

TRANSCRIPT OF THE PUBLIC HEARING
ON THE PROPOSED AFFORDABLE SALES
PROGRAM REGULATIONS

Monday, April 20, 2015

6:01 p.m.- 8:06 p.m.

Pasadena Convention Center

Conference Center

Lower Level, Room 107

REPORTED BY: Grace Chung, CSR 6246, RMR, CRR

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APPEARANCES:

PANEL MEMBERS:

JENNIFER LOWDEN, Assistant Division Chief

ROGER FORMANEK

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Pasadena, California

Monday, April 20, 2015

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MS. LOWDEN: Good evening, and welcome. Thank you for coming this afternoon. I'm Jennifer Lowden, the Assistant Division Chief for the California Department of Transportation, Caltrans. I work in the Division of Right of Way & Land Surveys in Sacramento.

A little bit of housekeeping this evening. Restrooms are out the back door to the right and then to the left; and on your right, there's a little water dispenser back there and some Pepsi machines also, if you care for that. The emergency exits are similar to going out to the restrooms, out the door, to the right and then to the left. If we are able to use elevators, they are right there. If not, keep going out the garage to the left and up the ramp, or out the door to the left and up the stairs and out the front doors.

We are gathered here this evening at the Pasadena Convention Center. We are on the lower level, of Room 107. For the record, the street address is 300 East Green Street,

1 Pasadena, California. The ZIP code is 91101.

2 We have a court reporter here assisting
3 us to record all of the input given to us this
4 evening. In order for the reporter to
5 accurately transcribe the oral comments that
6 some of you will be making during tonight's
7 hearing, I ask that you please refrain from
8 talking while others are speaking.

9 This public hearing is focused solely
10 on revised affordable sales program regulations
11 as proposed by Caltrans in reference to Title 21
12 of the California Code of Regulations, beginning
13 with Section 54235 and continuing through
14 Section 54238.6, as required by the
15 Administrative Procedures Act.

16 This is not a town hall or a workshop.
17 Tonight's public hearing is a forum to receive
18 public comments regarding the regulations that
19 have been proposed by Caltrans. Public
20 participation and your comments are key to the
21 regulatory process. This public hearing is
22 being conducted to allow an opportunity for you
23 to make oral comments or written comments to the
24 proposed affordable sales program regulations.
25 We do value your input and comments.

1 However, this public hearing is not a
2 forum for comments on the 710 North project or
3 project alternatives. We will not be accepting
4 comments for that environmental document that is
5 currently circulating for the 710 North. This
6 isn't a hearing about the environmental process
7 itself or the property rents or property
8 maintenance and repairs of the residences.

9 We won't be responding to your comments
10 or be able to answer any of your questions.
11 This process is specifically designed to allow
12 input from the public as per the rules and
13 regulations set forth in the Administrative
14 Procedures Act.

15 Comments you make during this
16 rulemaking process will be responded to in a
17 published document called the "Final Statement
18 of Reasons" at a later date. This hearing is
19 scheduled from 6 p.m. to 8 p.m. this evening.
20 We will endeavor to take as much public comment
21 as possible during this time. And your comments
22 will become part of the rulemaking record.

23 Under the rulemaking provisions of the
24 California Administrative Procedures Act, this
25 is the date, time, and place set forth for

1 presentation of comments for or against these
2 proposed regulations, both orally and in
3 writing. Notices have been published in various
4 media outlets and have also been mailed to
5 interested parties.

6 This is a quasi-legislative hearing in
7 which Caltrans carries out a rulemaking function
8 delegated by the legislature. Witnesses
9 presenting testimony at this hearing will not be
10 sworn in. We will take under submission all
11 written comments provided, as well as oral
12 statements made during this hearing. Written
13 comments carry the same weight as oral comments.

14 All comments will be responded to in
15 the Final Statement of Reason at a later date.
16 This document, the Final Statement of Reason,
17 becomes a part of the final rulemaking file and
18 is submitted to the Office of Administrative
19 Law.

20 Written comments that have been
21 received to date will be posted on the Internet
22 and can be viewed from that website.

23 As I mentioned previously, this
24 rulemaking hearing will be recorded by our court
25 reporter. The transcript of the hearing, along

1 with any exhibits and evidence presented during
2 this hearing, will be made part of the
3 rulemaking record, together with any written
4 comments received.

5 The record of this hearing is being
6 kept open until 8 p.m. this evening. In order
7 to receive relevant evidence from interested
8 parties. At this point, the rulemaking record
9 includes the Notice of Proposed Rulemaking, the
10 Proposed Regulations, the Initial Statement of
11 Reasons, the Standardized Regulatory Impact
12 Assessment, and all comments received to date.

13 The proposed regulation was duly
14 noticed more than 45 days prior to today's
15 hearing. Notices were mailed to residential
16 tenants who are living within the proposed State
17 Route 710 project corridor, other interested
18 parties who requested rulemaking notices, as
19 well as parties deemed by Caltrans to have
20 potential interest in the proposed rulemaking
21 process.

22 The hearing is one of critical steps
23 that must be take place before the sale of
24 certain properties located in the corridor can
25 commence. Selling the properties will require

1 the proposed affordable sales program
2 regulations be adopted in accordance with the
3 Administrative Procedures Act. Regulations
4 proposed by any state agency must be reviewed
5 and approved by the Office of Administrative
6 Law.

7 The Office of Administrative Law will
8 review the rulemaking record to determine
9 whether it demonstrates that Caltrans, as the
10 rulemaking agency, satisfied the procedural
11 requirements of the Administrative Procedures
12 Act. The Office of Administrative Law will also
13 review the proposed regulations for compliance
14 with the following legal standards as set forth
15 in the Administrative Procedures Act:

16 First, that the proposed regulation is
17 necessary to effectuate the purpose of the
18 statute it is implementing.

19 Second, it is clear in terms.

20 Third, it is consistent and not in
21 conflict or contradictory to existing law.

22 Fourth, it does not duplicate existing
23 state or federal law.

24 And fifth, Caltrans' interpretation
25 does not alter, amend, enlarge, or impair the

1 scope of the authority or reference conferred by
2 statute.

3 If the Office of Administrative Law
4 makes the determination that the proposed
5 regulation does not meet any of these five
6 standards, it can disapprove the regulatory
7 process -- I'm sorry, the regulatory proposal.
8 This would mean that the regulation would not go
9 into effect.

10 Additional steps that must take place
11 include that the properties under consideration
12 for sale must be declared -- must be declared
13 excess; the environmental document must be
14 complete and comply with the California
15 Environmental Quality Act. Caltrans must comply
16 with Public Resource Code Section 5024, which
17 ensures that there is no adverse effect to any
18 historic properties resulting from this
19 regulatory action.

20 Caltrans is proposing to adopt a
21 regulation in Title 21, Division 2, of the
22 California Code of Regulations. This sets forth
23 the procedures that will allow Caltrans to
24 dispose of surplus residential properties that
25 were originally acquired for the State Route 710

1 extensions in the cities of Los Angeles, South
2 Pasadena, and Pasadena, in accordance with
3 Section 54235 through 54238.6, as amended, and
4 which is also known as the Roberti Act.

5 The regulations are intended to allow
6 Caltrans to dispose of the residential
7 properties in a manner that will preserve,
8 upgrade, and expand the supply of housing
9 available to affected persons and families of
10 low or moderate income. Copies of the proposed
11 regulatory action and the Initial Statement of
12 Reasons are available at the information table
13 just outside the door.

14 As you entered the room today, you were
15 given an opportunity to sign an attendance
16 sheet. If you wish to sign the attendance
17 sheet, have not already done so, please sign it
18 at your convenience before you leave this
19 evening. Please note the attendance sheet is
20 your opportunity to provide Caltrans with a
21 clear and legible record of your name and
22 mailing address, if you wish to receive mail in
23 the future and are not already on our mailing
24 list.

25 You will not be excluded from

1 participation in these proceedings even if you
2 haven't identified yourself or do not sign the
3 attendance sheet.

4 However, if you wish to provide an oral
5 comment, a speaker card will be required. If
6 you have not yet completed a speaker card and
7 wish to make an oral comment this evening,
8 please raise your hand, and an usher will drop
9 off a speaker card for you to complete. Once
10 you filled out the card, please give it to one
11 of our ushers, and they will make sure the card
12 gets into the queue.

13 You were also provided an opportunity
14 to pick up and complete a written comment sheet
15 as you entered the room. If you complete a
16 comment sheet or if you brought written comments
17 with you to submit during the hearing, please
18 place them in the comment box located on the
19 information table just outside the door. You
20 are welcome to write as many comments as you
21 would like on the comment sheet.

22 Again, all comments will be recorded
23 and responded to as part of the final rulemaking
24 process, and they will become a -- the responses
25 will be a portion of the Final Statement of

1 Reasons.

2 The 45-day written comment period ended
3 at 5 p.m. on Monday, April 13th, 2015. All
4 written comments received during the written
5 comment period are part of the rulemaking
6 record. If you wish to receive updates,
7 including the Final Statement of Reasons, which
8 will contain Caltrans' responses to comments
9 received, and you have not already done so,
10 please be sure to complete a legible name and
11 mailing address on the sign-in sheet at the
12 back, on the information table.

13 I understand that regulatory language
14 can be complex, and it may be unclear which of
15 your comments relate to the specific -- to this
16 specific hearing. We welcome input on issues
17 outside of the scope of the hearing, but this is
18 not the forum to discuss them. If you have
19 concerns on matters not related to the proposed
20 regulations, there is information on the
21 information table outside the door that might
22 provide you with correct contact information.

23 Caltrans has provided a
24 Spanish-speaking interpreter tonight. Hugo
25 Guzman is here to aid in communication with our

1 Spanish-speaking attendees. Please let us know
2 if you wish his assistance.

3 I will call your names from the speaker
4 cards submitted. Please do not come forward
5 until I have called your name and asked you to
6 step forward. We are going to do our best this
7 evening to ensure that everyone who wants to
8 speak is provided an opportunity to do so.

9 We ask your help in this by respecting
10 each speaker and limiting your speaking time to
11 no more than two minutes. We have a timer here
12 that will show you how much time you have
13 remaining. To be fair to everyone who wishes to
14 speak this evening, I will enforce the
15 two-minute time limit, and there will be no
16 ceding of time to other speakers, nor will an
17 individual be allowed to speak more than once.
18 A buzzer will sound at the end of the two
19 minutes. I apologize in advance if anyone is
20 offended by the buzzer. Unfortunately, there
21 are no optional buzzer sounds.

22 We will conclude the hearing this
23 evening at 8 p.m. If you've turned in a speaker
24 before 8 p.m. and we have not yet heard your
25 comment, we will remain here until all persons

1 have had an opportunity to present their
2 comments or the room is no longer available to
3 us.

4 When you speak, I ask that you come
5 forward and communicate into the microphone in a
6 clear and audible tone such that participants
7 situated in the back of the room can hear you
8 speak. This will also allow the court reporter
9 the best chance of ensuring your comments are
10 accurately recorded.

11 Begin by stating your name, and please
12 spell your last name to ensure that the court
13 reporter is able to record the information
14 accurately. State the organization you
15 represent, if any, and tell us what section of
16 the number of -- what section number of the
17 proposed regulations for which you wish to
18 comment.

19 Your input is important to this
20 process. The panel will not be able to respond
21 to any of your comments or answer questions.
22 Responses to your comments will be addressed at
23 the end of the process in the Final Statement of
24 Reasons.

25 I will turn the microphone over to Hugo

1 now.

2 (Spanish translation of Ms. Lowden's
3 comments was provided.)

4 MS. LOWDEN: I will begin by calling
5 speakers based on the speaker cards I received.
6 Please forgive me if I mispronounce your name.
7 I will do my best.

8 The first speaker this evening is
9 Margaret Lin.

10 Margaret, if you will please step
11 forward to the microphone. Please state your
12 name and state spell your last name, the
13 organization or group that you represent, and
14 the section of the proposed regulations, if you
15 have that available.

16 MS. LIN: Hi. My name is Margaret Lin,
17 L-I-N. I'm the principal management analyst for
18 the City of South Pasadena. And tonight I will
19 be providing general comments regarding the
20 proposed regulation.

21 The City has already submitted its
22 comment letter dated March 26, and the City
23 would like to encourage Caltrans to provide
24 maximum amount of flexibility to the current
25 tenants in order to maintain the current fabric

1 of the community and to reduce the number of our
2 residents that may be displaced.

3 The City also strongly encourages
4 Caltrans to provide a minimum of 45 days'
5 extension to the public comment period to
6 provide stakeholders with ample time to review
7 the complicated proposed regulations and provide
8 substantiative public comments to this important
9 regulation. Thank you.

10 MS. LOWDEN: Thank you.

11 Our next commenter, Marie Ibsen
12 Risigari-Gai.

13 MS. RISIGARI-GAI: My name is Marie
14 Ibsen, spelled I-B-S-E-N, Risigari,
15 R-I-S-I-G-A-R-I, hyphen, G-A-I.

16 And I'm with the United Caltrans
17 Tenants. It's an organization that has come
18 together to work through this process.

19 As a tenant in good standing for the
20 past 20 years, I view myself as having been a
21 good caretaker and steward for the property in
22 which I have rented, despite the lack of
23 interest in maintaining the property.

24 Unfortunately, I am a tenant who falls
25 just outside of the income limitations for the

1 affordable sales program. But I, like many
2 other tenants, am not financially within the
3 reach of purchasing the property at fair market
4 value for the area of South Pasadena. And I
5 appeal to you and the great State of California
6 to help adjust the new sales regulations in
7 order to make the sales of the properties to the
8 current tenants a reality.

9 Please consider making the following
10 adjustments to the sales regulations as
11 presented by United Caltrans Tenants:

12 One, redefine the "median income"
13 definition to use the median income of the local
14 area instead of the county median income. For
15 example, use the median income of South Pasadena
16 for properties located in South Pasadena.

17 The authority for this type of
18 flexibility is listed in the Health and Safety
19 Code Section 50093. To quote, "The agency may
20 use higher income limitations in designated
21 geographic areas of the state upon a
22 determination that 120 percent or 150 percent in
23 this situation of median income in the
24 particular geographic area is too low to qualify
25 a substantial number of persons or families of

1 lower, moderate income who can't afford rent or
2 purchase of housing." Consider that the median
3 income for El Sereno is approximately \$45,000;
4 for Pasadena, approximately \$63,000; and for
5 South Pasadena, approximately \$80,000.

6 Two, expand the income parameters for
7 the affordable sales program from 150 percent of
8 median income to 200 percent of median income to
9 qualify more tenants who are just outside the
10 income limitations but are not able to because
11 of lack of --

12 (Buzzer sounded.)

13 MS. RISIGARI-GAI: Thank you.

14 MS. LOWDEN: If you were unable to get
15 all your comments in, and you can put them in
16 the written comment box outside the door, and
17 then you will get 100 percent of your comments.

18 MS. RISIGARI-GAI: Okay. Thank you.

19 MS. LOWDEN: Thank you.

20 Next, I would like to call Cynthia
21 Mata-Flores.

22 MS. MATA-FLORES: Good evening. I'm
23 Cynthia Mata-Flores, and I live at 2020 Bershire
24 in South Pasadena. And my last name is Mata,
25 M-A-T-A, hyphen, Flores, F-L-O-R-E-S.

1 MS. LOWDEN: Thank you.

2 MS. MATA-FLORES: Okay. This is a
3 continuation of the UCT proposal that Marie just
4 mentioned.

5 In all cases, adjusted (indecipherable)
6 priority for the purchase of properties to be,
7 one, the original tenant; two, all current
8 tenants in good standing; three, former tenants
9 in good standing; four, public housing entities;
10 five, private and nonprofit housing entities;
11 six, general public.

12 Under Section 1477 of the current
13 Caltrans proposal, tenants should not be
14 penalized for acquiring modest property equity
15 and should be allowed to participate in the sale
16 of the Caltrans properties of the 710 corridor;
17 and a provision that requires all empty lots to
18 be set aside for public use, such as community
19 gardens, et cetera, and workout places,
20 basketball courts, et cetera, for the community;
21 and a provision that requires that during the
22 710 corridor property sales process, the rental
23 property shall not be increased and shall -- the
24 rents shall be rolled back to before the 10
25 percent increases initiated due to the audits,

1 since the condition of the properties were not
2 up to fair-market-value standard and should be
3 considered in as-is condition and should not
4 warrant such rental increases.

5 The increased amount for relocation
6 costs to accommodate the true costs of moving
7 should occur. The current amount is not
8 sufficient to handle relocation costs in today's
9 inflated housing market and should be sufficient
10 to handle all cost of moving, including the
11 costs related to finding suitable housing,
12 first-month rent, last-month rent, et cetera,
13 and time reimbursement for tenants' time for
14 looking for suitable replacement housing in the
15 area of relocation efforts or the actual packing
16 and moving, et cetera, whatever the needs may
17 be. That's all.

18 MS. LOWDEN: Thank you.

19 Our next card is from Roberto Flores.

20 Please state your name and spell your
21 last name.

22 MR. FLORES: My name is Roberto Flores,
23 F-L-O-R-E-S. And I am also from United Caltrans
24 Tenants, and this is a continuation as well.

25 So in response to years of malpractice

1 and lacking good maintenance and the publicly
2 highlighted audit, we would like you to consider
3 treating all rental agreements as a rent with
4 options to buy contracts and apply all the rents
5 towards down payment on the properties.

6 Also, we would like to, for the record,
7 reiterate the request for the 120-day comment
8 period. This is based on the purpose and spirit
9 of the APA law for meaningful participation of
10 all stakeholders.

11 Also, some of our main and serious
12 concerns include, for the tenants that do
13 qualify for affordable sales, how will the
14 trusted partner for double escrow be found.
15 Will this partner be public-housing entity or a
16 private entity?

17 Our group of tenants who fall outside
18 of the income limits for affordable have spoken
19 with city reps from South Pasadena. And
20 although they agree that all tenants should be
21 able to remain in their homes, they don't seem
22 to be set up for this type of transaction and do
23 not have the necessary resources or personnel to
24 accommodate the process.

25 Given this, what are the other

1 entities? What extra -- what else can be done
2 to bring about or develop entity? What extra
3 costs are involved in the process? Is it up to
4 the tenant to find a suitable partner for this
5 transaction? And if this is true, will there be
6 a list of trusted partners developed that can
7 facilitate the process, instead of leaving it up
8 to the tenants and opening for problems in the
9 business in which the tenants may not be
10 knowledgeable? Thank you.

11 MS. LOWDEN: Thank you, Mr. Flores.

12 Next, I would like to call Annette -- I
13 believe it's Vigil.

14 MS. VIGIL: Annette Vigil, V-I-G-I-L,
15 for Charles Purnell, P-U-R-N-E-L-L, a
16 49-year-old tenant at 540 Prospect Avenue, South
17 Pasadena.

18 Can the State of California, through
19 Caltrans or the Governor's Office or through
20 some other entity, set up a facilitator or board
21 that can facilitate the specialized process
22 affecting many of the tenants in the special
23 circumstance? This board or entity would then
24 develop the list of trusted public housing
25 partners to connect with the tenants and help to

1 facilitate the double escrow process. It would
2 serve as a resource to connect the tenants with
3 financial programs that can broker appropriate
4 loans that take into consideration the condition
5 of the properties and the complications of the
6 sales.

7 Can you give examples of where this
8 double escrow model has worked? What were the
9 results of this model? Positive? Negative?

10 Has this current proposal model taken
11 any past negative impacts or problems into
12 consideration and provided any solutions so that
13 the tenants who are prospective homebuyers will
14 have a smooth transaction without undue extra
15 costs or hardships? What are the estimated
16 offered prices of the homes?

17 And when will the list of these prices
18 be available so that tenants who fall into the
19 category outside of the affordable sales program
20 can begin to find funding resources or they can
21 make decisions that wouldn't be an impossibility
22 to be able to afford to purchase the home in
23 which they live?

24 Thank you.

25 MS. LOWDEN: Thank you.

1 Next, I would like to call Paul Stifel.

2 MR. STIFEL: I am Paul Stifel,
3 S-T-I-F-E-L.

4 And I guess this is really out of
5 place. I guess I come tonight as a taxpayer,
6 and, therefore, the houses in -- I grew up in
7 this area. The houses that are under
8 consideration belong to the taxpayers, and I'm
9 just surprised, with the Roberti Act and all
10 that, that other than the people who originally
11 sold those homes to the State, that we are
12 giving away the houses for less than fair market
13 value. I feel for the tenants that have lived
14 there and all that, but I guess I'm just
15 speaking up for the taxpayer.

16 It doesn't look like -- the rents that
17 have been received, 398 houses, that it came
18 down to about \$10,000 a year per house. And
19 it's too bad they weren't better maintained. A
20 lot of them are estate homes, beautiful homes.
21 And many are in disrepair, and it will be good
22 to get them sold and back up to market. Thank
23 you.

24 MS. LOWDEN: Thank you.

25 Next, I would like to call Greg

1 Carlsson.

2 MR. CARLSSON: Good evening. My name
3 is Greg Carlsson, C-A-R-L-S-S-O-N.

4 And I already sent some of this out to
5 Sacramento, also to Carol Lui. In comments to
6 be shared tonight from this meeting, I would
7 like to speak to Section 141486.

8 Real estate agents typically receive 2
9 to 4 percent of the property sales on a
10 commission. Very few agents will take \$3,000 as
11 a commission on a sale, especially when that
12 will be complicated, such as the Caltrans'
13 properties that are going to be sold.

14 I suggest that this amount be changed
15 to reflect the market rate of 2 to 4 percent of
16 the sale price. Allowing market rate payment
17 for real estate agents will ensure buyers are
18 adequately represented.

19 Section 1488 also needs clarification.
20 I'm not sure what's meant by a "noncompliance."
21 With what? The sale documents or deed
22 restrictions after the sale? Who is the
23 housing-related public entity that will be
24 designated by the City of Pasadena to buy the
25 houses and then sell them back to the buyers on

1 the same day? What criteria will be used to
2 select the HRPE?

3 And then the question and answer part
4 of page 9. Quote, The refinance loan will not
5 be in a higher position than the use of resale
6 restriction, unquote. The sentence needs to be
7 removed.

8 Banks will not lend money to buy or to
9 refinance with this type of restriction in
10 place. If the bank has to foreclose, they will
11 not want to have Caltrans stating who they can
12 sell the houses to or anything else that may be
13 in restrictions. This restriction will not
14 allow prospective Caltrans renters to qualify
15 for any loan. These types of restrictions will
16 not allow loans to be sold to FHA, Fannie Mae,
17 or Freddie Mac.

18 If this restriction is not removed,
19 Caltrans must identify possible lenders with
20 comparable interest rates that will agree to
21 work with us. Thank you.

22 MS. LOWDEN: Thank you.

23 Next, I would like to call Christopher
24 Sutton.

25 MR. SUTTON: Good evening. My name is

1 Christopher Sutton. I'm an attorney, and my
2 address is 586 La Loma Road, Pasadena.

3 I submitted a letter one week ago to
4 Ms. Lowden, and I tried to fax it, but the fax
5 line was not working. So I would urge that the
6 written comment period be extended, as was the
7 request from the City of Pasadena.

8 In addition, there are two major
9 categories and issues that are not covered by
10 regulations. Caltrans' adopting historic
11 covenants will apply to over 100 of these
12 properties, and it's not included in the
13 regulations. And that is a violation of the
14 Administrative Procedures Act.

15 Caltrans had a meeting at the DCU
16 offices last Thursday morning to help draft
17 these regulations with the covenants. The
18 historic covenants are not to be found anywhere
19 in these regulations. The regulations need to
20 be rewritten to expressly state how the historic
21 covenants will be applied.

22 In addition, the Notice of Intention,
23 as you circulated and is out on the table, has a
24 schedule of when properties will be sold,
25 extending all the way into the year 2020; yet no

1 schedule or explanation of the schedule or
2 methodology to determine the schedule is
3 included in the regulations. Another violation
4 of the Administrative Procedures Act.

5 These hearings, both on these
6 regulations, here in last summer and on the
7 (inaudible) on 710, Caltrans, which has held
8 numerous hearings, limits people to two minutes,
9 but then at the end of the meeting, there's over
10 half an hour, sometimes an hour, of time left
11 over. Caltrans needs to allow people to resume
12 their comments after everyone else has spoken.

13 Caltrans should include in these
14 regulations that it will become the lender of
15 last resort if a tenant is unable to get a loan
16 because of the burdens of the regulations. In
17 the past, Caltrans has been a lender in
18 financing properties throughout Southern
19 California and throughout the state as a lender
20 of last resort. Methodology should be included
21 in the regulations.

22 And we urge that the comment period be
23 extended at least another 60 days. Thank you.

24 MS. LOWDEN: Thank you.

25 Next, I would like to call John

1 Kvammen.

2 MR. KVAMMEN: Hi. My name is John
3 Kvammen, K-V-A-M-M-E-N. I've been a Caltrans
4 tenant for 22 years.

5 First of all, I want to thank you for
6 reducing the covenants down to -- time covenants
7 down to five years. And if double escrow works,
8 that's a great solution, too.

9 But I'm very concerned about the rent
10 increases that have been possibly forcing very
11 eligible tenants out. There is a difference
12 between affordable rent program and the
13 affordable sales program of 30 percent. The
14 rent program is 120 percent; the affordable
15 sales program is 150 percent of area median
16 income.

17 And you know what the form for that
18 income of the former rent people are, but there
19 is no way that Caltrans can know the income of
20 the remainder of the tenants. So every single
21 tenant potentially could be eligible for
22 Roberti, rather than forced out by these rent
23 increases of 10 percent every six months.

24 You need to roll them back to the very
25 beginning and -- please roll them back. Thank

1 you very much.

2 MS. LOWDEN: Thank you.

3 Next, I would like to call Michelle
4 White.

5 MS. WHITE: My name is Michelle White,
6 W-H-I-T-E.

7 I'm with Affordable Housing Services,
8 and I'm concerned about the general nature of
9 the regulations, especially those that relate to
10 the order of sales that would change the order
11 from the previous way in which they would be
12 sold from those who were originally owners and
13 became renters. The next group was nonprofits
14 and then other groups.

15 I'm one of those nonprofits that would
16 have been able to take advantage of this.
17 Instead, the City and the Housing Authorities
18 have been placed in that position, and I think
19 that should be reversed.

20 As it stands now, affordable housing in
21 Pasadena is primarily in northwest Pasadena,
22 although that is changing. The fact that
23 Caltrans allows for greater dissemination of
24 affordable housing in other parts of the city is
25 really important, because Caltrans, along with

1 other parts of the state, is required to have
2 housing that affirmatively affirms fair housing.
3 And low and very low-income people in this area
4 tend to be people of color. And by this
5 program, they can be placed in places other than
6 segregated areas of the city.

7 This should be used to our greatest
8 advantage, and I think that nonprofits can do
9 that much better than the cities, and that the
10 property should be used only for affordable
11 housing, not for gardens, not for schools,
12 because this was the original purpose. Thank
13 you.

14 MS. LOWDEN: Thank you.

15 Next, I would like to call Ken Collins,
16 please.

17 MR. COLLINS: Hello. My name is
18 Kenneth Collins, spelled C-O-L-L-I-N-S.

19 As I've watched this over the last two
20 years -- I'm a realtor and a contractor -- I
21 found that how the State is handling this, it's
22 almost like they don't know what they are doing.
23 And I don't -- and that's not a -- that's not a
24 remiss to the State. It's just that there are
25 simple processes already in place. For

1 instance, you have in your paperwork CalHFA.
2 Well, CalHFA has two listed REO specialists that
3 they work with. As the existing tenant said,
4 they are going to need help on doing this. And
5 I know that it's kind of -- kind of strange why
6 the State just doesn't move this over to a
7 specialist who is already a CalHFA, as the state
8 is requiring. They do REO properties now.

9 And since many of the properties are in
10 disrepair, it is a special thing that's going to
11 happen. Area realtors are skilled in doing
12 this. They are skilled in helping their client
13 get through the financing part of it, seeking a
14 financing agency. If CalHFA will do that, that
15 makes it very simple.

16 I think the more we simplify this
17 process for existing tenants, for the
18 nonprofits, et cetera, I think it will make all
19 the sense in the world. As we know, you moved
20 it from the state to the city affordable housing
21 agency. You now face another wall of
22 contention. It just behooved [sic] me why they
23 can't be made simple with the apparatus in
24 place.

25 And please help the individuals that

1 have been there, that have made this their home
2 that do not want to move, and put everything
3 together, as the state have the money, they have
4 the personnel. They just simply, again, have to
5 have the will to do it right this time.

6 Thank you very much for the time.

7 MS. LOWDEN: Thank you. The next
8 speaker I would like to call is Linda Krausen.

9 MS. KRAUSEN: Hi. Good evening. Linda
10 Krausen, 1109 Grevelia Street, South Pasadena,
11 California, where I've been living as a Caltrans
12 tenants since 1993. And I'm also very happy
13 that the covenants have been changed, since I'm
14 73 years old and hope to be able to buy my
15 property, and I hope to get to 103, but I don't
16 know that I'll ever get there.

17 So -- but I still don't fully
18 understand about this, because I'm -- in the
19 part of the definitions, I'm referring to this
20 part. There is -- in 1489, they talk about
21 monitoring. And my question is: If these homes
22 are bought as affordable or if they are bought
23 at the fair market value as-is, are they only to
24 be monitored for five years, assuming that you
25 pay the debt off in five years, and will

1 improvements and add-ones be allowed during
2 those five years? Is that what the monitoring
3 is about? I mean, are there regulations
4 elsewhere in the housing codes that will -- that
5 will determine what kinds of improvements can be
6 made, or if it's bought at fair market value
7 as-is condition, can the owner in that five-year
8 period try to enhance the property? And so
9 that's one thing.

10 And then, also, I have a concern, if
11 the property is sold as affordable, after five
12 years that it's attempted to be sold at fair
13 market value. The difference was a little
14 confusing to me. I still have yet to really
15 understand what "net equity" is in terms of net
16 appreciation, although I understand net
17 appreciation more than I do net equity.

18 But the point is that my notes say that
19 the resale price will have to be diminished by
20 the following deductions, according to what I'm
21 reading, the original fair market value price
22 minus the affordable sales price somehow. The
23 rest of the loan --

24 (Buzzer sounded.)

25 MS. KRAUSEN: Can I just finish my list

1 here? Closing costs paid on the fair market
2 value resale, original tenant's down payment.
3 So he loses his down payment, all costs of
4 improvements. But what the tenant has paid for,
5 he will lose. And the seller -- so he doesn't
6 get the money that he put into the house back.
7 I would like to know if I'm correct on that.

8 I have plenty more to ask, maybe after
9 the period.

10 MS. LOWDEN: What I would like to ask
11 is that you provide those comments in writing at
12 the information table at the back of the room.
13 That will help us out a lot. Also, if you don't
14 have them prepared this evening, tomorrow night
15 we will have another public hearing at Cal State
16 L.A., and you can drop them off in the comment
17 box there, or you can provide additional
18 comments tomorrow evening at that public
19 hearing.

20 MS. KRAUSEN: Okay. Thank you.

21 MS. LOWDEN: Thank you.

22 Again, just a reminder, if you were not
23 able to finish your comments this evening,
24 please do go ahead and write them down, drop
25 them off in the information box at the table.

1 We do have another public hearing tomorrow
2 evening at Cal State L.A. There is information
3 at the table about the location at Cal State
4 L.A. The hearing tomorrow night, it is from 6
5 o'clock until 8 o'clock.

6 I don't have any more comment -- or any
7 more speaker cards this evening, but we will be
8 here until 8 o'clock. Thank you for all who
9 have commented so far this evening. Again, we
10 will remain here until 8 o'clock. You may
11 continue to provide written comments and drop
12 them off at the comment box at the information
13 table. Or if there are any others who would
14 like to make an oral comment this evening,
15 please get a speaker card filled out, raise your
16 hand. One of the ushers will bring you a
17 speaker card. And once I get the speaker card,
18 I will call your name, and we can go ahead and
19 have you come forward and make those comments.

20 AUDIENCE MEMBER: What about the fax
21 machine? Is that available?

22 MS. LOWDEN: Yes, it is. The fax
23 machine is available. But the comments through
24 the fax machine are complete. That was through
25 5 p.m. on April 13th.

1 (Pause in proceedings.)

2 MS. LOWDEN: I have Patricia, and I'm
3 not sure what the last name is here.

4 MS. CUNLIFF: That's me.

5 MS. LOWDEN: Can you please spell
6 your last name for me. Thank you.

7 MS. CUNLIFF: Hi. My name is Patricia
8 Cunliff, C-U-N-L-I-F-F. I am representing the
9 UCT.

10 And one of the things they were asking
11 is to please redefine the definition of gross
12 income to adjusted net gross income to reflect
13 the real usable income of the tenants as
14 prospective homebuyers. This will help to
15 include more tenants in the qualifying process
16 for the affordable sales program.

17 MS. LOWDEN: Thank you. Is that your
18 complete comment?

19 MS. CUNLIFF: No. I have a couple of
20 other questions.

21 MS. LOWDEN: Okay. Go right ahead.

22 MS. CUNLIFF: I agree with the real
23 estate guy, because it's my question also, which
24 is, why does this have to be complicated? Why
25 can't you just simplify, as in, you know, ask

1 the tenant, "Would you like to buy your home?"
2 Okay.

3 And then the tier -- and my other
4 concern is with tier structure. I don't
5 understand why the organizations have to come
6 before the human beings that are former tenants.
7 Former tenants are way down here. I'm a former
8 tenant. And you've got the former owners; you
9 have tenants; you've got all these tiers. I
10 mean, my God, will there be anything left by the
11 time my turn comes up?

12 Okay. Now I've done.

13 MS. LOWDEN: Thank you very much.

14 MS. CUNLIFF: Thank you.

15 MS. LOWDEN: I have one more speaker
16 card right now. I would like to call Carla
17 Miller.

18 Thank you.

19 MS. MILLER: Hi. I'm Carla Miller. I
20 am a UCT member, and I live on the New Drive
21 [phonetic]. And I was asking, is there a
22 trusted transition assistant program available
23 for all the tenants to access in case the
24 purchase of the property does not become a
25 reality? What options are available for many

1 tenants who will not be able to afford to
2 purchase at current fair market value for
3 their as-is-condition homes? Private lenders,
4 and even public lenders such as FHA or VA, are
5 usually finicky about the conditions of the
6 property before they enter into agreements.

7 In the absence of agreeable lenders or
8 other resources, what can be done for the
9 tenants, besides eviction, with a small amount
10 of money for relocation and a good-bye? Will
11 there be an assistant information board set up
12 to help answer questions and direct tenants in a
13 fair way to opportunities for assistance?

14 It will be a big impact on families to
15 uproot and reestablish a home. Many of us will
16 not be able to remain in the city in which we
17 have lived for many years. Many of us are older
18 than 60 years and have lived in this community
19 for a long time. Surely, something can be
20 established to make this transition a caring
21 experience rather than a heartbreaking one with
22 full of hardships.

23 MS. LOWDEN: Thank you.

24 It looks like I've got another speaker
25 card coming forward.

1 We did indicate that it was one speaker
2 opportunity per evening. This speaker card that
3 I received is for someone who's already spoken.
4 If you would like to speak again, you are
5 welcome to come to tomorrow night's hearing and
6 speak at tomorrow evening's hearing.

7 You are also to provide --

8 AUDIENCE MEMBER: That's really
9 ridiculous, and you know that. We are here
10 right now. We are here now.

11 MS. LOWDEN: You are also welcome to
12 provide your comments in the comment box.

13 AUDIENCE MEMBER: They just got
14 finished saying that there's extra time. People
15 can continue with their comments.

16 AUDIENCE MEMBER: Silence is more
17 important than more comments. Silence is the
18 priority, not comments, is what they are saying.

19 AUDIENCE MEMBER: Pass the comments to
20 somebody else, and do what we need to do.

21 (Pause in proceedings.)

22 MS. LOWDEN: Okay. Thank you for
23 coming and sharing the information with us, as
24 well as those who came to listen.

25 I would like to outline the process for

1 what comes next. As mentioned previously,
2 rulemaking process is governed by the provisions
3 of the Administrative Procedures Act and can be
4 found in the California Government Code.

5 All the written and oral comments we
6 have received via facsimile, e-mail, regular
7 mail, and the public hearings will be reviewed
8 and summarized.

9 If those comments lead to a revision of
10 the regulations, we will put out an additional
11 minimum 15-day notice and receive written
12 comments during that time. We will not have
13 them at a public hearing. We will summarize and
14 respond to the comments, both oral and written,
15 in the Final Statement of Reasons.

16 All of this will be part of the final
17 rulemaking file that is given to the Office of
18 Administrative Law for review and approval.
19 Once the Office of Administrative Law has
20 reviewed the file and if they concur we,
21 Caltrans, have complied with the prescribed
22 standards for adopting regulations, they will
23 issue an approval notice to Caltrans.

24 Once the properties are declared
25 excess, the environmental document is complete,

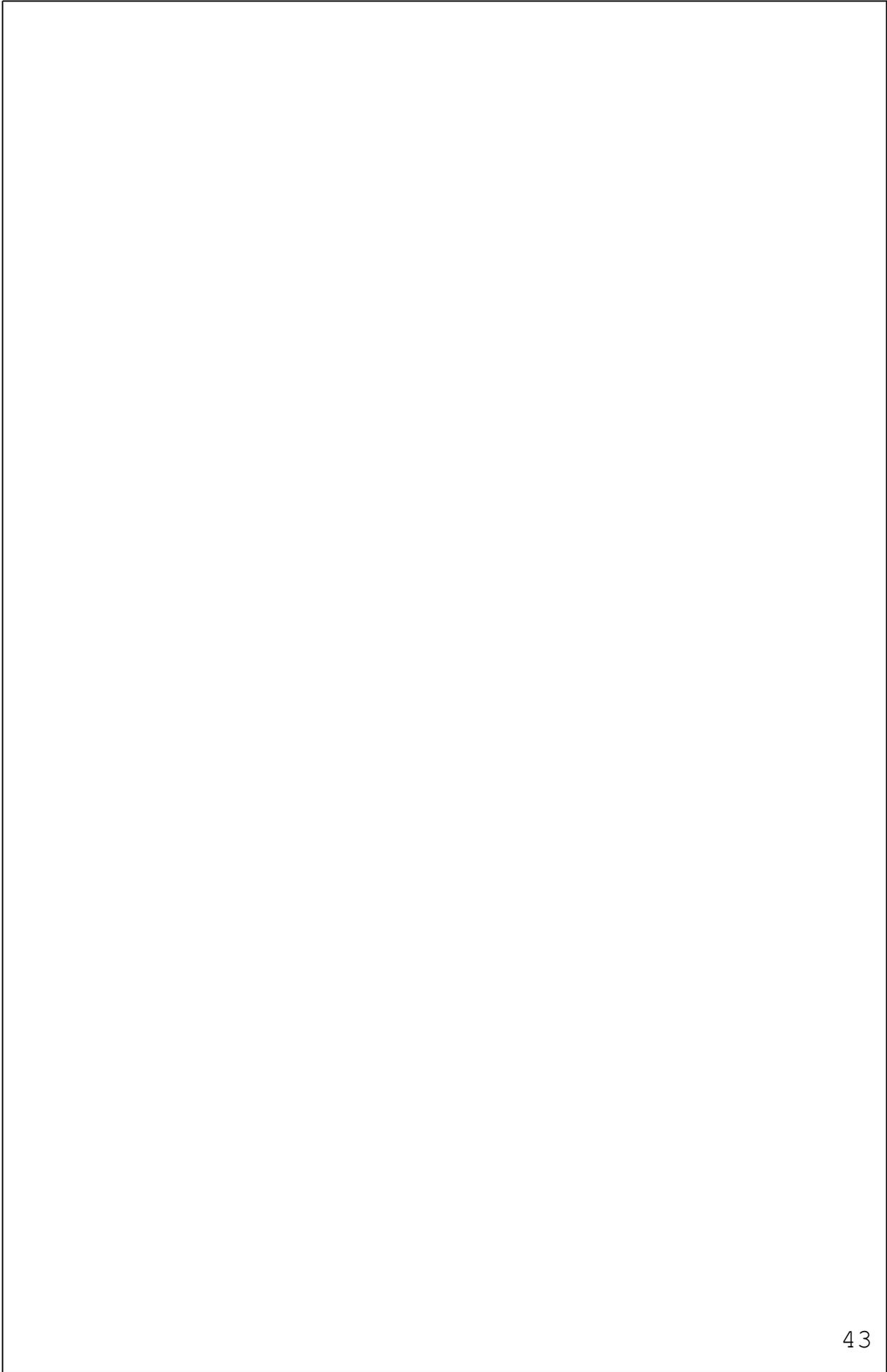
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and Caltrans has complied with Public Resources Code Section 5024, we'll be able to begin the process of selling these properties.

With that, I'm going to conclude the hearing this evening. Thank you for taking the time out of your busy schedules and for participating.

(Proceedings adjourned at 8:06 p.m.)

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I, GRACE CHUNG, C.S.R. No. 6246,
Registered Merit Reporter and Certified Realtime
Reporter, reported in shorthand the proceedings had
at the time and place set forth, and that the above
and foregoing pages contain a full, true, and
accurate transcript of the said proceedings.

In witness whereof, I have hereunto
subscribed my name.

Dated: April 25, 2015

GRACE CHUNG, CSR No. 6246
RMR, CRR, CLR

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