

Oakland Resident and Worker Preference Policy for Affordable Housing

I. Housing Preference

The following regulations have been created to provide more detailed specifications for the implementation of the City of Oakland (“City”) and Redevelopment Agency of the City of Oakland (“Agency”) policy regarding preference for occupancy in City or Agency assisted affordable housing.

On April 15, 2008, the City and Agency adopted policies granting preference to Oakland residents and Oakland workers to buy or rent affordable housing units assisted by City/Agency funds provided through the 2007-08 Notice of Funding Availability (“NOFA”) process and all future NOFAs¹. In addition, the City/Agency have a long-standing policy to give occupancy preference to households that were displaced as a result of City/Agency public projects or by City code enforcement activities.

This policy applies to all developers, owners and their agents, successors and assigns (“owners”) responsible for selling or leasing affordable housing units sponsored and/or supported by the City/Agency through the NOFA process in whole or part.

While Oakland residents and workers will be placed in a priority position on the wait list for available units, residency/employment status is not a requirement for occupancy, and all individuals and households may apply. Households comprised of applicants who do not reside or work within Oakland may occupy said units if there are no eligible Oakland residents or workers on the wait list for occupancy.

The following priority order will be utilized whenever applicable ownership or rental affordable housing units are made available to applicants in income eligible households:

- ♦ First Preference – Households containing at least one adult member who was displaced as a result of City/Agency public projects, or by City code enforcement activities.
- ♦ Second Preference – Households containing at least one adult member who qualifies either as a City of Oakland resident or worker.
- ♦ Third Preference – All other households.

Applications for units covered by this policy are to be processed in the order of the above preference groups, following a lottery for each group. Applicants can only be assigned to one preference group and will not receive a higher preference status for both living and working within Oakland.

The City/Agency may modify the preference categories from time to time by giving written notice to owners of such modifications, and owners shall adhere to such preference categories starting no later than ten (10) days following receipt of such notice.

¹ *City Council Resolution No. 81232 and Redevelopment Agency Resolution No. 2008-0036, April 15, 2008.*

The preference is to be applied only if and to the extent that other funding sources for the project permit the preference². Other sources of funding may limit the ability of the City/Agency to require preferences.

II. Determination of Eligibility

A. Displacee:

1. Definition of displacee

To qualify as an applicant who is a displacee, the applicant's household must include at least one adult member whose principal place of residence was within the City of Oakland until they were displaced as a result of City/Agency public projects, or by City code enforcement activities.

2. Evidence of eligibility for preference

The City/Agency shall provide the property owner with information verifying former residency and displacement as a result of City/Agency public projects, or by City code enforcement activities.

B. Oakland Resident:

1. Definition of Oakland resident

To qualify as an applicant who is a resident of the City of Oakland, the applicant's household must include at least one adult member whose principal place of residence is within the City of Oakland as of the date of application.

2. Evidence of eligibility for preference

In order to verify residency, the applicant must:

provide **two** of the following

- ♦ Driver's License with local address,
- ♦ Copy of current utility bill in applicants name with local address,
- ♦ Copy of applicants current rental/lease agreement reflecting local address,
- ♦ Copy of applicants automobile and/or renters or homeowners insurance policy for residence insured in Oakland with local address, or
- ♦ Voter Registration.

The owner, developer, or leasing agent of each housing development will be required to verify residency by collecting the required documentation.

3. Duration of residency

There is no minimum residency period to qualify for the residency preference (i.e., all Oakland residents are eligible for the preference regardless of the length of time of residency)³.

² City Council Resolution No. 81232 and Redevelopment Agency Resolution No. 2008-0036, April 15, 2008.

³ *Ibid.*

C. Oakland Worker:

1. Definition of Oakland worker

Work is defined for purposes of this policy as owning or operating a business located within the City of Oakland, employment for wages or salary for an employer located within the City of Oakland, contract employment where the actual work is conducted within the City of Oakland, or commission work where the applicant's principal location from which he/she works is located within the City of Oakland. Even if the work causes the applicant to be in Oakland frequently, the applicant does not qualify as an Oakland worker if the business is not located in Oakland. An adult applicant who is an active participant in an education or job training program located within the City of Oakland is also eligible for the Oakland worker preference.

To qualify as an applicant who is employed within the City of Oakland the applicant responsible for renting or purchasing the affordable housing unit must demonstrate that both of the following criteria have been met:

a. Location of work

At least one adult family member in the household must either:

- ♦ Already work in Oakland,
- ♦ Have been notified that they are hired to work in Oakland, or
- ♦ Be an active participant in an education or job training program located in Oakland⁴.

b. Hours of work/education/training

The family member must be employed, hired to be employed, or actively participating in an education or job training program within the City of Oakland an average of at least 20 hours per week.

2. Evidence of eligibility for preference

In order to verify eligibility for this preference the applicant must provide **two** of the following:

- ♦ Last three pay stubs with the name and address of the company printed on them,
- ♦ W-2 forms,
- ♦ Employer certification on company letterhead,
- ♦ Job offer letter on company letterhead,
- ♦ Tax returns (for self-employed),
- ♦ City of Oakland business license (for self-employed), or
- ♦ Other evidence as proof of employment at a business location or participation in an education or job training program within the City of Oakland.

The owner, developer, or leasing agent of each housing development will be required to verify employment by collecting the required documentation.

⁴ City Council Resolution No. 81232 and Redevelopment Agency Resolution No. 2008-0036, April 15, 2008.

3. Duration of employment

There is no minimum length of work in Oakland to qualify for the worker preference (i.e., all Oakland workers are eligible for the preference regardless of the length of time that the applicant has worked in the Oakland job)⁵.

III. Certification

Applicants will be required to sign a Certification of Eligibility form at the time of application stating that the information provided on their application regarding displacement, local residency and/or employment is true and that providing false information will permanently disqualify them from participation in any of the City's/Agency's affordable housing programs.

Owners of assisted housing must retain such documentation for at least five (5) years from date of initial occupancy, and must make such documentation available to the City/Agency upon request.

IV. Re-verification

Owners must re-verify application eligibility for preferences if, at the time of tenant/purchaser selection, the original verification/certification is more than 90 days old.

V. Evictions

Applicants who fraudulently claimed to qualify at the time of their application may be subject to eviction.

VI. Implementation of Policy

The City/Agency Administrator and his or her designee have been appointed to adopt rules and regulations for the preference policy consistent with the City Council and Redevelopment Agency Resolutions, administer the policy, and take any other action with respect to the policy consistent with the Resolutions and their basic purpose⁶.

VII. Marketing and Management Plans

Preliminary and final marketing and management plans must include provisions for notice of such preferences and how they will be administered.

VIII. Priority Ranking; Selection of Qualified Applicant

Before selecting applicants for units, the owner, developer, or leasing agent of each housing development is required to verify whether applicants qualify for the preference by collecting the required documentation. Regardless of the specific method used for establishing waiting lists,

⁵ *City Council Resolution No. 81232 and Redevelopment Agency Resolution No. 2008-0036, April 15, 2008.*

⁶ *Ibid.*

qualified applicants who meet the definition of a displacee, Oakland resident or Oakland worker must be offered units before applicants who do not meet the definition.

IX. Compliance Monitoring

A report of compliance must be submitted to the City at completion of initial lease up or sale. Compliance will then be monitored as part of the City's/Agency's regular monitoring and will be included on monitoring forms for each new tenant. Owners must retain documentation for each tenant/purchaser for five (5) years from the date of initial occupancy.

X. Penalties for Non-Compliance

Owners or developers who fail to grant preferences to displacees, Oakland residents and Oakland workers in violation of this policy shall be considered in breach of their contractual obligations under the loan agreement and the regulatory agreement or affordability agreement with the City/Agency for the project. The City/Agency reserves the right to pursue any of its remedies under the loan documents in the event of such breach.

APPROVED:

City Administrator