement (or the successors of those authorities.)

Any suits brought pursuant to this Agreement shall be filed with the Courts of the County of Alameda, the State of California.

22. **ADVERTISEMENT:**

Consultant shall not post, exhibit, display or allow to be posted, exhibited, displayed any signs, advertising, show bills, lithographs, posters or cards of any kind pertaining to the services performed under this Agreement unless prior written approval has been secured from AHA to do otherwise.

23. **CONFIDENTIALITY:**

A. **Definition.** Confidential Information, as used in this Agreement, shall mean any AHA Client data.

B. **Nondisclosure and Nonuse Obligation.** Consultant agrees that it will not use, disseminate, or in any way disclose any Confidential Information to any person, firm or business, except that Consultant may use Confidential Information to the extent necessary to perform its obligations under this Agreement. Consultant agrees that it shall treat all Confidential Information with the same degree of care as the Consultant accords to its own Confidential Information, but in no case less than reasonable care. Consultant agrees that it shall disclose Confidential Information only to those of its employees who need to know such information, and the Consultant certifies that such employees have previously agreed, as a condition of employment, to be bound by terms and conditions applicable to Consultant under this Agreement. Consultant shall immediately give notice to AHA of any unauthorized use or disclosure of Confidential Information.

C. **Exclusions from Nondisclosure and Nonuse Obligations.** The obligations under 23B ("Nondisclosure and Nonuse Obligation") shall not apply to such portion that Consultant can document was i) in the public domain at the time such portion was disclosed or used, or ii) was disclosed in response to a valid court order.

D. **Ownership and Return of Confidential Information and Other Materials.** All Confidential Information shall remain the property of the AHA. At AHA's request and no later than five (5) business days after such request, Consultant shall promptly destroy or deliver to AHA, at AHA's option, i) all materials furnished to Consultant, ii) all tangible media of expression in Consultant's possession or control to the extent that such tangible media incorporate any of the Confidential Information, and iii) written certification of the Consultant's compliance with such obligations under this sentence.

24. **WAIVER:**

A waiver by AHA of any breach of any term, covenant, or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein whether of the same or a different character.

25. **INTEGRATED CONTRACT:**

This Agreement represents the full and complete understanding of every kind or nature whatsoever between the parties hereto and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be

held to vary the provisions hereof. Any modification of this Agreement will be effective only by written execution signed by both AHA and Consultant.

26. **CAPTIONS:**

The captions in this Agreement are for convenience only, are not a part of the Agreement and in no way affect, limit or amplify the terms or provisions of this Agreement.

27. **EXHIBITS.** The following exhibits are attached hereto and incorporated herein by this reference:

- i. Exhibit A – Scope of Services
- ii. Exhibit B – Fee Schedule
- iii. Exhibit C – Insurance Requirements for Consultants
- iv. Exhibit D – Conflict of Interest Certification

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed on the day and year first above written.

RINCON CONSULTANTS, INC.

HOUSING AUTHORITY
OF THE CITY OF ALAMEDA

DocuSigned by:


838A8611139640A...

 Torin Snyder
 Principal

DocuSigned by:

88FE0ACB7D8D461...

 Sylvia Martinez
 Director of Housing Development

DocuSigned by:

5AFA67239EC2484...

 Vanessa M. Cooper
 Executive Director

EXHIBIT A **SCOPE OF SERVICES**

The Poplar project site located at 2615 Eagle Avenue, Alameda, CA was formerly occupied by the Alameda Unified School District (AUSD) for use as a corporation yard. Prior to AHA's acquisition, hazardous materials and hazardous waste were stored, used, and generated on site, including a former gasoline underground storage tank. The site currently sits vacant with old warehouse buildings that will be demolished, remediated, and redeveloped into affordable housing for low-income households. Rincon Consultants, Inc. will provide environmental consulting services necessary for the site investigation and cleanup of The Poplar project site.

The Scope of Services outlined below reflects the reasonably expected scope of work based on the findings in the environmental reports and the AHA's commitment to fully remediate the project site as required by the ECRG funding.

The Scope of Services includes the following tasks:

- Phase I Environmental Site Assessments (ESA) according to current ASTM and EPA standards
- Phase II ESA, including soil and groundwater sampling and laboratory analysis, and reporting
- Various Reports and Plans, including but not limited to Work Plan, Phase II ESA report, Health and Safety Plan, Soil and Groundwater Management Plan, Pilot Study Work Plan, Remedial Action Plan
- Pilot Testing and Site Clean-Up Activities
- Environmental Consulting Services
- Contingency for any other environmental consulting services required for the demolition and/or remediation of the site

Additional details on the scope of services are attached on the following pages.

6 Proposed Approach

Rincon is dedicated to ensuring that projects are completed efficiently and in compliance with regulatory frameworks, and our approach is grounded in a blend of scientific rationale, innovative technology, and a culture of designing creative solutions to environmental problems. Rincon takes an open-minded approach to each project with the objective of identifying the most streamlined pathway to meet the project goals and avoid potential pitfalls that may adversely affect the project outcome. **While our work product is always conducted in accordance with applicable SFBRWQCB requirements, we exercise critical thinking and encourage creativity in the project planning stage to optimize efficiency.**

Our approach on all projects is to develop and maintain close communication between project owners, consultants, SFBRWQCB, and other stakeholders to ensure technical adequacy and timely review of project deliverables. This approach enables us to avoid costly and time-consuming constraints early in the assessment process, thereby minimizing or avoiding potential conflicts.

Rincon's goal on all projects is to achieve an outstanding and enduring consultant/client relationship. One of the keys to our high level of success has been our development of client-specific management programs that outline the focused needs of the client and our tailored approach to meeting those needs. These programs include but are not limited to defining reporting structure protocols and quality control procedures, systems development (billing, progress reporting, etc.), and other technical and operational elements that will be followed throughout the duration of the program.

Rincon also believes that successful project execution begins with the proper level of upfront program planning. Based on our current site understanding, we anticipate the following challenges for which we have identified potential solutions and approaches to minimize impacts to the project, budget, and schedule.

Challenge

Shallow groundwater at 5 to 10 feet below ground surface will significantly limit the site's amenability to SVE, a common remediation technology, because there is a probability that excessive moisture or water will be drawn into the SVE system and impair its performance. Additionally, there is the potential for the SVE wells to intake atmospheric air through the short overlying soil column, which can decrease removal efficiency, thereby increasing the remediation timeline and costs.

Solution/Approach

If SVE is the preferred remediation method, we will implement horizontal SVE piping rather than the traditional vertical wells to avoid intake of water and moisture into the system and implement wide and thick impermeable surface caps along the pipes' alignments to reduce intrusion of atmospheric gases.

However, in Rincon's experience, sites with short soil columns due to shallow groundwater are more efficiently, both economically and practically, remediated via excavation and off-site disposal of vadose zone soils. This method entails the physical removal of the upper few feet of soil within the soil vapor plume. This action both physically removes soil and soil vapor impacts, but also aerates the soil such that contamination can volatilize out of the remaining soil, if present. This removal of soil typically is required anyway to achieve the building's design grade and creates a synergy between environmental and architectural goals.

Challenge

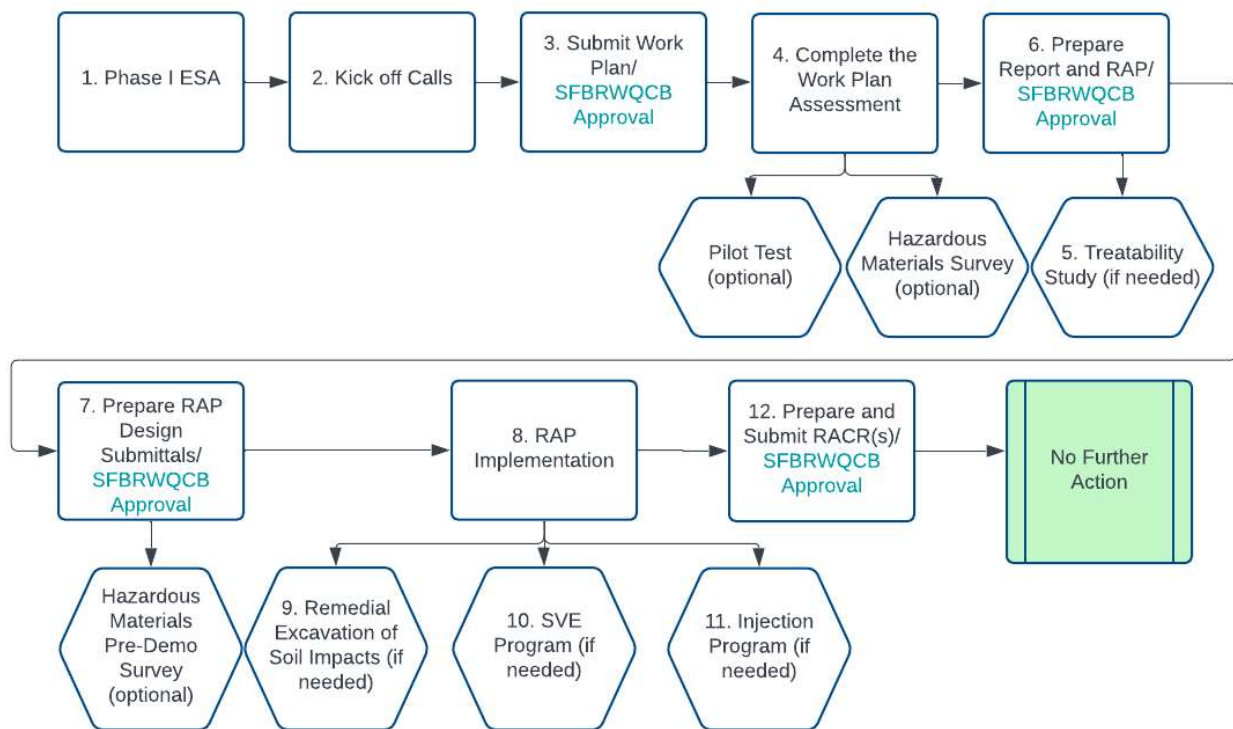
We understand that AHA is committed to remediating the site to unrestricted land-use levels. Our team of seasoned engineers and geologists have cleaned up innumerable sites, and we will apply Rincon's full resources to that goal. However, there are certain sites where geological, hydrological, chemical, schedule-related, and financial factors ultimately make full clean-up impractical.

Solution/Approach

Our ultimate goal is to achieve complete site clean-up; however, in the event that AHA elects to remediate the site to less conservative levels, Rincon will have comprehensive contingency options at-the-ready and at each step of the process will advise AHA on the potential *off-ramps* that are available to them if needed.

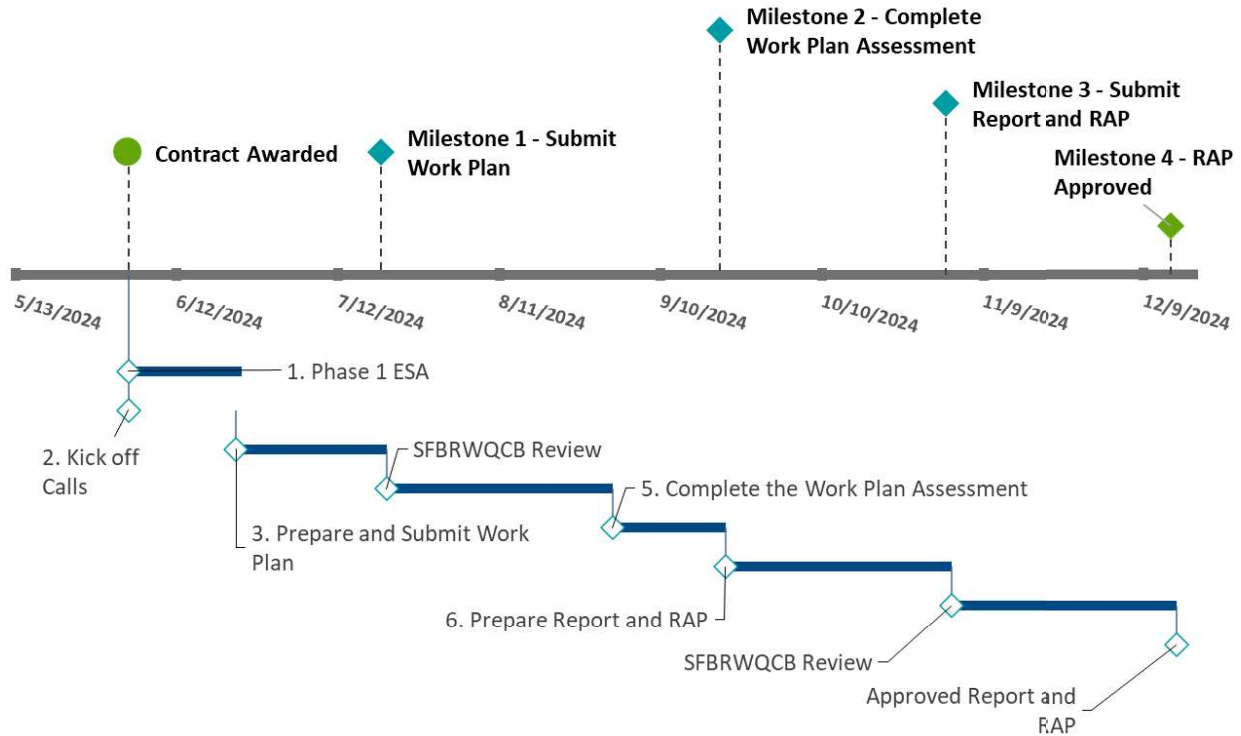
Based on our site understanding, the anticipated challenges, and the ECRG’s provisions and requirements, our team has designed an approach to move the project from its current stage to site closure efficiently and on-schedule. We note that there is significant uncertainty regarding on- and off-site conditions, the feasibility of full site cleanup, SFBRWQCB’s opinions on perceived challenges and their preferences for addressing them, and other factors; therefore, the process presented below is idealized and may vary as the project progresses.

A key factor in project success will be actively engaging SFBRWQCB at every step of the process to build trust with the regulatory team, which can make them comfortable with out-of-the-box approaches and creative solutions. Additionally, we will combine the scope of field efforts to achieve multiple goals with one mobilization. We have prepared the following idealized process flow chart below to assist in conceptualizing the critical path forward in an intuitive and actionable visual.



We understand our clients’ desire to visualize a comprehensive project schedule; however, uncertainty with respect to regulatory requirements, remediation options, and the nature and number of environmental reports and submittals increases with time into the future. Because of this, schedule predictions far into the project’s future can overcomplicate the process both at the outset and as the project progresses, because milestones may need to be adjusted in response to new information.

Consistent with our commitment to providing our clients with simple and valuable information, we have developed a projected schedule that encompasses the idealized scope of work that Rincon will pursue under the awarded Site Environmental Investigation (SEI) ECRG. We will provide similar timelines as the project progresses and the options available to AHA are better defined.



Each step is further described below.

1. **Prepare Phase I Environmental Site Assessment.** Immediately upon contract authorization, we will commence preparation of the Phase I Environmental Site Assessment (ESA) in accordance with ASTM E1527-13/ASTM E1527-21, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Although we have already thoroughly reviewed the project’s available history and the existing documentation, our site understanding will be further refined by the process of preparing the Phase I ESA, and by reviewing any additional reports, draft plans or reports, comment letters, or other literature that may be provided by AHA.

2. **Kickoff Calls.**

- **AHA Kickoff Calls.** SEI ECRGs provide for site assessments, health and ecological risk assessments, clean-up method evaluations, remediation system pilot tests, and preparation of clean-up plans.

In parallel with Phase I ESA preparation, we will schedule a kickoff call with AHA to introduce the full Rincon team, further understand AHA’s goals and challenges, the objectives that we want to achieve under the SEI ECRG and discuss the pros and cons of remediating the site to unrestricted land use concentrations or implementing long-term stewardship (i.e., a land use covenant). AHA’s goals will influence the scope of the Site Assessment Work Plan (Work Plan), and we will lay out a strategy for managing SFBRWQCB in a manner that achieves those goals, but that is also respectful of the existing environmental conditions.

A critical piece of the early project stages will be understanding the most current building conceptual design, and whether any of its elements are intrinsically protective against vapor intrusion (such as below-grade parking structures, ground-floor configuration, locations of residential units, etc.), as this will affect options for addressing soil vapor issues.

- **SFBRWQCB Scoping Meeting.** After incorporating AHA’s input, we will schedule a kickoff call with the SFBRWQCB and AHA to introduce our team, review the project and the perceived challenges, and present our vision for a path forward. **We will leverage our experience in other ECRG projects to present a scope for a Work Plan that generates the optimal volume of data needed to design an effective Remedial Action Plan (RAP) that is acceptable to SFBRWQCB, but which does not produce valueless information or overcomplicate the field effort.**

3. **Milestone 1 – Prepare and Submit Work Plan.** We will prepare a sound Work Plan based on our conversations with AHA, SFBRWQCB and consultations with our remediation specialists. **During preparation, we will not hesitate to reach out to SFBRWQCB for clarifications or to solicit input on ideas that may present themselves as we develop the Work Plan, consistent with our commitment to obtaining first-draft regulatory approval of our documents.**

Based on our current site understanding, the requirements of an ECRG and of SFBRWQCB, the Work Plan's scope may include:

- **Soil Vapor Sampling.** Soil vapor data is the critical element of the project, based on the magnitude of the concentrations present at the site and because it can present the highest risk of direct exposure to future building inhabitants. We will carefully design a semi-permanent vapor probe network that will further delineate the on-site plume extent and could be sampled repeatedly for time-variable data, removing the need for repeated drill rig mobilizations to install and sample temporary probes. The sampling will also provide valuable insight into the source of soil vapor impacts. Current evidence suggests the source is constrained to the vadose zone soil pore space, rather than in soil itself or in groundwater.

Additionally, characterizing the site's suitability for soil vapor remediation is key to understanding the feasibility of achieving unrestricted land use concentrations because soil vapor impacts can be difficult to address based on a site's lithologic and hydrogeologic conditions. During soil sampling (described below), we will request a special vapor transport analysis package that will be performed on the collected soil samples to better understand the soil's texture and the way soil vapor may flow through it during remediation. The results will provide an initial indication of the soil's physical characteristics and responsiveness to soil vapor extraction remediation.

All of these steps would be optimized to answer the question: What will it take to remediate the site?

These findings may show that SVE is not the most practical or cost-effective strategy for achieving unrestricted land use levels but rather an alternative approach (e.g., excavation and off-site disposal of vadose zone soils that can be performed during construction) may be a better option.

Whether or not the soil vapor plume extends off-site is also a key question, and we have encountered this situation many times. If an off-site plume condition exists at the Poplar Project, Rincon has been successful at separating the regulatory paths for addressing off-site and on-site soil vapor impacts such that a development project can move forward with remediation and construction on site while off-site soil vapor concerns are addressed on a parallel timeline. To maximize efficiency, we would recommend an initial strategic off-site soil vapor sampling during this field effort to screen the adjacent area for soil vapor impacts and to assess a preliminary off-site plume extent.

- **Soil Sampling.** The available site data indicate limited impacts to soil, and polynuclear aromatic hydrocarbons and polychlorinated biphenyls appear to be the main constituents of concern at this time. The highest detected concentrations of these constituents are essentially equal to unrestricted land use levels, and our primary strategy would be to demonstrate to the SFBRWQCB that impacts of this magnitude do not warrant targeted soil remediation because they present limited health-risks.

Although targeted remediation of these impacts may not be necessary, additional sampling will further refine the horizontal and vertical extent of potential soil impacts, especially in areas that have not yet been assessed, such as the westerly and northerly portions of the site, and beneath the Former Materials & Supplies Storage building. **A sound understanding of the vertical and horizontal distribution of soil impacts reduces costs in the long run by mitigating delays during the construction stage, because the potential for encountering unanticipated features or zones of impacts that could cause work stoppages is minimized.** Also, with careful placement of boring locations and depths, the extents of the potential soil impacts can be delineated in advance such that confirmation sampling would be waived during remediation. Soil sampling could also be used to support preparation of a waste profile if soil must ultimately be disposed off-site, which would minimize the need to resample the site in preparation for remediation. If geotechnical characterization of the site has not been completed, we have been able to combine our soil sampling efforts with that of the geotechnical engineer's to reduce field mobilization costs.

We will also collect targeted samples to support a treatability study and vapor transport package (as described above), which will be critical in evaluating remediation options.

- **Groundwater Sampling.** The existing site data indicate that groundwater impacts are below risk-based screening levels and would not be expected to produce the soil vapor concentrations detected on-site. Based on the available boring logs, it appears that there is a confining layer that would inhibit migration of impacted vapors towards the surface from groundwater, and the transport of impacts from shallow soil to groundwater. **Based on these factors, our initial strategy would be to demonstrate to the SFBRWQCB that additional groundwater assessment and remediation is not necessary, because groundwater concentrations do not pose a health risk and will continue to attenuate naturally over time.**

However, we note that, based on its shallow depth, if dewatering is needed during construction, groundwater would have to be properly managed in accordance with SFBRWQCB rules and regulations. If additional assessment and remediation are ultimately required, understanding groundwater flow and elevation fluctuations will be key to designing an effective remediation approach. Therefore, we would install three permanent groundwater wells at strategically placed locations to collect quantitative chemical and hydrologic data. The permanent wells would avoid costly repeated grab sampling efforts. The groundwater samples would also support a treatability study to evaluate in-situ remediation options, if needed.
 - **Pilot Testing (Optional).** The objective of a pilot test is to acquire empirical site data to determine the amenability of the site to SVE. The SEI ECRG funds can be used for a pilot test, which would provide important insight into the feasibility of achieving unrestricted land use concentrations via SVE early in the project. **If implemented thoughtfully, the pilot test itself can also produce significant cleanup, especially for sites with moderate soil vapor concentrations, such as at the Poplar Project.** We note that a pilot test can also be completed at a later date, after approval of the RAP, if desired, and can be funded by the Environmental Cleanup ECRG.

As mentioned above, in our experience, a site with shallow groundwater is likely not amenable to SVE. However, dig and haul remedial operations are cheaper, quicker, and coincide with architectural and engineering requirements for achieving a building's design grade—all factors that will likely make remedial excavations a more economical option than SVE.
 - **Hazardous Materials Demolition Inspection (Optional).** If needed, we will work with our experienced subcontractor to complete a hazardous materials inspection of the existing structures in support of specifications that AHA can use to issue bids for abatement prior to demolition. This will ensure that buildings are demolished safely in a manner that is protective of construction workers and nearby residential communities.
4. **Milestone 2 – Complete the Work Plan Assessment.** Upon approval of the Work Plan, we will mobilize with our team of trusted subcontractors to complete the scope of work. We will obtain all permits and complete all required notifications and will keep AHA and SFBRWQCB apprised of progress and necessary deviations in real-time. Status update meetings will be scheduled with the AHA and SFBRWQCB, regularly. Work Plan Assessment results will be reported during Milestone 3 below.
- **Review Data with AHA and SFBRWQCB.** Upon completion of the Work Plan field scope, we will first meet with AHA to review the preliminary results and their implications. **Site assessment can be an iterative process, and we will candidly discuss any critical gaps exposed by the new data that we anticipate SFBRWQCB may flag.** After AHA is comfortable with their understanding of the results, we will schedule a call with SFBRWQCB to present our findings prior to preparing an Additional Site Assessment Report (Report); this meeting is critical to submitting a Report that has a minimal chance of perceived data gaps and a maximum chance of approval. If SFBRWQCB perceives data gaps, we will present a defense, based on quantitative factors, explaining why we disagree or why the data gaps are not critical. If the SFBRWQCB requires an additional data gap assessment, the most efficient approach would be to remobilize to the site without preparing the Report, such that the new results can be incorporated into it, thereby avoiding the need to prepare and submit for review multiple documents.
5. **Conduct Treatability Study (if Needed).** If SFBRWQCB requires groundwater remediation, select soil and groundwater samples will be submitted to a specialized laboratory to conduct a treatability study to evaluate different in-situ remediation options and products.

6. **Milestone 3 – Prepare Site Assessment Report and RAP.** We have often negotiated with regulators to allow for the reporting of the final site assessment results to be included in the RAP, which reduces the number of documents that must be prepared and reviewed. We will request that the SFBRWQCB approve this approach for the Poplar Project. If the SFBRWQCB is not amenable to this proposal, we will prepare the Site Assessment Report and RAP in parallel, such that the RAP can be submitted directly following Site Assessment Report approval.

The Site Assessment Report will include the following, in accordance with ECRG and SFBRWQCB requirements:

- **Site Assessment Results.** A summary of field work, collection methods, variances, and results will be presented to SFBRWQCB in a manner that is scientifically robust and supportive of AHA's goals for the property.
- **Conceptual Site Model.** The conceptual site model (CSM) examines all of the data and the general physical site conditions that might affect contaminant transport at the site. The CSM primarily identifies ways in which humans could come into contact with impacted media.
- **Human and Ecological Health Risk Assessment.** The health risk screening assessment is based on all site data and the CSM to evaluate the risk to human and ecological receptors that might be exposed to each of the impacted media. The health risk assessment may find that given the concentrations and site characteristics, site impacts do not pose an unacceptable risk to human or environmental health and therefore do not warrant corrective actions.
- **Multiple Lines of Evidence Analysis.** Vapor intrusion is a condition when impacted soil vapor enters a building's breathable air space via preferential pathways, like cracks in the slab, utility conduits, etc.; this intrusion creates a direct exposure risk to building occupants. Because there is inherent uncertainty in evaluating individual lines of evidence for the potential of vapor intrusion, the SFBRWQCB encourages multiple lines of evidence analysis to support the need, or lack of need, to address vapor intrusion concerns.
- **Treatability Study Results.** We will summarize the results of the treatability study in the context of economic and practical feasibility, applicability, and the chance of success.
- **Conclusions and Recommendations.** We will distill the information produced by the items above, and with AHA's input, form evidence-based conclusions and recommendations that advocate for AHA's goals, to the extent feasible.

The scope of the RAP will depend on the results of the Site Assessment Report and AHA's goals upon reviewing those results but will include our approach to remediation of on-site impacts. The remedial options that we foresee are summarized and ranked below in terms of their economic and practical feasibility:

- **Soil Remediation and/or Mitigation.** The available site data indicates that polynuclear aromatic hydrocarbons and polychlorinated biphenyls appear to be the main constituents of concern but exist on-site at concentrations that do not currently warrant remediation, in our opinion. However, if the Report identifies additional impacts that must be addressed, we will provide options that AHA can consider.
 - o **Option 1.** In our experience on new construction projects, shallow soil impacts tend to be removed without specific remedial efforts because these sites often require grading to achieve the design grade. This construction grading, which will happen regardless of soil impacts, may result in the removal of impacted soil. In these instances, soil classifying as hazardous, if present, must be separated from the non-hazardous material to be properly disposed. Rincon regularly encounters this situation and has worked with our client's general contractors and earthwork specialists to achieve this segregation efficiently during the construction phase.

If present, the vertical and lateral extents of the soil impacts and hazardous waste would have been pre-defined during Work Plan sampling such that limited or no confirmation sampling would be required. If confirmation sampling were required, we would mobilize with instruments capable of providing instant, screening-level data on heavy metals in the field prior to collecting samples for laboratory analysis. This approach would streamline the clean-up process, avoid unfavorable confirmation sample laboratory results, save time, and reduce costs.

- o **Option 2.** If an AHA does not plan to utilize an ECRG for clean-up, or if remediation of soil impacts prove to be economically or practically infeasible, residual impacts can be encapsulated and left in place at minimal costs, if AHA is comfortable with a land use covenant and long-term stewardship.
- **Soil Vapor Remediation and/or Mitigation.** Because there appears to be an on-site source of soil vapor impacts, soil vapor remediation will likely be required at the site. VOCs in groundwater and soil have not been detected at significant concentrations, and VOC impacts appear to be constrained to the vapor phase within the vadose zone pore space. Rincon is proposing the following options for soil vapor remediation and/or mitigation:
 - o **Option 1 (Clean-up ECRG Compatible).** As mentioned above, it is our opinion based on our current site understanding that SVE is likely not the most efficient means of achieving unrestricted land use levels. Remediation via excavation is likely to be the most cost-effective, timely, and streamlined process for addressing soil vapor impacts. The RAP would include a specific scope for characterizing, excavating, handling, and disposing of soil that is consistent with federal, state, and local rules and regulations. The RAP would also include performance metrics (such as time-variable soil vapor concentration data) to confirm that cleanup was successful such that completion could be demonstrated to the SFBRWQCB.
 - o **Option 2 (Clean-up ECRG Compatible).** If SVE is selected as the clean-up method, the RAP will include a plan for a pilot test, if not already performed during the site investigation phase of the project. The pilot test will support a separate SVE system design document that our engineers will prepare tailored for the specific physical, chemical, and architectural considerations at the Poplar Project.
 - o **Option 3 (Not Compatible with Clean-Up ECRG).** Alternatively, depending on AHA's preferred funding method for the clean-up phase, clean-up does not necessarily need to achieve unrestricted land use levels, and higher levels may be approved based on a health risk assessment and if supplemental engineering mitigation measures are implemented. Using higher clean-up goals could reduce the cost of running and maintaining a remediation system.
 - o **Option 4 (Not Compatible with Clean-Up ECRG).** Mitigation measures, which are engineering controls to minimize the risk of vapor intrusion to the indoor breathing space of the future building, can also be used in combination with SVE to facilitate timely construction of the project while remediation is ongoing. This strategy allows construction to proceed despite elevated soil vapors beneath the building because the risk of vapor intrusion into the building is managed by the mitigation measures. For example, on a similar affordable housing site with soil vapor impacts, we were able to convince the DTSC to allow building construction prior to the completion of soil vapor remediation, provided that an SVE system and VIMS were implemented and in place prior to building occupancy. This drastically reduced the construction timeline that otherwise would have been required had completion of remediation been required before construction.

Design and installation of a VIMS is typically low cost and effective but requires long-term stewardship in the form of a land use covenant and performance monitoring while soil vapor beneath the building presents a vapor intrusion risk.

- **Groundwater Remediation.** If groundwater remediation is required, the RAP will include a conceptual approach to achieving unrestricted levels. The most efficient approach would likely be injections of amendments directly into the water table that can facilitate in-situ breakdown of groundwater contaminants to inert chemicals. Rincon has worked with trusted injection specialists on numerous projects to design and implement carefully designed injection programs that have successfully achieved unrestricted site closure.
- **Approved RAP.** Although we strive for first-draft regulatory approval, if SFBRWQCB issues comments on the RAP, we will address them expeditiously and thoroughly. **Prior to submitting the revised RAP, we will hold a brief meeting with AHA and SFBRWQCB to review the comments and our responses such that an iterative back-and-forth of RAP drafts can be avoided.** Once SFBRWQCB accepts the RAP, a 30-day public comment period begins that involves preparing a radius-based mailing list, distributing informational pamphlets, and responding to comments. Rincon has facilitated these public comment efforts numerous times in the past and will do the same for this project.

7. **Preparation of Remedial Action Design Submittals.** If engineered remediation is required in the form of injections, SVE, or other means, Rincon will prepare technical designs in collaboration with our sub-contractors. To maximize the possibility of first-draft approval, we will also work closely with SFBRWQCB technical staff to ensure that the design submittals meet their expectations, but in a manner that is respectful of AHA's goals and budgets.
- **Hazardous Materials Pre-Demolition Survey (Optional).** After AHA's selected contractor completes abatement activities, our hazardous materials partner will conduct an inspection to confirm that the structures are safe to demolish. The hazardous materials specialist will issue a brief report documenting their inspection.
8. **Milestone 4 – RAP Implementation.** The RAP would be implemented by Rincon and under our oversight. We would work closely with our subcontractors and with AHA's general contractor to ensure that the scope is executed in accordance with the RAP, and that any issues, challenges, or unanticipated conditions are addressed in manner with which SFBRWQCB approves.
- Over years of performing remediation projects, we have developed trust-based relationships with several contractors who have decades of experience addressing sites like and more complex than the Poplar Project. During the remediation phase, AHA will have the option to contract directly with those firms, or for them to operate under Rincon's agreement. If AHA elects to bid out the remediation work, Rincon can support development of the request for proposals language and scope, such that AHA can confidently make a selection.
9. **Remedial Excavations (if Needed).** If remedial excavations are implemented, we will be on-site full time directing and monitoring work activities to confirm that they are performed consistent with the soil handling provisions in the RAP, and that remediation is adequately completed.
10. **SVE Program (if Needed).** As discussed above, the Poplar Project site may not lend itself to SVE remediation based on available site data. However, if SVE is needed, we will work with AHA to obtain a system, permit it through the Bay Area Air Quality Management District, oversee its installation and startup, and operate and maintain it through the remediation process. SVE remediation can take anywhere from weeks to years to complete, and Rincon will monitor progress by sampling the soil vapor probe network that we would install during the site investigation phase, and the soil vapor concentrations at the well intakes. We will prepare the required periodic SFBRWQCB progress reports.
- When sub-surface concentrations begin to exhibit asymptotic trends, we will implement a rebound test wherein the SVE system is deactivated and soil vapor sampled over time to determine if the concentrations increase again, or if they remain below risk-based thresholds. If the rebound test shows that SVE was successful, we will prepare a report for SFBRWQCB, and upon its approval, decommission the system.
11. **Injection Program (if Needed).** As discussed above, our strategy will be to demonstrate to SFBRWQCB that groundwater remediation is not necessary from the outset. However, if remediation is needed, we will implement an injection program with a specialist contractor based on the treatability study. Rincon will coordinate the mobilization of injection machinery and materials to the site, oversee the field work, and monitor groundwater concentrations over time to evaluate the effectiveness of the injection program. We will prepare an initial injection report summarizing field work, periodic monitoring reports, and a remedial action completion report upon confirmation that remediation was successful.
12. **Milestone 5 – Prepare and Submit Remedial Action Completion Report.** Depending on the corrective actions implemented at the site, one or more remedial action completion reports (RACR) may be required to document the successful remediation of target media, whether it be soil, groundwater, or soil vapor. The RACR(s) will present the full scope of site data that supports the removal of media presenting health risks and a no further action determination from the SFBRWQCB.

Subcontractors

Through decades of countless successful projects, we have built valued relationships with subcontractors that we trust with our reputation and the success of our clients' projects. The following list of subcontractors will remain at-the-ready to support Rincon as the project progresses.



PeneCore Drilling is a C-57 certified-MBE based in Northern California that has supported most of our Bay Area drilling needs. Boasting a comprehensive fleet of drilling rigs, PeneCore's intimate knowledge of the Bay Area's lithology and regulatory landscape provides valuable insights that lead to both pre and in-field efficiencies. PeneCore conduct themselves professionally during scoping and execution of the field program and have supported Rincon on several affordable housing projects.



Eleven Engineering is a Northern California-based certified-WBE based in Petaluma, California. Eleven Engineering are California A, B, C-21, and HAZ licensed environmental contractors offering a full suite of remediation, decommissioning, and earthwork services. With the capability to coordinate, remove, contain, manage, and dispose of impacted soil or groundwater, Eleven Engineering has an impressive track record in Northern California remediation projects. Recently, Eleven Engineering was instrumental in assessing, permitting, removing, and disposing of an unanticipated underground storage tank at an affordable housing project in San José.



Eurofins Scientific is an international group of outstanding laboratories with members Eurofins Environmental Testing, and Eurofins Air Toxics, based in Northern California. With a reputation for cutting edge research and meeting rush analytical turn-around times, Eurofins is a world leader in environmental analysis that provides courier services in the Bay Area, meaning that samples can be picked up directly from the Poplar Project instead of shipping them.



Vista Environmental Consulting is an experienced Bay Area hazardous materials specialist with positive local regulatory relationships that have teamed with us on multiple similar projects with the Santa Clara County Housing Authority and private clients. Vista has more than 15 years navigating the inspection and abatement federal, state, and local rules, regulations, and guidelines. Their team of Certified Industrial Hygienists have a reputation for providing timely demolition-grade hazardous materials surveys, which include lead, asbestos, polychlorinated biphenyls, and more.

EXHIBIT B
FEE SCHEDULE

Consultant's fees for the scope of services are as follows:

| | |
|--|----------|
| • Phase I ESA | \$4,500 |
| • Phase II ESA | \$80,000 |
| • Various Reports and Plans | \$35,000 |
| • Pilot Testing and Site Clean-Up Activities | \$25,000 |
| • Environmental Consulting Services | \$15,000 |
| • Contingency for additional work as needed | \$9,800 |

The not-to-exceed amount for these services is one hundred sixty-nine thousand, three hundred dollars (\$169,300.00). Consultant's cost proposal and standard hourly fee schedule are attached on the following page. The annual inflator is 3.0%.

ATTACHMENT B

FORM OF PROPOSAL

(This Form must be fully completed and placed under Part 2 of the proposal submittal.)

- A. Form:** Each Proposer shall submit their proposed fees on this form only, which shall be completed, signed, and returned to the AHA with the completed Proposal.
- B. Entry of Proposed Fees:** Each Proposer must enter the proposed fees for each of the following Pricing Items where provided. Such fees shall be all-inclusive of all related costs that the Proposer will incur to provide the listed services, including, but not limited to (unless otherwise stated herein): sales tax, employee wages and benefits; clerical support; overhead; profit; licensing; insurance; materials; supplies; tools; equipment; subcontractors, expediting (where applicable); long distance telephone calls; document copying; etc. "No Proposal" is not allowed for any item, although a "No Charge" is allowed for one or more of the Pricing Items. All fees must comply with Davis-Bacon and State prevailing wage requirements.
- c. Pricing Items:** [Example pricing table below – include pricing information in the proposed contract term, recurring fixed, variable, and hourly fees as applicable including space for additional services that may fall within the scope but not itemized]

| QTY | U/M | Description | Fee FYXX |
|-----|-------|---|-----------------------|
| 1 | Each | Proposer-fixed fee (including all expenses) for Phase I Environmental Site Assessments (new reports and subsequent updates) | \$ 4,500 / FY24 |
| 1 | Each | Proposer-fixed fee (including all expenses) for Phase II Environmental Site Assessment Services | \$ 80,000 / FY24 |
| 1 | Each | Proposer-fixed fee (including all expenses) for various Reports and Plans | \$ 35,000 |
| 1 | Each | Proposer-fixed fee (including all expenses) for Pilot Testing and Clean-Up Activities | \$ 25,000 / FY25 |
| 1 | Each | Proposer-fixed fee (including all expenses) for Environmental Consulting Services | \$ 15,000 / FY24 - 25 |
| 40 | Hours | Proposer's Fee (for additional work that the AHA will require the successful Proposer to provide <i>that is not otherwise stated herein</i>) | \$ 9,800 / FY24 - 25 |
| | | TOTAL OF ALL FEES/COSTS | \$ 169,300 |

A. Annual Inflation (Years 2-5): 3 %

EnvRFP_04292024 AHA ENVIRONMENTAL CONSULTING SERVICES ISSUED: 04/29/2024

May 17, 2024 Rincon Consultants, Inc.

Date Company

Torin Snyder, PG, CHG, TOR, QSD/P



Print Name

Signature

510-834-4455

760-846-4504

tsnyder@rinconconsultants.com

Office Phone

Mobile Phone

Email Address

449 15th Street, Suite 303, Oakland, California 94612

Business Address

8 Cost Analysis and Budget for Primary Services

Rincon has successfully completed dozens of projects that entailed site assessment, development of a remedial action approach, and implementation of that approach. Based on that experience, we recognize that there is significant uncertainty regarding real on-site conditions, their suitability to various remedial methods, the agencies' amenability to the preferred approach, our client's financial resources, and other project-specific factors that cannot be reliably anticipated, but which significantly affect costs.

Therefore, we have included rough order of magnitude costs for the major potential elements of the Poplar Project that may be needed, although the scope that these elements represent, and the associated costs, are subject to change as the project progresses. Ultimately, it is Rincon's primary objective to achieve AHA's goals as efficiently and economically as possible.

We note that because our local office is located within 10 minutes of the Poplar Project, Rincon will not bill travel time to the site. **Additionally, consistent with Rincon's recognition of the affordable housing crisis in California and our commitment to supporting efforts to alleviate it, we are proud to offer a tailored fee schedule to better serve our affordable housing partners.**

Rough Order of Magnitude Costs

| Work Description | Cost |
|---|---------------------|
| Phase I Environmental Site Assessment | \$4,500 |
| Phase II Environmental Site Assessment Services | |
| Conduct Site Assessment | \$70,000–\$90,000 |
| <ul style="list-style-type: none"> Includes Rincon pre-field coordination, drilling sub-contractors, and investigation-derived waste disposal | |
| Site Assessment Laboratory Analysis | \$10,000–\$15,000 |
| <ul style="list-style-type: none"> Assumes analysis of soil vapor, soil, and groundwater samples | |
| Various Reports and Plans | |
| Prepare Site Assessment Work Plan | \$5,000–\$7,000 |
| Site Assessment Report (if not incorporated into the Remedial Action Plan) | \$5,000–\$10,000 |
| Remedial Action Plan | |
| <ul style="list-style-type: none"> If combined with Site Assessment Report (preferred) | \$15,000–\$20,000 |
| <ul style="list-style-type: none"> If required by SFBRWQCB to be a standalone report | \$10,000–\$15,000 |
| Remedial Action Completion Report | \$15,000–\$30,000 |
| <ul style="list-style-type: none"> Note that there is significant uncertainty regarding the nature and number of summary reports that will be needed, which depends on the remediation and/or mitigation measures implemented at the site, etc. | |
| Pilot Testing and Clean-up Activities | |
| Soil Vapor Extraction Pilot Test | \$150,000–\$175,000 |
| <ul style="list-style-type: none"> Assumes 3 months of operations, including installation of extraction wells, mobilization of temporary system, and disposal of investigation derived waste | |
| SVE Program | \$300,000–\$400,000 |
| <ul style="list-style-type: none"> Includes semi-permanent SVE system installation, startup, operations, monitoring, and maintenance, for two years, plus rebound assessment, closure reporting, and SVE decommissioning and removal | |
| Injection Program | \$100,000–\$250,000 |
| <ul style="list-style-type: none"> Includes Rincon oversight, injection machinery, materials, and sub-contractors | |
| Remedial Excavation Program | \$25,000–\$75,000 |
| <ul style="list-style-type: none"> Assumes that AHA will contract directly with remediation earthwork firm and waste transportation and disposal firm, and that Rincon will provide on-site oversight, confirmation sampling, and health and safety monitoring | |
| Environmental Consulting Services (Project Management) | \$15,000–\$35,000 |
| <ul style="list-style-type: none"> Note that there is significant uncertainty regarding the level of effort needed to manage the project, which depends on regulatory requirements, the remediation and/or mitigation measures implemented at the site, etc. | |
| Treatability Study | \$20,000 |
| <ul style="list-style-type: none"> Includes laboratory analysis and treatability report | |
| Hazardous Materials Demolition Surveys | \$10,000–\$15,000 |
| <ul style="list-style-type: none"> Includes initial survey, abatement specifications, and post-abatement inspection | |

Fee Schedule

Standard Fee Schedule for Environmental Sciences and Planning Services

| Professional, Technical and Support Personnel* | Default Rates | Special Affordable Housing Rates |
|--|---------------|----------------------------------|
| Senior Principal | \$319 | \$270 |
| Principal | \$307 | \$270 |
| Director | \$307 | \$270 |
| Senior Supervisor II | \$292 | \$270 |
| Supervisor I | \$272 | \$270 |
| Senior Professional II | \$255 | \$245 |
| Senior Professional I | \$238 | \$225 |
| Professional IV | \$211 | \$200 |
| Professional III | \$196 | \$185 |
| Professional II | \$174 | \$165 |
| Professional I | \$155 | \$145 |
| Associate III | \$130 | \$120 |
| Associate II | \$117 | \$105 |
| Associate I | \$109 | \$100 |
| Field Technician | \$94 | \$85 |
| Data Solutions Architect | \$196 | \$185 |
| Senior GIS Specialist | \$187 | \$175 |
| GIS/CADD Specialist II | \$167 | \$155 |
| GIS/CADD Specialist I | \$150 | \$140 |
| Technical Editor | \$147 | |
| Project Accountant | \$125 | |
| Billing Specialist | \$107 | |
| Publishing Specialist | \$120 | |
| Clerical | \$107 | |

* Professional classifications include environmental scientists, urban planners, biologists, geologists, marine scientists, GHG verifiers, sustainability experts, cultural resources experts, and other professionals. Expert witness services consisting of depositions or in-court testimony are charged at the hourly rate of \$400.

Reimbursable Expenses

| Direct Cost | Rates |
|------------------------------------|--|
| Photocopies - B/W | \$0.25 (single-sided), \$0.45 (double-sided) |
| Photocopies - Color | \$1.55 (single-sided), \$3.10 (double-sided) |
| Photocopies - 11" by 17" | \$0.55 (B/W), \$3.40 (color) |
| Oversized Maps | \$8.50/square foot |
| Digital Production | \$15/CD, \$20/flash drive |
| Light-Duty and Passenger Vehicles* | \$90/day |
| 4WD and Off-Road Vehicles* | \$150/day |

* Current IRS mileage rate for mileage over 50 and for all miles incurred in employee-owned vehicles.

Direct Costs. Other direct costs associated with the execution of a project, that are not included in the hourly rates above, are billed at cost plus 16%. These may include, but are not limited to, laboratory and drilling services, subcontractor services, authorized travel expenses, permit charges and filing fees, mailings and postage, performance bonds, sample handling and shipment, rental equipment, and vehicles other than covered by the above charges.

Annual Escalation. Standard rates subject to 3.5% annual escalation, on January 1.

Payment Terms. All fees will be billed to Client monthly and shall be due and payable upon receipt or as indicated in the contract provisions for the assignment. Invoices are delinquent if not paid within 10 days from receipt or per the contractually required payment terms.

| Equipment | Rate |
|---|---------------|
| Environmental Site Assessment | |
| Soil Vapor Extraction Monitoring Equipment | \$160 |
| Four Gas Monitor | \$137 |
| Flame Ionization Detector | \$110 |
| Photo Ionization Detector | \$82 |
| Hand Auger Sampler | \$62 |
| Water Level Indicator, DC Purge Pump | \$46 |
| CAPDash | \$7,500 |
| Natural Resources Field Equipment | |
| UAS Drone | \$300 |
| Spotting or Fiberoptic Scope | \$170 |
| Pettersson Bat Ultrasound Detector/Recording Equipment | \$170 |
| Sound Level Metering Field Package (Anemometer, Tripod and Digital Camera) | \$113 |
| GPS (Submeter Accuracy) | \$67 |
| Infrared Sensor Digital Camera or Computer Field Equipment | \$57 |
| Scent Station | \$23 |
| Laser Rangefinder/Altitude | \$11 |
| Pitfall Traps, Spotlights, Anemometer, GPS Units, Sterilized Sample Jar | \$9 |
| Mammal Trap, Large/Small | \$1.55/\$0.55 |
| Water and Marine Resources Equipment | |
| Boat (20-foot Boston Whaler or Similar) | \$800 |
| Multiparameter Sonde (Temperature, Conductivity, Turbidity, DO, pH) with GPS | \$170 |
| Water Quality Equipment (DO, pH, Turbidity, Refractometer, Temperature) | \$62 |
| Refractometer (Salinity) or Turbidity Meter | \$38 |
| Large Block Nets | \$114 |
| Minnow Trap | \$98 |
| Net, Hand/Large Seine | \$57 |
| Field Equipment Packages | |
| Standard Field Package (Digital Camera, GPS, Thermometer, Binoculars, Tablet, Safety Equipment, and Botanic Collecting Equipment) | \$114 |
| Remote Field Package (Digital Camera, GPS, Thermometer, Binoculars, Tablet and Mifi, Delorme Satellite Beacon, 24-Hour Safety Phone) | \$144 |
| Amphibian/Vernal Pool Field Package (Digital Camera, GPS, Thermometer, Decon Chlorine, Waders, Float Tube, Hand Net, Field Microscope) | \$170 |
| Fisheries Equipment Package (Waders, Wetsuits, Dip Nets, Seine Nets, Bubblers, Buckets) | \$57 |
| Underwater and Marine Sampling Gear (Photo/Video Camera, Scuba Equipment [Tanks, BCD, Regulators, Wetsuits, etc.]) | \$57/diver |
| Marine Field Package (Personal Flotation Devices, 100-foot Reel Tapes with Stainless Carabiners, Pelican Floats, Underwater Slates, Thermometer, Refractometer, Anemometer, Various Field Guides) | \$100 |
| Insurance, Hazard, and Fees | |
| Historic Research Fees | \$55 |
| L&H Dive Insurance | \$57/diver |
| Level C Health and Safety | \$70/person |

EXHIBIT C
INSURANCE REQUIREMENTS FOR CONSULTANTS
 (Cyber/tech optional, not to be used for construction contracts)

Consultant shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Consultant, its agents, representatives, employees, or subcontractors.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

- **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit. For consultants interacting with the public or with tenants, coverage must include coverage for discrimination, harassment, and fair housing claims under DFEH and HUD.
- **Automobile Liability:** ISO Form Number CA 00 01 coverage any auto (Code 1), or if Consultant has no owned autos, hired (Code 8) and non-owned autos (Code 9) with limit no less than \$1 million for bodily injury and property damage. This requirement does not apply if no motor vehicles are used in providing services under the contract.
- **Workers’ Compensation,** as required by the State of California, with Statutory Limits and Employers’ Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. This requirement does not apply to sole proprietors.
- **Professional Liability (Errors and Omissions):** Insurance appropriate to the Consultant’s profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 in the aggregate. For consultants interacting with the public or with tenants, coverage must include coverage against discrimination, harassment, and fair housing claims under DFEH and HUD. If cover age is provided on a claims-made basis, the retroactive date must be shown and must be before the date of the contract or the beginning of the contract work; insurance must be maintained, and evidence of coverage must be provided for at least five (5) years after completion of the contract of work. If coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the Contractor must purchase “extended reporting” coverage for a minimum of five (5) years after completion of work.
- **IF APPLICABLE: Cyber Liability Insurance:** Coverage is required if the vendor/consultant is accessing, collecting, storing, or transferring Personally identifiable Information or medical information on staff, tenant, applicants etc.). Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Vendor in this agreement and shall include, but not be limited to, claims involving security breach, system failure, data recovery, business interruption, cyber extortion, social engineering, infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, and alteration of electronic information. The policy shall provide coverage for breach response costs, regulatory fines, and penalties as well as credit monitoring expenses with limits not less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate. This requirement does

not apply if the consultant will not be accessing or storing AHA data subject to privacy regulations under Federal or state law, including but not limited to PII, PCI, and PHI, providing software, or accessing AHA information technology systems.

- **IF APPLICABLE: Technology Professional Liability:** Coverage is required if the vendor/consultant is providing software or a technology services (data storage, website design, etc.). Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Consultant in this agreement and shall include, but not be limited to, claims involving media liability and infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, security and privacy liability that include invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations. Limits no less than \$2,000,000 per occurrence or claim, \$4,000,000 in the aggregate. For consultants interacting with the public or with tenants, coverage must include coverage against discrimination, harassment, and fair housing claims under DFEH and HUD. If coverage is provided on a claims-made basis, the retroactive date must be shown and must be before the date of the contract or the beginning of the contract work; insurance must be maintained, and evidence of coverage must be provided for at least five (5) years after completion of the contract of work. If coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the contract effective date, the Contractor must purchase “extended reporting” coverage for a minimum of five (5) years after completion of work.
 - The Policy shall include or be endorsed to include property damage liability coverage for damage to, alteration of, loss of, or destruction of the electronic data and/or information “property” of the AHA in the care, custody, or control of the Consultant. If not covered under the Consultant’s liability policy, such “property coverage of the AHA may be endorsed onto the Consultants Cyber Liability Policy as follows:
 - Cyber Liability coverage in an amount sufficient to cover the full replacement value of damage to, alteration of, loss of, destruction of electronic data and/or information “property” of the AHA that will be in the Care, custody, or control of Consultant.

If the consultant maintains broader coverage and/or higher limits than the minimums shown above, AHA requires and shall be entitled to the broader coverage and/or the higher limits maintained by the consultant. The insurance limits required by AHA are not represented as being sufficient to protect Consultant. Consultant is advised to consult Consultant’s insurance broker to determine adequate coverage for Consultant.

OTHER INSURANCE REQUIREMENTS:

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **Additional Insured Status:** The Housing Authority of the City of Alameda and its affiliates, Alameda Affordable Housing Corporation and Island City Development and its Subsidiaries, and their departments, their respective directors, officers, Boards of Commissioners, employees, designated volunteers, elected or appointed officials, (AHA), and Community Housing Fund LLC c/o Capital Impact Partners ISAOA, ATIMA, are to be covered as additional insured on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Consultant’s insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20

10, CG20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used.

- **Primary Coverage:** For any claims related to this contract, the Consultant's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 as respects AHA, its officers, officials, Board of Commissioners, employees, and volunteers. Any insurance or self-insurance maintained by AHA, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute to it.
- **Notice of Cancellation:** Each insurance policy required above shall provide that coverage shall not be canceled, except with 30 days' notice to AHA.
- **Self-Insured Retentions:** Self-insured retentions must be declared and approved by AHA. AHA may require the Consultant to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or AHA.
- **Acceptability of Insurers:** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to AHA.
- **Verification of Coverage:** Consultant shall furnish AHA with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause, and a copy of the Declarations and Endorsement page of the CGL policy listing all policy endorsements before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. AHA reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.
- **Subcontractors:** Consultant shall pass down the insurance obligations contained herein to all tiers of subcontractors working under the contract.
- **Notification of claims:** The Proposer agrees to notify AHA in writing of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of the contract as soon as practicable, but no later than three (3) business days after their first knowledge of such claim or event.
- **Special Risks or Circumstance:** AHA reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstance.

AMENDMENT NO.1 TO CONSULTANT SERVICES AGREEMENT

This Amendment of a Consultant Services Agreement ("Amendment"), entered into this 10th day of October, 2024 ("Effective Date"), by and between HOUSING AUTHORITY OF THE CITY OF ALAMEDA, and its affiliates, a public body corporate and politic (hereinafter referred to as "AHA"), and Rincon Consultants, Inc., a California corporation, whose address is 180 North Ashwood Avenue, Ventura, CA 93003, (hereinafter referred to as "Consultant"), is made with reference to the following:

RECITALS:

A. On August 2, 2024, a Consultant Services Agreement ("Agreement") for environmental consulting services for The Poplar project was entered into between AHA and Consultant.

B. The initial Agreement limited the compensation to Consultant to a not exceed amount of one hundred sixty-nine thousand, three hundred dollars (\$169,300.00) for the term of the Agreement which ends on December 31, 2026 unless extended or terminated.

C. The effective date of this Amendment shall be October 10, 2024.

D. All conditions of the Agreement will remain the same except as amended below.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

The not to exceed amount for the entire Agreement shall be amended from one hundred sixty-nine thousand, three hundred dollars (\$169,300.00) to one hundred ninety-one thousand, one hundred sixty-two dollars (\$191,162.00).

The scope of services is expanded to include a geophysical survey and a hazardous building materials survey. Please see Exhibit A for additional detail.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused the Amendment to be executed on the day and year first above written.

“CONSULTANT”
RINCON CONSULTANTS, INC.

“AHA”
HOUSING AUTHORITY
OF THE CITY OF ALAMEDA

DocuSigned by:
Torin Snyder
838A861D139640A...

Torin Snyder
Principal

DocuSigned by:
Sylvia Martinez
88FEDACB7D8D461...

Sylvia Martinez
Director of Housing Development

DocuSigned by:
Vanessa Cooper
5AFAS7239EC2484...

Vanessa M. Cooper
Executive Director

EXHIBIT A
SCOPE OF SERVICES & FEE

The fee for the additional scope of work is not-to-exceed twenty-one thousand, eight hundred sixty-two dollars (\$21,862.00). Please see attached Change Order #1 for additional details on the scope of services.



Rincon Consultants, Inc.

180 North Ashwood Avenue
Ventura, California 93003
805-644-4455

September 24, 2024
Rincon Project No. 24-16166

Jenny Wong, Senior Project Manager
Housing Authority of the City of Alameda
701 Atlantic Avenue
Alameda, California 94501
Via email: jwong@alamedahsg.org

**Subject: Change Order #1 – Geophysical Survey and Hazardous Materials Building Survey
2615 Eagle Avenue, Alameda, California**

Dear Ms. Wong:

Rincon Consultants, Inc. (Rincon) is pleased to provide this Change Order #1 to oversee a geophysical survey and hazardous materials building survey at The Poplar project property located at 2615 Eagle Avenue in Alameda, California (site). This scope will be completed in support of our existing contract to provide environmental consulting services for The Poplar project.

Scope of Work

Task 1 Geophysical Survey

Rincon will subcontract with Subtronic Corporation (Subtronic), a geophysical surveyor, to evaluate the soil boring locations for subsurface utilities, attempt to delineate subsurface drain pipes, and to assess the site for anomalies that could be unknown underground storage tanks (USTs). Ground penetrating radar locating equipment and a magnetometer will be used to complete the survey and assess the presence of buried features or subsurface anomalies. If identified, subsurface anomalies will be delineated on the ground with color coded marking paint. In addition, a map depicting these features will be included in a final report.

Task 2 Hazardous Building Materials Survey

Rincon will subcontract with Vista Environmental Consulting (Vista) to conduct a Pre-Demolition Hazardous Materials survey of the site buildings. The assessment for asbestos and lead will be conducted in adherence with applicable federal, state and local regulations. Vista will visually inspect all accessible structural, architectural and mechanical systems in the path of construction for the presence of these materials. The survey will be conducted by a California Division of Occupation Safety and Health Certified Asbestos Consultant/Site Surveillance Technician. Vista will prepare and submit a letter report detailing their findings, and generate hazardous materials abatement specifications that can be used to prepare a bid package for a third-party abatement contractor.

After the abatement contractor has completed their scope of work, Vista will remobilize to the site for a final inspection of each building to ensure that the hazardous materials were removed prior to demolition. After the final inspection, a clearance memo will be issued by Vista.



Assumptions

Geophysical Survey

- Subtronic assumes access will be granted to all places requiring admission for the purpose of tracking and identifying the utilities.
- Subtronic assumes that any existing utility drawings will be made available.
- Areas to be surveyed will be free of surface interference, including vehicles, dumpsters, debris, etc.
- Subtronic assumes any vegetation is cut to maximum 6" above ground.
- Unless noted otherwise we assume this is a prevailing wage project and we are not obligated to a project labor agreement.

Hazardous Building Materials Survey

- Vista's asbestos assessment will include the collection of up to 138 bulk samples. Samples will be submitted to an accredited laboratory for analysis by Polarized Light Microscopy with a 3-5 day turnaround time.
- Vista will collect up to 36 lead samples. Samples will be sent to an accredited laboratory to be analyzed by FLAA on a 3-5 day turnaround time.
- Vista will also conduct a visual assessment to identify other potential regulated materials or environmental hazards within or on the structures. This visual assessment will include identifying items that could contain polychlorinated biphenyls (PCBs) such as ballasts, transformers, and hydraulic systems. Universal Waste materials such as non incandescent lamps and batteries, mechanical devices that contain coolant gases such as water fountains and HVAC systems, and devices that could contain low levels of radiation such as smoke detectors and exit signs. No samples will be taken of these materials.
- According to the Bay Area Stormwater Management Agencies Association (BASMAA) document titled "PCBs in Priority Building Materials: Model Screening Assessment Applicant Package, Managing PCBs-Containing Building

General

- Cancellation fees will be incurred if work is cancelled within 72 hours of the calendar start date.
- We anticipate implementation of the scope of work will take up to 2 days to complete.
- We assume that geophysical and hazardous building materials surveys will not be scheduled on the same day. However, Rincon will attempt to coordinate both surveys on the same day to control budget.
- We anticipate that this scope of work can be completed concurrent with planned site work; therefore, additional field days for Rincon personnel is not included.
- This proposal does not include costs for abatement or demolition work.



Schedule and Cost

We are prepared to begin scheduling this scope of work immediately upon authorization to proceed. The estimated cost is shown in Table 1 below.

Table 1 Cost Summary

| Task | | Estimated Cost |
|---------------|--|-----------------|
| Task 1 | Geophysical Survey | \$9,956 |
| Task 2 | Hazardous Building Materials Survey | \$11,906 |
| Total | | \$21,862 |

Authorization

This work will be completed under the terms and conditions of Rincon’s existing Consultant Services Agreement. To authorize this scope of work, please prepare a change order for Rincon’s review and signatures.

Thank you for your consideration and for this opportunity to continue to support your project. If you have any questions regarding this proposal, please contact Alex Cruz at acruz@rinconconsultants.com, or 916-905-2683.

Sincerely,
Rincon Consultants, Inc.

Alex Cruz, PG
Senior Environmental Geologist

Torin R. Snyder, PG
Principal

AMENDMENT NO.2 TO CONSULTANT SERVICES AGREEMENT

This Amendment No.2 of a Consultant Services Agreement ("Amendment"), entered into this 16th day of January, 2025 ("Effective Date"), by and between HOUSING AUTHORITY OF THE CITY OF ALAMEDA, and its affiliates, a public body corporate and politic (hereinafter referred to as "AHA"), and Rincon Consultants, Inc., a California corporation, whose address is 180 North Ashwood Avenue, Ventura, CA 93003, (hereinafter referred to as "Consultant"), is made with reference to the following:

RECITALS:

A. On August 2, 2024, a Consultant Services Agreement ("Agreement") for environmental consulting services for The Poplar project was entered into between AHA and Consultant.

B. The initial Agreement limited the compensation to Consultant to a not exceed amount of one hundred sixty-nine thousand, three hundred dollars (\$169,300.00) for the term of the Agreement which ends on December 31, 2026 unless extended or terminated.

C. Amendment No.1 to Consultant Services Agreement ("Amendment 1"), effective October 10, 2024, increased the total compensation from one hundred sixty-nine thousand, three hundred dollars (\$169,300.00) to one hundred ninety-one thousand, one hundred sixty-two dollars (\$191,162.00).

D. The effective date of this Amendment shall be January 16, 2025.

E. All conditions of the Agreement will remain the same except as amended below.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

The not to exceed amount for the entire Agreement shall be amended from one hundred ninety-one thousand, one hundred sixty-two dollars (\$191,162.00) to two hundred forty-six thousand, one hundred sixty-two dollars (\$246,162.00).

The scope of services is expanded to include additional site investigation including a data gap assessment using passive sampling and soil delineation, a work plan for the data gap assessment, and revisions to the final report to include the testing results. Please see Exhibit A for additional detail.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused the Amendment to be executed on the day and year first above written.

“CONSULTANT”
RINCON CONSULTANTS, INC.

“AHA”
HOUSING AUTHORITY
OF THE CITY OF ALAMEDA

Torin Snyder
Principal

Sylvia Martinez
Director of Housing Development

Vanessa M. Cooper
Executive Director

DRAFT

EXHIBIT A
SCOPE OF SERVICES & FEE

The fee for the additional scope of work is not-to-exceed fifty-five thousand dollars (\$55,000.00).

Site Investigation Scope

- Passive Sampling \$25,000
- Soil Delineation \$30,000
- Work Plan \$0 – utilizing contract contingency
- Report Revisions \$0 – utilizing contract contingency

Please see attached Change Order #2 for additional details on the scope of services.

DRAFT