

Midpeninsula Regional Open Space District

Board Policy Manual

Housing Policy	Policy 4.11 Chapter 4 - Acquisition & Management of District Lands
Effective Date: 02/08/2017	Revised Date: N/A
Prior Versions: Employee Residence Policies 3/23/94	

Purpose:

Open space acquired by the District often includes structures. Some of these structures may be suitable for residential rentals. Residential structures may also be constructed if there is a District need to provide housing. District residential housing shall be used to support the District's mission. Such uses may include housing for District employees, housing for agricultural tenants and tenants' employees in support of resource management grazing and agriculture. Rentals may also be used to recoup the costs of structural maintenance and repair and provide financial support to the District. This policy defines tenant classifications for District Housing, guidelines for potential rental discounts and site selection criteria. Included in this policy is the process for the Board to approve filing an unlawful detainer action if the District is required to regain possession of a residential rental.

A set of administrative policies developed by the General Manager will cover occupancy criteria, required agreements, tenant rights and responsibilities, term limits and the determination of monthly rent.

Definitions:

Market Rate: Rental costs based on current market prices. The market rate will be reassessed periodically.

Affordable Housing: Housing which costs 30% or less of gross household income.

Agricultural Lands: District lands under lease for grazing, row crops, or other agricultural operations.

Tenant Classifications:

1. Employee. Employed by the District
Employees who live in District housing fall into two categories:
 - a. Employees who provide direct services- generally field employees but can be any employee assigned to housing based on a District need for services.
 - b. Employees who provide no direct services- No requirements other than typical tenant responsibilities.
2. Agricultural.
Tenants who live District housing that is required to support an agricultural use on District lands.
 - a. Agricultural Lease Holder-District residential tenant who also leases District agricultural land.

- b. Agricultural Laborer- employee of agricultural lease holder who is assigned to work on District lands as part of their responsibilities.
- 3. Other Agency Employees.
Tenants who are employees of another agency or non-profit who live in District housing and whose site presence assists in land stewardship of District lands. An example is a government employee in the law enforcement services.
- 4. General Public. Any person not in any of the above categories.

Guidelines for Potential Rental Discounts:

- 1. Employees.
 - a. Employees that provide direct services: The administrative policies developed by the General Manager, may provide rental discounts to an employee commensurate with the direct services they provide to the District up to 50% off market rate. The administrative policies will also include provisions for employees to apply for an affordable housing rate, if that rate is lower than 50% off the market rate.
 - b. Employees that provide no direct services: The administrative policies developed by the General Manager, may provide rental discounts to an employee up to 25% off market rate. This discount is based on the value of recruitment and retention of employees in the Bay Area housing market.
 - c. The Board of Directors authorizes the General Manger to develop policies for the recruitment and retention of employees that include housing benefits. For example, the General Manager may offer housing benefits in order to facilitate the recruitment and retention of management-level employees. Such benefits could include, but are not necessarily limited to a rental discount equivalent to the 25% discount mentioned above in paragraph 1b, or an equivalent housing stipend.
- 2. Agricultural.
 - a. Agricultural Lease Holder. District housing offered for agricultural lease holder will either be negotiated in conjunction with an agricultural lease or be market rate.
 - b. Agricultural Labor. District housing offered for agricultural labor is generally governed by a District lease or license. Agricultural housing rents and associated discounts are negotiated on a case-by-case basis and brought to the Board consistent with the policy regarding *Improvements on District Lands* (Policy 4.02). If District housing is made available to agricultural labor outside of a District Lease or License, the agricultural labor tenant is required to work for a District agricultural tenant on District Lands. Rent will either be negotiated in the agricultural lease, market rate, or an affordable housing rate.
- 3. Affordable Housing. The General Manager may develop affordable housing administrative policies for District employees and agricultural labor housing that provides for setting rent at an affordable housing rate. This discounted rate shall generally be 30% of gross household income. This rate is based on the federal definition of affordable housing but may not comply with all the requirements of particular federal programs. Affordable Housing rates may also conform to local applicable guidelines.
- 4. Other Agency Employees and the General Public. Both of these tenant classifications are not eligible for any rental discounts. Other agency employees whose site presence provides a benefit to the District may be given priority over the general public.

Site Selection Criteria:

1. Employees that Provide Services. The highest priority will generally be given to providing housing to employees when there is an operational need to have staff living on site. Typically, this will be ranger and maintenance field staff who are available for emergency response, but may include other classes of employees that provide important on-site direct services. The selection of employee housing sites shall be based on geographic location and specific needs of the District. Strategic locations for easy surveillance and access to roads and trails, public accessibility, need for increased security, and proximity to field offices will be primary considerations.
2. Agricultural. The selection of agricultural residential sites shall be based on their proximity to the District agricultural leases on District Lands. Due to the need for an on-site presence for some agricultural lands, this use may take priority over employees that provide direct services in some cases.
3. Employees that Don't Provide Services. Housing for District employees who do not perform direct services will be considered after operational and agricultural needs are met and before other agencies and the general public.
4. Other Agency/Non Profit Employees. The selection of a site for this type of housing shall be based on District need.
5. General Public. No site selection criteria. Sites for general public housing are superseded by the above noted tenant classifications.

Unlawful Detainer

If an Unlawful Detainer action is required for the District to regain possession of rental premises, initial action and any required pre-litigation procedures will be initiated by the Property Management Program in the Land and Facilities Services Department in consultation with the General Manager, and in conjunction with and under the guidance of District General Counsel. The Board of Directors will approve the filing of a required Unlawful Detainer lawsuit. If necessary to regain possession of District property in a timely manner under the procedures set out in State law, or in the event of an imminent threat to health, safety or welfare, the General Manager, with approval of the District's General Counsel, may approve the initial filing of an Unlawful Detainer action and report the filing to the Board at the earliest possible time to obtain the Board's approval and direction as to the action.