



SAN DIEGO
HOUSING
COMMISSION

SPECIAL MEETING AGENDA

SAN DIEGO HOUSING COMMISSION
SPECIAL MEETING AGENDA
AUGUST 19, 2022, 10:00 A.M.
VIDEO CONFERENCE
SAN DIEGO, CALIFORNIA 92101

Chair Eugene “Mitch” Mitchell
Vice Chair Ryan Clumpner
Commissioner Stefanie Benvenuto
Commissioner Johanna Hester
Commissioner Kellee Hubbard
Commissioner Melinda K. Vásquez

COVID- 19 PUBLIC SERVICE ANNOUNCEMENT REGARDING SDHC BOARD OF COMMISSIONERS MEETING ACCESS AND PUBLIC COMMENT:

Until further notice, San Diego Housing Commission (Housing Commission) Board of Commissioners (Board) meetings will be conducted pursuant to the provisions of California Government Code section 54953(e), added by Assembly Bill 361, which allows the Housing Commission to use teleconferencing and to provide the public an opportunity to address the Housing Commission Board via a call-in option or an internet-based service option, during a proclaimed state of emergency when measures to promote social distancing are in effect or the Housing Commission Board has determined meeting in person would present imminent risks to the health or safety of attendees. The San Diego City Council on August 2, 2022, declared an existing proclaimed state of emergency continues to directly impact the ability of members to meet safely in person and that their finding applies to all boards, commissions, and committees of the City of San Diego.

During the current state of emergency and in the interest of public health and safety, most—and most likely all—of the Housing Commissioners, General Counsel and staff will be participating in Housing Commission Board meetings by video conference. There will be no members of the public in attendance at the Housing Commission Board meetings. We are providing alternatives to in-person attendance for viewing and participating in Housing Commission Board meetings.

In lieu of in-person attendance, members of the public may participate and provide comments in the following manner:

Phone-in Testimony

When the comment period for Non-Agenda Public Comment is introduced, or when the comment period is introduced for the specific Agenda Item on which you would like to comment, please call the following toll-free number: **(833) 610-2513**. Wait until you are called upon to speak. Then state your name for the record and the item you are commenting on, and make your comments within



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the time allotted by the Housing Commission Board. When your time has ended, please hang up your call. If you wish to speak on other items on the Agenda or for other comment periods, please call back when those items or comment periods are introduced. Please monitor the meeting through livestreaming on the Housing Commission’s website. Click on “Watch the Video” near the bottom of the Housing Commission Board of Commissioners page on the website:

<https://www.sdhc.org/governance-legislativeaffairs/sdhc-board-of-commissioners/>

Written Comment through Webform:

Written Comment on Agenda Items must be submitted using the Housing Commission Board meeting [public comment webform](#), and indicating the agenda item number for which you wish to submit your comment. Only comments submitted no later than **4 p.m. the day prior to the meeting** using the public comment webform will be eligible to be read into the record. If you submit more than one form per item, only one will be read into the record. All other comments submitted, including those received after 4 p.m. the day prior and before 8 a.m. the day of the meeting, will be provided to the Housing Commissioners and posted online with the meeting materials. All comments are limited to 1,250 characters (approximately 200 words). Comments submitted after 8 a.m. the day of the meeting but before the item is called will be submitted into the written record for the relevant item.

Non-Agenda Written Public Comment must be submitted using the Housing Commission Board meeting [public comment webform](#), checking the appropriate box, no later than **8 a.m. the day of the meeting** to be eligible to be read into the record. The first 30 comments received by 8 a.m. will be read into the record. The maximum number of comments to be read into the record on a single issue will be 16. All other comments submitted, including those received after 8 a.m. the day of the meeting, will be provided to the Housing Commissioners. All comments are limited to 1,250 characters (approximately 200 words).

Closed Session Written Public Comment must be submitted using the Housing Commission Board meeting [public comment webform](#) no later than **4 p.m. the day prior to the posted meeting** to be eligible to be read into the record. All other comments submitted, including those received after 4 p.m. the day prior and before 8 a.m. the day of the meeting, will be provided to the Housing Commissioners and posted online with the meeting materials. All comments are limited to 1,250 characters (approximately 200 words).

If you have an attachment to your comment, you may send it to sdhcdocketinfo@sdhc.org, and it will be distributed to the Housing Commissioners.

Viewing the Meeting

The public may view and listen to the Housing Commission Board meetings through livestreaming on the Housing Commission’s website. Click on “Watch the Video” near the bottom of the Housing Commission Board of Commissioners page on the website:

<https://www.sdhc.org/governance-legislativeaffairs/sdhc-board-of-commissioners/>



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Assistance for the Disabled: Agendas, reports and records are available in alternative formats upon request. Please contact SDHCdocketinfo@sdhc.org, (619) 578-7550 (voice) or (619) 398-2440 (TTY) at least five days prior to the meeting.

Questions Regarding Agenda Items: For specific questions regarding any item on the San Diego Housing Commission agenda, please contact SDHCdocketinfo@sdhc.org or (619) 578-7550. Internet access to agendas and reports is available at <https://www.sdhc.org/governance-legislative-affairs/sdhc-board-of-commissioners/meetings/>

ITEMS

10 CALL TO ORDER

20 NON-AGENDA PUBLIC COMMENT

At this time, individuals may address the San Diego Housing Commission (Housing Commission) on any subject in its area of responsibility that is not presently pending before the Housing Commission. Pursuant to the Brown Act, the Housing Commission can take no action.

30 COMMISSIONER COMMENTS

ADOPTION AGENDA

100 [HCR22-102 Settlement of a Lawsuit brought by the San Diego Housing Commission, the Housing Authority of the City of San Diego and the City of San Diego against Jim Neil, Kidder Mathews of California, Inc., Kidder Mathews, Inc., RT San Diego, LLC and Chatham RIMC, LLC; San Diego County Superior Court Case No. 37-2021-00033006-CU-BC-CTL](#)

That the San Diego Housing Commission (Housing Commission) Board of Commissioners (Board) recommend that the Housing Authority of the City of San Diego (Housing Authority) and the San Diego City Council (City Council) take the following actions:

Housing Authority:

- 1) Authorize the Housing Commission's President and Chief Executive Officer (President & CEO), or designee, to execute the Settlement Agreement attached to this report on behalf of the Housing Commission in a final form as approved by counsel for the Housing Authority.
- 2) Authorize the Executive Director of the Housing Authority, or designee, to execute the Settlement Agreement attached to this report on behalf of the Housing Authority in a final form as approved by counsel for the Housing Authority.



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- 3) Authorize the Housing Commission's President & CEO, or designee, on behalf of the Housing Commission, to accept \$845,000.00 from Kidder Mathews, Inc. and Jim Neil.
- 4) Authorize the Housing Commission's President & CEO, or designee, to execute all necessary documents and instruments that are necessary and/or appropriate to implement the Settlement Agreement in a final form as approved by counsel for the Housing Authority. Housing Commission staff will notify the Housing Authority and the City Attorney's Office about any subsequent amendments or modifications to the transaction, and other required documents, including amendments to any documents.

City Council:

- 1) Authorize the Mayor, or designee, to execute the Settlement Agreement attached to this report on behalf of the City of San Diego in a final form as approved by counsel for the Housing Authority.
- 2) Authorize the Mayor, or designee, on behalf of the City of San Diego, to accept \$155,000.00 from Kidder Mathews, Inc. and Jim Neil.
- 3) Authorize the Mayor, or designee, to execute all necessary documents and instruments that are necessary and/or appropriate to implement the Settlement Agreement in a final form as approved by counsel for the Housing Authority.

101 [HCR22-098 Authorization for the San Diego Housing Commission \(Housing Commission\) to Accept Additional Federal Emergency Rental Assistance \(ERA1\) Funds Allocated by the U.S. Department of the Treasury and Authorization to Expend These Funds to Repay State of California Rental Assistance \(SRA\) Program Emergency Rental Assistance Short-Term Cash Flow Loan Funds Awarded to the City of San Diego Pursuant to State Senate Bill 115 for the COVID-19 Housing Stability Assistance Program](#)

That the San Diego Housing Commission (Housing Commission) Board of Commissioners (Board) recommend that the Housing Authority of the City of San Diego (Housing Authority) and the San Diego City Council (City Council) take the following actions:

Housing Authority:

- 1) Authorize the Housing Commission to amend its Fiscal Year 2023 budget in the amount of \$5,019,573.68 in federal Emergency Rental Assistance Program (ERA1) funds, which the U.S. Department of the Treasury allocated directly to the City of San Diego, to be administered by the Housing Commission to support the COVID-19 Housing Stability Assistance Program (HSAP), in accordance with federal and state funding requirements.



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- 2) Authorize the Housing Commission to accept and expend \$5,019,573.68 federal ERA1 funds to repay a portion of the State of California Rental Assistance (SRA) Program Emergency Rental Assistance Short-Term Cash Flow Loan Funds pursuant to State Senate Bill 115, contingent on the U.S. Department of the Treasury authorizing the use of ERA1 funds for this purpose.
- 3) Authorize the Housing Commission's President & CEO, or designee, to modify the COVID-19 Housing Stability Assistance Program, if necessary, but only if and to the extent that such changes comply with the terms of the executed amended Memorandum of Understanding (MOU) between the Housing Commission and the City of San Diego for the oversight and administration of the COVID-19 Housing Stability Assistance Program and are necessary to fulfill federal and state funding requirements. Housing Commission staff will notify the Housing Authority and the City Attorney's Office about any subsequent amendments or modifications to the COVID-19 Housing Stability Assistance Program and other required documents, including amendments to any documents.
- 4) Authorize the Housing Commission's President & CEO, or designee, to execute all necessary documents and instruments that are necessary and/or appropriate to implement these approvals, in a form and format approved by General Counsel, and to take such actions necessary and/or appropriate to implement these approvals, provided that a copy of the documents, signed as to form by General Counsel, are submitted to each Housing Commissioner.

City Council:

- 1) Authorize the City of San Diego's Chief Financial Officer, or designee, to accept, appropriate and transfer to the Housing Commission for the COVID-19 Housing Stability Assistance Program, an amount not to exceed \$5,019,573.68 in federal ERA1 funds, allocated by the U.S. Department of the Treasury directly to the City of San Diego, to repay a portion of the State of California's Rental Assistance (SRA) Program Emergency Rental Assistance Short-Term Cash Flow Loan Funds pursuant to State Senate Bill 115, contingent upon the funds being secured from the U.S. Department of the Treasury and contingent on the U.S. Department of the Treasury authorizing the use of the ERA1 funds for this purpose.

CLOSED SESSION

It is anticipated that the San Diego Housing Commission will convene in closed session on August 19, 2022, at 10:00 a.m. with the following agenda:

- I. Announcement by Counsel of the Matters to be discussed in Closed Session and the basis upon which each will be discussed, as referenced within the Brown Act.



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- II. Public Testimony and Comment, if any, concerning any matter on the Closed Session Agenda.
- III. Commissioner comments, if any.
- IV. Commission will convene in closed session to consider the following agenda:
 - A. Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code section 54956.9

San Diego Housing Commission, et. al. v. Jim Neil, et al. San Diego Superior Court Case No. 37-2021-00033006-CU-BC-CTL

This case arises from the San Diego Housing Commission's purchase of two hotel properties. The City Attorney's Office will update the Housing Commission Board of Commissioners on the status of the litigation and seek direction, on recommendations concerning a proposed settlement, if any.
- V. Announcement of Actions Taken in Closed Session.
- VI. Adjournment.