

RESOLUTION NO. 2018-023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO
AFFORDABLE HOUSING AGREEMENTS/COVENANTS TO MODIFY
OCCUPANCY STANDARDS FOR AFFORDABLE UNITS**

WHEREAS, the City administers its affordable housing program, in part, through the use of affordable housing agreements and/or covenants ("Covenants") entered into between the City and the owners of multifamily housing complexes with affordable units; and

WHEREAS, a number of these Covenants contain occupancy standards for affordable units that are intended to be protective of tenants and conform to state and federal requirements and guidelines on residential occupancy standards; and


WHEREAS, the California Department of Fair Employment and Housing ("DFEH") guidelines on residential occupancy standards recommend occupancy standards of two persons per bedroom plus one additional person for the overall affordable rental unit; and

WHEREAS, the City desires to amend those Covenants to assure that best practices are followed with respect to occupancy standards.


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby authorize the City Manager to execute amendments to the applicable Covenants, in substantially similar form to Exhibit A, subject to minor modifications by the City Manager or City Attorney.

DULY AND REGULARLY ADOPTED this 13th day of February, 2018.

CITY OF ROHNERT PARK


Pam Stafford, Mayor

ATTEST:


JoAnne M. Buerger, City Clerk

Attachment: Exhibit A

AHANOTU: Aye BELFORTE: Aye MACKENZIE: Aye CALLINAN: Aye STAFFORD: Aye

AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Rohnert Park
130 Avram Avenue
Rohnert Park, CA 94928-2486

(Space Above This Line for Recorder's Use Only)
[Exempt from recording fee per Gov. Code § 27383]

**AMENDMENT NO. ___ TO AFFORDABLE HOUSING COVENANT
INCLUDING DEED AND PRE-COMPLETION TRANSFER RESTRICTIONS**

This AMENDMENT NO. ___ TO AFFORDABLE HOUSING COVENANT INCLUDING DEED AND PRE-COMPLETION TRANSFER RESTRICTIONS (this "Amendment") is dated _____, 2018 for reference purposes only, and is entered into by and between the CITY OF ROHNERT PARK, a municipal corporation ("City") and _____ ("Owner").

Recitals

A. On or about _____ (date)_____, City and _____, a California corporation (collectively, the "Parties"), entered into that certain Affordable Housing Covenant Including Deed and Pre-Completion Transfer Restrictions ("Covenant") concerning the real property located at _____ (address)_____, in the City of Rohnert Park, County of Sonoma, more particularly described in **Exhibit A** attached hereto ("Site").

B. Owner is the current owner of the Site and a successor in interest to Developer under the Covenant.

C. All capitalized terms used in this Amendment, unless otherwise provided herein, shall have the same definitions given to such terms in the Covenant.

D. The Parties desire to amend the Covenant to change to the maximum size of a household that may occupy an Affordable Unit.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, for the benefit of and to bind themselves and their successors and interests in the ownership of the Site, hereby amend the Covenant in the following respects only:

1. Section X.x of the Covenant is deleted in its entirety and replaced with the following new Section X.x:

Exhibit A

X.(x) The maximum size of a household occupying an Affordable Unit shall be two (2) persons per bedroom plus one (1) additional person. This standard may be modified, as necessary to comply with any occupancy standards that may now or in the future be established by the California Department of Fair Employment and Housing's ("DFEH") in their guidelines on residential occupancy.

2. Except as expressly amended hereinabove, the Covenant, as amended by the Amendment, shall remain unaltered and in full force and effect.

3. This Amendment may be executed in any number of counterparts with the same effect as if all parties had signed the same document. All counterparts shall be construed together and shall constitute one Amendment.

Signatures on Next Page

Signatures to be Notarized

Exhibit A

IN WITNESS WHEREOF, City and Owner have caused this Amendment to be executed on their behalf by their respective officers thereunto duly authorized.

“City”

CITY OF ROHNERT PARK,
a municipal corporation

By: _____

Darrin Jenkins, City Manager

Date: _____

Authorized by Resolution 2018-__ adopted by the Rohnert Park City Council at its meeting of November 28, 2017

Attest

City Clerk

Approved as to form:

City Attorney

“Owner”

_____(owner)_____

a Delaware limited liability company

By: Owner representative

By: _____

Name: _____

Its: _____

Date: _____