

# COUNCIL COMMITTEE MINUTES

Concurrent Special Committee Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento and the Parking Authority of the City of Sacramento.

COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: August 2, 1994

MEETING TIME: 12:00 p.m.

LOCATION: 915 I STREET, 2ND FLOOR, COUNCIL CHAMBER

I HEREBY CALL Special Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento, and Parking Authority of the City of Sacramento to be conducted concurrently with the Council committee meetings listed below, which are incorporated herein by reference. The Special Meetings are called to permit Members who are not on the listed committees to attend the meetings and participate in the discussions.

The meeting was called to order at 12:00 noon by Chair Deborah Ortiz.

PRESENT: Committeemembers Ortiz, Kastanis and Steinberg

ABSENT: Committeemember Pane.

## 1.0 CONSENT CALENDAR

ALL ITEMS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED AND ACTED UPON BY ONE MOTION. A MEMBER OF THE COMMITTEE OR STAFF MAY REQUEST AN ITEM TO BE REMOVED FOR SEPARATE CONSIDERATION.

No items for Consent Calendar.

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## 2.0 STAFF REPORTS

### 2.1 Housing element reform bills.

A. AB 51 (Costa)

B: SB 1839 (Bergeson)

RECOMMENDATION OF STAFF: Provide direction to staff.

COMMITTEE ACTION: Support concept of self-certification and HCD review; not comment at all on local action; and withdraw prior support of SB 1839. Bring back to Committee 8/16/94.

ITEM CONTINUED ON FOLLOWING PAGE.

# COUNCIL COMMITTEE MINUTES

## 2.1 ITEM CONTINUED FROM PREVIOUS PAGE.

VOTING RECORD:

MOVED:

Steinberg

SECONDED:

Ortiz

AYES:

Steinberg, Ortiz, Kastanis

ABSENT:

Pane

### MINUTES:

This item was carried over from the July 19, 1994 Committee meeting. Patricia Mendoza, Associate Planner, explained that these bills are still being amended, and the report is a review of the two bills pending in the Assembly and Senate, and that the two bills basically amend the State's housing law regarding the mandated housing element requirement and the meeting of housing goals. She said these two bills will be heard next week. She explained that supporters of these two bills are meeting at the same time this Committee is meeting, and that is why there are no supporters presented at this meeting to discuss these bills. She then summarized the staff report which compares the two bills.

Gary Stonehouse, Director of Planning, explained that both bills are trying to do the right thing by streamlining the process and trying to improve the requirements of the housing element. He suggested that the Committee may wish to say it supports this bill for some features and the other bill for other features. Mr. Stonehouse said he feels AB 51 is the more stringent bill. There was considerable discussion about the features of both bills and the goals of the City of Sacramento.

Kastanis expressed his concern about taking a position while the two bills are undergoing major revision, but that he would be willing to make a motion recommending that Ken Emanuels express the City support of self-certification and HCD review, and opposition to limitations on local action. Ortiz said she is concerned because the Committee previously supported SB 1839, and she recommends the Committee send a letter withdrawing that support and saying the Committee is awaiting review of the final bill after revisions. Steinberg asked that the City oppose anything that deals with no-net loss when it comes to zoning, but to not oppose something that deals with the actual construction. There was a lot of discussion.

Kastanis' motion was dropped. Steinberg moved to take a support position on self-certification and HCD review, not comment at all on local action, and to withdraw the City's prior support of SB 1839. Ortiz seconded the action, and it was unanimously supported. This matter will be brought back for an update at the next Committee meeting, scheduled for August 16th.

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## 2.2 SB 1601 (Beverly) relating to loss of priority for delinquent utility liens.

RECOMMENDATION OF STAFF: Oppose.

COMMITTEE ACTION: Opposed.

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## COUNCIL COMMITTEE MINUTES

### 2.2 ITEM CONTINUED FROM PREVIOUS PAGE.

**VOTING RECORD:**

Moved: Kastanis  
Seconded: Ortiz  
Ayes: Kastanis, Ortiz  
Absent: Pane, Steinberg

**MINUTES:**

Margaret Freeman, Revenue Manager, brought this matter to the Committee. She explained that the impact to the City of Sacramento is this bill is passed is very substantial, in that it would cause the annual delinquent utility charges liens the Council assesses as special assessments to be considered secondary to any prior recorded liens. Currently the utility liens take first priority over other liens placed on the property, which could jeopardize the City anywhere from \$2 to \$3 million per year. Kastanis moved to oppose SB 1601, Ortiz seconded the motion, and it was opposed.

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### 2.3 SB 54X (Greene) relating to release of state summary criminal history information to Sacramento Housing Authority.

**RECOMMENDATION OF STAFF:**

Support, or support and forward to Council.

**COMMITTEE ACTION:**

Supported.

**VOTING RECORD:**

Moved: Steinberg  
Seconded: Ortiz  
Ayes: Steinberg, Ortiz, Kastanis  
Absent: Pane

**MINUTES:**

Patricia Duplechan, Director of Housing, Sacramento Housing and Redevelopment Agency brought this matter to the Committee. She explained that this legislation would authorize public housing applicant screening for criminal background records, and that this would help make housing safe. John Molloy, SHRA Executive Director, told the Committee that the County Board of Supervisors voted in favor of this bill this morning.

Ortiz explained that federal public housing is already subject to a process comparable to the one being proposed here, which would allow all agency-controlled or -managed housing to fall under a tenant screening process based on criminal convictions, not arrests. She said that the private housing property management situation is different, and that there are numerous statutes and regulatory provisions that preclude the private sector from doing precisely what federally

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## COUNCIL COMMITTEE MINUTES

### 2.3 ITEM CONTINUED FROM PREVIOUS PAGE.

funded agencies are currently allowed to do. Mr. Molloy added that the City can now do criminal screening for public housing applicants in Sacramento County court records, but that it doesn't have access to statewide information. This bill allows for regular access to this information, and would facilitate this access. He also said that this legislation requires that SHRA come back to the Council with a procedure for the handling of the information obtained. Ortiz pointed out that the federal bill will say "you shall" rather than "you can."

Deputy City Attorney Diane Balter stated that the way the bill is written, it would allow for criminal arrests as well as convictions. Mr. Molloy explained that his agency would be coming back to the Council, should this bill pass, with a recommendation that only convictions be considered.

Captain Braziel of the Police Department told the Committee that his department has set up a pilot program accessing County criminal records information. This bill would allow access to the statewide data, consisting of all of the counties. He pointed out that 272 applicants for public housing provided either incomplete or false information in the background packet, and 90 were not housed based on lack of suitability, and that one individual had five arrests for kidnap, robbery and rape, and was on probation in Alameda County. He was denied housing, and that the background check was instrumental in keeping him from being housed in Sacramento public housing.

Steinberg expressed his concern that this type of screening is prohibited in private rental housing, and why the bill only applies to public housing. Dana Phillips, legal counsel for SHRA, told Steinberg and the Committee that this bill applies to access to State data regarding criminal arrests and convictions, and can be used by the City under strict guidelines only, whereas by allowing the private sector to gain access to this information with no guidelines, this information could get the information in the wrong hands for the wrong reasons. Mr. Phillips said that tenants in public housing are very much like tenants in private rental housing. He went on to say that not everyone who qualifies for public housing is housed; it is a privilege, and Sacramento wants to be better than elsewhere.

Comments from the general public were heard. The first speaker was Walter Mueller, who supports this bill. Other supporters were Catherine Camacho, a member of the Safe Streets Program; Marta Bustamante, who said she is a personal victim of criminals living in public housing; and Jim Hoag, representing SHRA's residents as the Chairman of their City Housing League, who said they support this bill 100%. Richard Lucero stated that he was not in support or opposition, said he feels this is a good bill but was against the Police Department to be so involved in this legislation, and that he doesn't like the idea of backing public housing.

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## COUNCIL COMMITTEE MINUTES

### 2.3 ITEM CONTINUED FROM PREVIOUS PAGE.

John Molloy reiterated that if the bill passes, his subsequent recommendation to the Council will be that they not check current residents unless that resident is under review for cause (such as violence); and that any screening or review be based on convictions and not just arrests. He also said that SHRA would have to come before the Council with its recommended policy for implementation of this bill before anything further is done, and that issues such as drug activity be outlined in the proposed policy.

Steinberg moved to support this bill but seek an amendment that there would be absolutely no question that this apply only to new applicants and not be retroactive. Kastanis commented that he supports this bill emphatically, that he will not accept Steinberg's amendment, and he moved to support the bill in all respects. There was some more discussion. Ortiz seconded Steinberg's motion to support the bill in concept and to attempt to ensure that the screening of applicants will only be prospective, not retrospective. Steinberg's motion was unanimously supported. This will not need to go to Council.

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The meeting was adjourned at 1:21 p.m.

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DEBORAH ORTIZ, Chair

ATTEST:

  
JUDY SANDERS, Secretary