

Housing & Community Development News

San Diego Housing Federation
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Volume 14, Number 10

October 2004

**San Diego Housing Federation's
13th Annual Affordable Housing and Community Development Conference:
"Building Our Future - Breaking New Ground"**

Friday October 15, 2004 8:00a.m. – 3:15p.m.

**Point Loma Nazarene University
3900 Lomaland Dr. San Diego, CA**

Join 300 Affordable Housing and Community Development professionals and supporters at our 13th annual conference. The Conference Committee has an exciting agenda that focuses on the latest innovations in affordable housing and community development.

Keynoting the conference will be Dr. J. Otis Smith of Standby Systems II, Inc., a Philadelphia consulting firm that specializes in team development, conflict resolution, group dynamics, and motivation. His topic will focus on strengthening resident leadership and developing community organizers to increase the double bottom line of today's affordable developers to provide an environment that supports resident empowerment while providing an affordable, accessible and secure place to live and raise a family. He is coming to San Diego courtesy of Community HousingWorks.

The rest of the program is chock full of workshops on topics that are on the cutting edge of providing homes and services to low income families, the disabled and seniors. The developers will be treated to topics on mixed use development, adapting old buildings to residential use, manufactured housing as an option for for-sale development, and of course some of the latest information on financing.

Another track is for those that are interested in developing community leaders within current tenants and expanding that to develop broad-based local and state coalitions to pursue more funding for affordable housing.

The Corporation for Supportive Housing has put together a track on serving specific populations in permanent housing environments.

Once again we are extremely grateful to Point Loma Nazarene University for hosting the conference on their beautiful campus. The registration and exhibit areas overlook the Pacific Ocean north toward Mission Bay and La Jolla and October is the best time of year to be outdoors in San Diego.

PLEASE JOIN US!

The Regular Housing & Community Development News Begins on Page 5.

**San Diego Housing Federation's
13th Annual Affordable Housing and Community Development Conference
Sponsors**

Title Sponsor (\$15,000)

- Bank of America
- Citibank

Platinum Sponsor (\$10,000)

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Gold Sponsor (\$5,000)

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- San Diego Interfaith Housing Foundation

Bronze Sponsor (\$1,000)

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- San Diego Gas & Electric
- Sun Country Builders

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- Community Economics, Inc.
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- California Housing Partnership Corporation
- Century Housing
- City of Escondido (x2)
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- Keyser Marston Associates, Inc.
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- Gubb & Barshay LLP

Morning Coffee Break Sponsor (\$250)

- Corporation for Supportive Housing

Afternoon Coffee Break Sponsor (\$250)

- Ivy Landscape Architects

San Diego Housing Federation's
13th Annual Affordable Housing & Community Development Conference

"Building Our Future – Breaking New Ground"

October 15th, 2004
Point Loma Nazarene University
San Diego, CA

PRELIMINARY CONFERENCE SCHEDULE

8:00 - 8:30 Registration

8:30 - 9:30 Welcome & Keynote Speaker
Dr. J. Otis Smith, Standby Systems, Inc.

9:30 - 9:45 Break

9:45 - 11:00 Workshop Session I

- *Project Financing*: Financing Mixed Use Projects Case Studies
- *Design & Development*: Place-Making for Affordable Housing
- *Design & Development*: Place-Making for Affordable Housing
- *Working Together*: Growing Tenant Leaders
- *Supportive Housing*: Supportive Housing for Emancipated & Homeless Youth
- *Innovation*: Manufactured Housing - It's Not What You Think

11:00 - 11:15 Break

11:15 - 12:30 Workshop Session II

- *Project Financing*: What's New From the State
- *Design & Development*: Mi Pueblo
- *Supportive Housing*: Providing a Stable Foundation: Supportive Housing for Substance Users
- *Innovation*: Altered States - Adapting Non-Residential Buildings into Affordable Housing

12:30 - 1:45 Lunch - Mayoral Candidates Forum
Moderated by League of Women Voters San Diego

2:00 - 3:15 Workshop Session III

- *Project Financing*: Tax Credits 15 Year Exit Strategies
- *Design & Development*: Brave New World: Confronting the Challenges of High Risk Affordable Housing Development
- *Working Together*: California Housing Trust Fund Financing Campaign
- *Supportive Housing*: (Re-) Entry Doorways: Supportive Housing for Ex-Offenders
- *Innovation*: Greening of Affordable Housing

3:30 to ? Happy Hour at the Brigantine - No Host Refreshments and Fun

Program, Registration & Sponsorship Information is Available online:

<http://www.housingsandiego.org/2004conferencepage.htm>

**San Diego Housing Federation's 13th Annual Housing Conference
Registration Form**

Name (one form per person) _____
Organization _____
Address _____
City, State, Zip _____
Phone _____ Fax _____
E-Mail _____

Special Requirements
 ASL Interpreter
 Personal Assistant
 Dietary or Other Restrictions

Will you be attending the conference luncheon? Yes No

Do you plan on attending the Happy Hour gathering at the Brigantine? Yes No

Conference Registration includes a continental breakfast, all sessions and a served luncheon.

Registration Fees

SDHF Members	\$120	<input type="checkbox"/> (group discount available)
Non-members	\$145	<input type="checkbox"/> (group discount available)
With New Federation Membership Appl.*	\$90	<input type="checkbox"/>

Group Discount: Take \$20 off for each employee from same organization.

*Organizations that Join the Federation between September 1, 2004 and October 15th

For Credit Card Payment Please fax or mail this form along with a check to:

Name (appears on card): _____
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**San Diego Housing Federation
450 B Street, Suite 1010
San Diego, CA 92101
FAX: 619-239-5523**

Directions to the Point Loma Campus

From the north: Traveling south on I-5, take the Rosecrans exit, (Highway 209 south.) Proceed south on Rosecrans to Canon Street. Turn right. Follow Canon to Catalina Boulevard. Turn left onto Catalina, then right onto Lomaland Drive. The University entrance is at the top of the hill.

From the east: Traveling west on I-8, take the Rosecrans exit, (highway 209 south) Proceed south on Rosecrans to Canon Street. Turn right. Follow Canon to Catalina Boulevard. Turn left onto Catalina, then right onto Lomaland Drive. The University entrance is at the top of the hill.

From the south: Traveling north on I-5, take the airport exit. Follow the signs to the airport which will lead you to Harbor Drive until you come to Rosecrans, turn south (left), continuing on to Canon Street and turn right. Follow Canon to Catalina Boulevard. Turn left onto Catalina, then right onto Lomaland Drive. The University entrance is at the top of the hill.

From the Airport. Start out going West on TERMINAL 1 towards AIRPORT EXIT. Turn SLIGHT RIGHT onto TERMINAL 2. Stay straight to go onto AIRPORT EXIT. Turn RIGHT onto N HARBOR DR. Turn LEFT onto ROSECRANS ST. Turn RIGHT onto CANON ST. Turn LEFT onto CATALINA BLVD. Turn RIGHT onto LOMALAND DR.

Parking

Follow signs to parking on the campus. Be sure to display the parking pass provided to you in advance or at the gate.

Member News

San Diego Community Housing Corporation celebrated its 10th Anniversary with a fundraising luncheon attended by over 200 supporters on September 9th. Since its founding in 1994 SDCHC has built 46 homes and rehabilitated 40 homes that were sold to low income families. They also built or rehabilitated 936 apartment units in 8 complexes.

Community HousingWorks and the **City of Poway** marked the first anniversary of Hillside Village at a public event on Monday, September 6th.

Rebecca Davis has joined **Wakeland Housing & Development** as a project manager. Rebecca spent the last 3 years working on affordable housing policy in the Land Use Department of the **San Diego Association of Governments (SANDAG)**. Rebecca has a masters degree in urban planning from UC Berkeley.

Affirmed Housing Group hired Daniel Serrano as project manager responsible for community outreach, coordinating the entitlement processes, and overall project administration. Prior to Affirmed, Serrano gained planning experience as an intern at the **City of Chula Vista's** Planning and Building Department and the Land Use Department of the **San Diego Association of Governments (SANDAG)**. He is currently working towards a master's degree in City Planning at San Diego State University and looks forward to graduating in spring 2005.

Centre City Development Corporation's Dale Royal was named by *San Diego Metropolitan Uptown Examiner & Daily Business Report* as one of the "40 under Forty" young business leaders in San Diego. The magazine also recognized Leane Marchese, Executive Director of **San Diego Elderhelp**. The article can be viewed online at <http://www.sandiegometro.com/index.php>

Lydia Goularte Ruiz, of the **San Diego Redevelopment Agency**, received a *Recognition of Excellence* award at the 2004 North Bay Association Awards.

Sue Reynolds, **Community HousingWorks**, and Deborah Johnson, **City of Poway**, co-authored an opinion piece titled "Making Affordable Housing Work" that was published in the September 14th edition of the *San Diego Union Tribune*. Click here to view:

http://www.signonsandiego.com/uniontrib/20040914/news_lz1e14johnson.html

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Housing & Community Development News

Published monthly by the San Diego Housing Federation

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**Deadline For Submission of Articles and Art:
The Fifteenth of the Month**

Vista Develops New Affordable Apartment Complex to Assist Homeless

Vista's Solution's for Change opened a 32-unit apartment complex to serve the needs of homeless families. The \$6.7 million project will provide low-rent housing to as many as 40 homeless families for up to one year while they save money for their own place.

The project is the culmination of a seven-year effort and was made possible by a wide-based coalition of federal and local politicians, businesses and religious organizations who all contributed funds to the project. Chris Megison, Solutions' co-founder and executive

director, praised the many contributing groups. "In no way could this have happened without each of these groups," Megison said.

Along with \$957,000 from the County of San Diego, the construction depended on contributions from the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos and Vista, whose mayors all attended the ceremony.

U.S. Rep. Darrell Issa, R-Vista, secured \$100,000 through a federal appropriations bill last winter.

Community Housing Works, a nonprofit developer of low-cost housing projects, oversaw the construction.

Mark Johnston, who manages the federal Department of Housing and Urban Development's assistance programs for the homeless, said it was impressive that the project was free of territorial battles among local governments.

"You will rarely have six different cities agree on constructing a single project in a single jurisdiction to serve the greater good," Johnston said.

Tenants at Solutions are required to work and will pay about 30 percent of their monthly income—but no more than \$285 a month—for renting the units, which feature two bedrooms, a living room and a kitchen shared with the apartment next door.

HOUSING FEDERATION NEWS

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Board of Directors Meeting

The Board of Directors met on September 15, 2004. The primary agenda item was to review and update the Strategic Plan for the Federation. The board reviewed the results of a member survey that was completed by 35 Federation members regarding the important issues affecting affordable development and how products and services of the Federation assist the members in addressing those issues. A preliminary draft plan was developed that maintains the current services of the Federation but proposes an increased emphasis on coalition building for the local advocacy and a re-evaluation of how continuing education is provided throughout the year. The Board will finalize the plan at the October 20th board meeting. Members are encouraged to communicate with the Board members regarding their ideas for improving the Federation.

Members Survey Results Available Online

During the first two weeks of September, Federation members were invited to take an online survey regarding their opinions of the Federation's products and services. Thirty five members participated in the survey.

The results of the member survey conducted in preparation for the Strategic Planning Session are available in the Members Only Section of the Federation website. Contact Kristol Gallaher at 619-239-6693 for the Username and Password for the Members Only Section.

\$3.3 Million Cut by HUD to be Restored to SDHC

The U.S. Housing and Urban Development Department will restore \$156 million to housing authorities nationwide for Section 8 voucher financing. The San Diego Housing Commission will receive \$3.3 million.

Despite the restored funds, the commission said it wouldn't reverse two changes it implemented earlier this year after learning in April that HUD had changed its funding formula. As a result of the HUD change, the commission reduced its voucher size and the maximum subsidy level. HUD's change was retroactive and based on average rental rates in August 2003.

"Our budget is still not healthy by a long shot," said Bobbie Christensen, director of the commission's communication and strategy department, in a prepared statement. "We had to use our commitment to voucher holders and rental owners. We (still) need to make the voucher size change to keep us financially viable so we can continue to help all those we do."

Sacramento Area Passes Affordable Housing Bill

After two years of trying, Assemblyman Darrell Steinberg won passage of a bill aimed at getting more affordable housing built in the Sacramento region.

Steinberg's bill, AB 1426, is far less ambitious than his original proposal, however, and it remains unclear whether Gov. Arnold Schwarzenegger will sign it.

Nevertheless, the Sacramento Democrat said he is pleased. "I'm happy that in the end I was able to actually accomplish something tangible," he said. Steinberg is leaving his Assembly seat this year because of term limits.

As it was originally written, the bill would have required local governments in the six-county region to ensure that 10 percent of all new housing built within their borders be affordable to low- and very-low-income people.

That proposal stalled in the face of resistance from the building industry and many local governments. In its final form, the bill simply offers a modest carrot for governments that meet voluntary housing production standards. The legislation would earmark up to \$1 million in state housing bond funds for cities and counties that meet the terms of a voluntary housing compact created earlier this year by the Sacramento Area Council of Governments.

Governments joining the compact pledge to make sure 10 percent of their new housing stock is affordable to people with moderate, low and very low incomes. Thus far, 18 local governments have joined the compact.

Steinberg said the region deserves a financial reward for making a commitment to provide affordable housing. "It's very hard to actually accomplish reform, and any time a region like our region is willing to do something, even if it's not as high a standard as we all would like, that ought to be recognized and rewarded," Steinberg said.

The state Housing and Community Development Department remains opposed to the bill on the grounds that it diverts statewide bond money to one region, Steinberg said. A spokesman for Schwarzenegger said the governor had not taken a position.

LA's Surplus Property Must be Used for Housing

Mayor James K. Hahn announced a plan last month intended to ease a shortage of affordable housing in Los Angeles. Under the plan, buyers of surplus city property must show that they intend to develop housing. The city currently has 25 million square feet of surplus property.

"The city used to sell surplus property without regard to how it would be subsequently used," Hahn said. The plan "will make sure the city sells land in a way that increases Los Angeles' housing stock," he said.

HUD Lowers Fair Market Rents

The Proposed 2005 Fair Market Rents (FMRs), determined by HUD for purposes of federal housing assistance, are scheduled to go into effect on October 1. The proposed FMRs are lower than current FMRs in half of California's 58 counties, despite the fact that actual market rents do not appear to be dropping. Since assistance provided to participants in programs such as the Housing Choice Voucher Program ("Section 8") is based on FMRs, the lower FMRs will likely result in many low-income families receiving less housing assistance. A new California Budget Project (CBP) Brief, "Proposed 2005 Fair Market Rents Will Likely Increase the Rent Burden for Many Low-Income Californians," explores the implications of the lower FMRs for California. Budget Brief:

<http://www.cbp.org/whatsnew.htm>

Study Looks at Sources of Classroom Crowding

No-growthers who oppose new multifamily housing in their neighborhoods because it will cause overcrowding in their school systems can put those fears to rest following a new study from NAHB.

According to an analysis of recent American Housing Survey data from the U.S. Census Bureau, the number of school-age children who live in multifamily housing is almost half that of single-family households.

There are an average of 62 school-age children for every 100 households living in single-family homes, according to the Census data, but only about 37 for the same number of multifamily households.

“The idea that multifamily housing puts an undue burden on local schools is basically a myth,” said NAHB President Bobby Rayburn. “It is not borne out by the facts, but, unfortunately, it is a myth that has led to a lot of opposition to apartment and condo development in communities across the country.”

“Education is the biggest item in most local government budgets, so it’s reasonable that an influx of students would be a concern,” said NAHB Chief Economist David Seiders. “But the data show that the impact of multifamily construction on enrollment is quite limited.”

NAHB’s analysis also found that the number of school-age children is even lower for larger, higher-density apartment buildings. In buildings with more than 20 apartments or condos, there are only about 26 school-age children per 100 households.

That number is even lower for people who recently bought or rented. And in buildings with only one- and two-bedroom apartments or condos, the number drops even further, with condo residents reporting fewer children than renters.

The fewest school-age children, the study found, are in recently purchased condominium homes in buildings with more than 20 units — about 10 children for every 100 of those households.

“This data makes a lot of sense when you also look at the demographic trends of renters and condo buyers,” said Seiders. “Multifamily households are much more likely to serve either younger households or singles or couples, or ‘empty-nesters’ whose children are already grown.”

Seiders added that this data should make it easier for local governments and planning boards to consider a diverse and affordable housing stock — one that includes apartments and condos — without worrying about over-stressing their local schools.

Guide Outlines Affordable Housing Resources

The National League of Cities has published a guide to federal programs and grantmaking institutions that support municipal affordable housing development. The guide summarizes programs administered by HUD and the Department of Agriculture’s Rural Housing Service. Among the many programs included are those that fund rental assistance, senior housing, Native American housing, drug elimination, lead hazard reduction, and self-help housing. The publication also lists national foundations and award programs that fund affordable housing initiatives. It can be found on NLC’s Web site.

http://www.nlc.org/nlc_org/site/files/pdf/Affordable%20Housing-final.pdf

JOB ANNOUNCEMENTS

For Details, go to:

<http://www.housingsandiego.org/jobs.htm>

El Cajon Community Development Corporation

- Housing Program Assistant

Center City Development Corporation

<http://www.ccdc.com/index.cfm/fuseaction/aboutCCDC.employment>

Wakeland Housing & Community Development

Corp - San Diego, CA

- Project Manager

San Diego Housing Commission Jobs

<http://www.sdhc.net/gijobopp2.shtml>

Community HousingWorks

- Project Manager

<http://www.housingsandiego.org/jobs2.htm#chw>

California Housing Consortium

- Executive Director

Rent Control Invalid if Tenants Can Capture Turnover Premium

A city enacted a rent control ordinance governing mobile home parks. The park owners successfully challenged the ordinance as a regulatory taking in violation of the Fifth Amendment prohibition on government taking of private property without compensation. A rent control ordinance is an illegal taking if it allows for tenants to charge a premium to replacement tenants for the benefit of taking over a rent-controlled, below market unit. The ability of the tenant to charge that premium defeats the stated purpose of rent control, i.e., maintain affordable housing. Rent control merely shifts the economic power to charge higher prices for housing from the landlord to incumbent tenants, with no benefit to prospective tenants. Therefore the ordinance in this case did not “substantially further the City’s interests” of achieving affordable housing, and was invalid. *Cashman v. City of Cotati*, 2004 WL 1575238 (9th Cir. (Cal.) July 15, 2004).

Prior Owner’s IOD Binding on Successor

A landowner agreed to an irrevocable offer to dedicate remote property as a conservancy (IOD or OTD) as a condition for a coastal development permit. A later owner of the burdened land challenged the IOD as a violation of the Fifth Amendment prohibition on governmental taking of private property without compensation. The later owner’s challenge was rejected. The later owner stands in the shoes of the prior owner that agreed to the IOD, and is bound by it. Any challenge on constitutional grounds would have to have been brought within 60 days of the Coastal Commission imposing the IOD as a condition, under Public Resources Code § 30801. *Serra Canyon Company, LTD. v. California Coastal Commission*, 2004 WL 1331565 (Cal.App.2d Dist. June 15, 2004).

Rejection of a Lease in Bankruptcy is a Breach, Not a Termination

A tenant filed bankruptcy, its lease was rejected, and the tenant then dismissed the bankruptcy case. The landlord sued for back rent. The tenant’s defense was that since the lease had been “rejected,” it was terminated and no rent was owed. The court rejected the tenant’s defense. If “rejection” in bankruptcy resulted in termination rather than breach, then unscrupulous tenants could break leases simply by filing and then dismissing bankruptcy cases. The rejection of the lease in bankruptcy operated as a breach of the lease under state law, entitling the landlord to routine remedies. While the rent obligation could have

been discharged had the bankruptcy proceeded, in this case, the tenant dismissed its bankruptcy case, and the landlord was entitled to back rent. *McLaughlin v. Walnut Properties, Inc.*, 2004 WL 1277569 (Cal.App.2d Dist. June 10, 2004).

CEQA Does Not Require Disclosure of Wal-Mart as End User

City certified an EIR and approved the development of a 1.2 million square-foot distribution center. Opponents sued, claiming in part that the EIR was inadequate because it did not disclose Wal-Mart as the end user. The court rejected the opponent’s challenge and upheld the City’s certification of the EIR. CEQA requires disclosure and analysis of environmental impacts, which do not depend on the identity of the user. The opponents claimed Wal-Mart’s business, operations and allegedly anti-environmental practices were grounds to oppose the project, but the court ruled the project itself and not who occupies it is what determines the environmental impacts that must be reviewed in an EIR. *Maintain Our Desert Environment v. Town of Apple Valley*, 2004 WL 128.075 (Cal.App.4th Dist. July 2, 2004).

These summaries are provided as a courtesy of Duane Horning at California Business Law Group, PC, <http://www.cblg.biz>

They should not be considered as legal advice, complete statements of the case holdings or respective rules of law. For a complete holdings and rules of law, consult the authorities and legal counsel.



CALENDAR OF EVENTS

NOTE: For details on these conferences or for ones scheduled more than two months from now, please go to:

<http://www.housingsandiego.org/currents.htm>

13th Annual San Diego Housing & Community Development Conference

October 15, 2004

Pt. Loma Nazarene University
San Diego, CA

Changing the Paradigm for Affordable Housing?

The California Housing Consortium Presents
Two Public Policy Forums this Fall

November 10th, 2004 Northern CA Public Policy
Forum Bay Area - Location to be Determined.

SCANPH Annual Conference

Monday, October 4th, 2004
Pasadena Convention Center

The national Conference for Community Economic
Development (NCCED)

34th Annual Convention

October 6-9, 2004

Westin Bonaventure Hotel, Los Angeles, CA

For more info, go to:

<http://www.ncced.org>

FHL Bank San Francisco

Making Your Vision A Reality: A Faith-Based Conference for Affordable Housing and Economic Development

October 17-19, 2004 - Los Angeles, CA

California Coalition for Rural Housing introduces
Confronting Challenges...Mobilizing for
the Future

2004 Rural Housing Summit

October 21-22, 2004

Asilomar Conference Center, Pacific Grove, CA

Non-Profit Housing Association of Northern California (NPH)

The NPH Annual Fall Conference — In its
25th Year

Tuesday, October 26, 2004

The Argent Hotel, San Francisco

2004 CRA CAL-ALHFA Affordable Housing
Conference: "Making Room for Everyone"
October 27-28, 2004 - Costa Mesa Hilton

California Association of Nonprofits (CAN) presents:

13th Annual Conference: Passion &
Pressure: Putting the Pieces in Place

Los Angeles - Thursday-Friday, October 28-29, 2004

San Francisco - Thursday-Friday, November 4-5, 2004

California Debt and Investment Advisory Commission
presents:

Tools to Revitalize California
Communities: A Mixed-Use Housing
Development Symposium

Friday, October 29th, 2004 - 8:00 - 4:30

Sheraton San Diego Hotel and Marina

1380 Harboe Island Drive, San Diego 92101

For more information, call Robert Stroud at 916-653-
6046 or email at:

rstroud@treasurer.ca.gov

Mental Health Advocacy Services, Inc.,
a public interest law office presents:

Getting it Built: Using Fair Housing Laws
to Further the Development of Affordable
Housing for People with Disabilities

San Diego - Friday, Nov. 5th, 2004

Hosted by the San Diego Housing Federation.

Where: Bank of America - 450 B Street, Suite 710 San
Diego, CA 92101

Time: 9:30am - 12:30pm

Also held in Fresno - Friday, October 15th, 2004.

UC Center, Fresno.

Affordable Housing Finance presents:

AHF Live! - The 2004 Tax Credit
Developers' Summit,

November 16-18, 2004

The Fairmont, Chicago, IL

Registraton Information: 800-989-7255 or online at:

<http://www.ahfive.com>

See the Federation's Website
Currents Page for latest additions.