

## **Article 8: Housing**

### **Division 3: San Diego Housing Commission**

(“*San Diego Housing Commission*” added 9-30-1985 by O-16511 N.S.)

(Retitled to “*San Diego Housing Commission and Relocation Appeals Board*” on 12-1-2016 by O-20746 N.S.; effective 12-31-2016.)

(Retitled from “*San Diego Housing Commission and Relocation Appeals Board*” to “*San Diego Housing Commission*” on 7-18-2023 by O-21683 N.S.; effective 8-17-2023.)

#### **§98.0301 San Diego Housing Commission**

- (a) Creation of *Commission*. There is hereby created a *Commission* to act as a Housing Commission under the Housing Authority Law of the State of California. The name of the *Commission* shall be the San Diego Housing Commission. The *Commission* is granted all rights, powers, and duties of a Housing Authority pursuant to the provisions of California Health and Safety Code sections 34200-34380, except those expressly retained by the Housing Authority of the City of San Diego in this section.
- (b) Definitions. For purposes of this section, defined terms appear in italics. The following definitions apply in this section:

*Board of Commissioners* means the governing body of the *Commission* consisting of *members* appointed through the process in Section 98.0301(f).

*Commission* means the San Diego Housing Commission, a public agency created pursuant to the California Health and Safety Code.

*Commission President* means the President and Chief Executive Officer of the *Commission*.

*Housing Authority Executive Director* means the *Commission President*.

*Housing Authority* means the Housing Authority of the City of San Diego, a public agency created pursuant to the California Health and Safety Code.

*Member* means a commissioner of the *Board of Commissioners*.

*Persons of low income* means a group or family that lacks the amount of income necessary, as determined by the *Housing Authority*, to enable it to live without financial assistance in decent, safe, and sanitary dwellings without overcrowding.

- (c) Investigatory Functions. The *Board of Commissioners'* investigatory functions include the following:
- (1) Investigate living, dwelling and housing conditions in the City of San Diego and the means and methods of improving such conditions.
  - (2) Determine where there is a shortage of decent, safe, and sanitary dwelling accommodations for *persons of low income*.
  - (3) Engage in research, studies and experiments on the subject of housing.
  - (4) Make recommendations to the *Housing Authority* for changes or revisions in *Housing Authority* policies.
  - (5) Review and recommend revisions to personnel policies and procedures.
  - (6) Review and recommend action on annual administrative and operating budgets.
  - (7) Perform such other functions not inconsistent with this section that the *Housing Authority* or City Council delegates to the *Commission* by resolution.
- (d) Administrative Functions. The *Board of Commissioners'* administrative functions include the following:
- (1) Approve plans and specifications, authorize advertisements for bids and proposals, accept and reject bids and proposals, and approve expenditures for goods, services, public works, land clearance, loans, grants, claims, leases and other interests in real property, and other contracts and agreements; however, the programs, projects or activities for such expenditures shall have been previously approved by the *Housing Authority*, or the expenditures shall be for items included in budgets previously approved by the *Housing Authority*.
  - (2) Approve submission of applications for funds where such applications do not constitute a binding agreement to accept such funds, if awarded, and approve contracts for the receipt of such funds.
  - (3) Approve guidelines for the administration of programs previously approved and funded by the *Housing Authority*.

- (4) Review conflict of interest codes and submit proposed conflict of interest codes for City Council approval in accordance with California Government Code section 82011.
  - (5) Approve lease forms, grievance procedures, occupancy policies, rent and utility schedules, tenant council agreements, and other United States Department of Housing and Urban Development (HUD)-required documents for the administration of public housing and rent subsidy programs.
  - (6) Act upon such other matters not inconsistent with this section that the *Housing Authority* or City Council delegates to the *Commission* by resolution.
  - (7) Hold a public hearing before the *Housing Authority* makes a decision, and (i) forward a written recommendation to the *Housing Authority*, or (ii) forward the matter to the *Housing Authority* without a recommendation.
  - (8) Act upon all other administrative matters in accordance with federal, state, and local laws and regulations, except the matters set forth below in sections 98.0301(d)(8)(A)-(E), and except as provided in section 98.0301(e), in which case, the *Board of Commissioners'* actions shall be advisory only, and shall be referred for *Housing Authority* action:
    - (A) The *Commission's* annual budget;
    - (B) Bond issuances and actions related to Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) hearings;
    - (C) Memoranda of Understanding between recognized employee organizations and the *Commission*;
    - (D) Adoption or amendment of any *Commission* policy; and
    - (E) Any other matters that are determined to be advisory only by City Council or *Housing Authority* resolution.
- (e) Finality of Actions.

- (1) All *Board of Commissioners*' actions taken pursuant to section 98.0301(d) shall be final seven calendar days after action by the *Board of Commissioners*, except for actions taken on the matters set forth in sections 98.0301(d)(8)(A)-(E), and except as provided in section 98.0301(e)(2).
- (2) Any action by the *Board of Commissioners* may be referred to the *Housing Authority* for final action, within seven calendar days after the date of the action by:
  - (A) *Board of Commissioners*' resolution.
  - (B) *Housing Authority Executive Director* written notification to the *Board of Commissioners*' chairperson.
  - (C) Written notice by two members of the City Council or *Housing Authority*, or the City Manager, to the *Housing Authority Executive Director*.
- (3) If a matter is referred to the *Housing Authority* for final action in accordance with Section 98.0301(e)(2), the Chair of the *Housing Authority*, who shall be the Council President, as the role is defined in San Diego Municipal Code section 22.0101, shall set the matter on the next available *Housing Authority* agenda, and the action taken by the *Board of Commissioners* shall be advisory.
- (4) *Housing Authority* Notification
  - (A) The *Board of Commissioners* shall not act on any of the following matters unless the *Commission President* first provides written notification to the *Housing Authority*:
    - (i) Approval of any proposed acquisition, sale, or lease of real property for a term in excess of five years; or
    - (ii) Approval of any development project, rehabilitation loan commitment, or contract for the acquisition of goods or services, involving the expenditure of more than \$1,000,000.

- (B) The *Commission President* shall provide the notification at least seven calendar days in advance of the meeting at which the action is proposed to be considered, except that, in the event the *Commission President* determines it necessary to place such an action on an agenda fewer than seven calendar days before a meeting of the *Board of Commissioners*, the *Commission President* shall provide the notification at the time the *Commission President* makes that determination, no later than the time the agenda is posted, and under no circumstances later than 24 hours in advance of the meeting.
- (f) Appointment of *Members*. The *Board of Commissioners* shall consist of seven *members* who shall be appointed by the Mayor subject to City Council confirmation.
- (1) Two *members* shall be tenants of *Commission*-owned units, which include those owned by limited liability companies in which the *Commission* is the sole member, or recipients of housing assistance pursuant to HUD's tenant-based housing choice voucher program (Section 8). At least one of the *members* appointed pursuant to this subsection shall be over 62 years of age. So long as required by federal law, at least one of the *members* appointed pursuant to this subsection shall be a recipient of housing assistance in the tenant-based housing choice voucher program (Section 8).
- (2) Each *member*, except the two *members* appointed pursuant to section 98.0301(f)(1), shall have at least five years of experience in one or more of the following areas: real estate finance, affordable housing, homelessness, workforce development, healthcare, nonprofit, education, or community-based organizations. City Council may make an exception to this requirement when a person with unique qualifications, but without the required experience, is available to serve as a *member*. When nominating a person who does not have the required experience, the Mayor shall provide information to City Council regarding the nominee's unique qualifications to be a *member*.
- (3) The term of office of each *member* shall be four years, except that the terms of office of the two *members* appointed pursuant to section 98.0301(f)(1) shall be two years as set forth in California Health and Safety Code section 34272. A *member* shall hold office until the *member*'s successor has been appointed and confirmed.

- (4) Vacancies occurring during a term shall be filled for the unexpired term by appointment made by the Mayor subject to City Council confirmation. Whenever the Mayor does not appoint a *member* within 45 days after a vacancy occurs, the Council shall make such appointment.
  - (5) Each *member* shall receive as compensation the sum of \$50 for each meeting of the *Board of Commissioners* attended, provided that the total compensation for each *member* shall not exceed \$100 in any one month. In addition, each *member* shall receive necessary travel and incidental expenses related to *member* duties. Any *member* may waive compensation by filing a written waiver of compensation form with the *Commission President*.
  - (6) For inefficiency, neglect of duty, or misconduct in office, a *member* may be removed by majority vote of the City Council.
- (g) Organization of the *Board of Commissioners*. The *Board of Commissioners* shall determine the time, place, and frequency of its meetings. Four *members* shall constitute a quorum and the vote of at least four *members* shall be necessary for any action by the *Board of Commissioners*. The *Board of Commissioners* may adopt rules of procedure for the conduct of its business and do anything else necessary or proper to carry out its functions in accordance with federal, state, and local laws and regulations.
- (h) Indemnification of *Members*. To the fullest extent permitted under California Government Code sections 825, 995, and 995.2, City shall indemnify *members* against civil actions brought against them in their individual or official capacities, or both, and pay judgments and settlements for claims against the *members* for matters arising out of acts or omissions occurring within the scope of their service to the *Commission*, provided that the *member* cooperates and assists with the defense. Any indemnification shall not include punitive or exemplary damages.
- (i) *Commission President*.
- (1) The *Housing Authority* shall appoint the *Commission President*, who may be removed from office by the *Housing Authority* at any time.
  - (2) The *Commission President* shall serve, ex officio, as the *Housing Authority* Executive Director.

- (3) The *Housing Authority* and *Board of Commissioners* shall direct and review the work of the *Commission President*. The *Board of Commissioners* shall conduct an annual performance review of the *Commission President* and shall present the performance review to the *Housing Authority* at a properly noticed closed session meeting for approval. The *Board of Commissioners* shall recommend the *Commission President's* annual compensation for *Housing Authority* approval at a properly noticed open session meeting of the *Housing Authority*.

*(Amended 4-25-1994 by O-18062 N.S.)*

*(Amended 12-24-2013 by O-20331 N.S.; effective 1-23-2014.)*

*(Amended 12-1-2016 by O-20746 N.S.; effective 12-31-2016.)*

*(Amended 10-10-2017 by O-20861 N.S.; effective 11-9-2017.)*

*(Amended 9-21-2022 by O-21520 N.S.; effective 10-21-2022.)*

*(Amended 1-13-2023 by O-21592 N.S.; effective 2-12-2023.)*