



## **EXECUTIVE SUMMARY**

### **HOUSING COMMISSION EXECUTIVE SUMMARY SHEET**

MEETING DATE: July 10, 2020

HCR20-063

SUBJECT: Application for State of California Housing and Community Development Local Housing Trust Fund Program Funding

COUNCIL DISTRICT(S): Citywide

ORIGINATING DEPARTMENT: Finance

CONTACT/PHONE NUMBER: Tracey McDermott/ 619-578- 7737

**REQUESTED ACTION:**

Recommend that the Housing Authority of the City of San Diego authorize the San Diego Housing Commission to submit an application on behalf of the City of San Diego and commit matching funds of \$5 million for the application to the State of California's Local Housing Trust Fund Program.

**EXECUTIVE SUMMARY OF KEY FACTORS:**

- On April 30, 2020, the California Department of Housing and Community Development's Local Housing Trust Fund Program (LHTFP) released a Notice of Funding Availability (NOFA) for Matching Grants for new and existing Local Housing Trust Funds.
- Funds available through this NOFA are from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1), adopted by voters on November 6, 2018, to be used for the purposes set forth in California Health and Safety Code Section 50842.2, and subject to the Guidelines adopted in April 2020. The application deadline is August 3, 2020.
- State matching funds can be used to provide construction loans and/or permanent financing loans to pay for construction or rehabilitation of affordable rental housing developments, emergency shelters, permanent supportive housing, transitional housing and affordable homebuyer/homeowner projects.
- Program funds may also be used to assist income-eligible first-time homebuyers to purchase homes and to rehabilitate houses owned by income-eligible occupants, as well as to construct, convert, reconstruct, rehabilitate and/or repair Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs).
- At least 30 percent of program funds and matching funds must be used on eligible projects that are affordable to, and restricted for households with income at or below 30 percent of Area Median Income (AMI).
- Approval of this action will increase Fiscal Year 2021 funding sources and uses available by \$5 million if the application is approved. Administrative expenses related to the execution of eligible activities may not exceed 5 percent of Program Funds and Matching Funds.



## REPORT

**DATE ISSUED:** July 1, 2020

**REPORT NO:** HCR20-063

**ATTENTION:** Chair and Members of the San Diego Housing Commission  
For the Agenda of July 10, 2020

**SUBJECT:** Application for State of California Housing and Community Development Local  
Housing Trust Fund Program Funding

**COUNCIL DISTRICT:** Citywide

### **REQUESTED ACTION**

Recommend that the Housing Authority of the City of San Diego authorize the San Diego Housing Commission to submit an application on behalf of the City of San Diego and commit matching funds of \$5 million for the application to the State of California's Local Housing Trust Fund Program.

### **STAFF RECOMMENDATION**

That the San Diego Housing Commission (Housing Commission) recommend that the Housing Authority of the City of San Diego (Housing Authority) take the following actions:

- 1) Authorize the Housing Commission's President & Chief Executive Officer (President & CEO), or designee, to apply on behalf of the City of San Diego, for \$5 million in funding from the State of California's Local Housing Trust Fund Program;
- 2) Authorize the President & CEO, or designee, to commit \$5 million in matching funds on a dollar-for-dollar basis from the City of San Diego's (City) Affordable Housing Fund, as required by the Notice of Funding Availability (NOFA) (Attachment 1); and
- 3) Authorize the President & CEO, or designee, to execute all documents and instruments that are necessary and/or appropriate to implement these approvals, in a form approved by General Counsel, and to take such actions as are necessary and/or appropriate to implement these approvals.

### **SUMMARY**

On April 30, 2020, the California Department of Housing and Community Development's Local Housing Trust Fund Program (LHTFP) released a Notice of Funding Availability (NOFA) for Matching Grants for new and existing Local Housing Trust Funds. Funds available through this NOFA are from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1), adopted by voters on November 6, 2018, to be used for the purposes set forth in California Health and Safety Code Section 50842.2, and subject to the Guidelines adopted in April 2020. The application deadline is August 3, 2020.

State matching funds can be used to provide construction loans and/or permanent financing loans to pay for construction or rehabilitation of affordable rental housing developments, emergency shelters,

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permanent supportive housing, transitional housing and affordable homebuyer/homeowner projects. Program funds may also be used to assist income-eligible first-time homebuyers to purchase homes and to rehabilitate houses owned by income-eligible occupants, as well as to construct, convert, reconstruct, rehabilitate and/or repair Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs). At least 30 percent of program funds and matching funds must be used on eligible projects that are affordable to, and restricted for households with income at or below 30 percent of Area Median Income (AMI), currently \$34,650 per year for a family of four in the City of San Diego. No more than 20 percent of the total amount of the LHFTP funds and matching funds can be expended on eligible projects affordable to, and restricted for households with income at or below 120 percent of AMI, gently \$111,250 per year for a family of four in the City of San Diego. The remaining LHFTP funds and matching funds shall be used for eligible projects that are affordable to and restricted for, households with income at or below 80 percent of AMI, currently \$92,400 per year for a family of four in the City of San Diego.

Further, use of the funds will also be required to comply with the City of San Diego Affordable Housing Fund program rules. It is anticipated that the funds will be used to develop multifamily affordable rental housing or permanent supportive housing developments serving households with income ranging from 30 percent to 60 percent of AMI, currently \$34,650 to \$69,300 per year for a family of four in the City of San Diego.

If the application is successful, \$5 million in matching State grant funds would be available for eligible projects that create or preserve affordable housing within the City of San Diego. This funding opportunity is available for new or existing Local Housing Trust Funds.

### **AFFORDABLE HOUSING IMPACT**

This application, if selected for funding, would increase revenues available for use within the City of San Diego Affordable Housing Fund by \$5 million, thus positively impacting the availability of affordable housing in the City for extremely low-income, low-income and moderate-income residents.

### **FISCAL CONSIDERATIONS**

The proposed matching funds approved by this action were included in the Housing Authority-approved Fiscal Year 2021 Housing Commission Budget as Affordable Housing Fund revenues and loan/grant expenses. The potential new grant revenues for which the Housing Commission would apply if this action is approved were not included in the Housing Authority-approved Fiscal Year 2021 Housing Commission Budget. Approval of this action will increase Fiscal Year 2021 funding sources and uses available by \$5 million if the application is approved. Administrative expenses related to the execution of eligible activities may not exceed five percent of Program Funds and Matching Funds.

Funding sources approved by this action will be as follows:

State Local Housing Trust Funds – up to \$5,000,000

Funding uses approved by this action will be as follows:

Affordable Rental Housing Development – up to \$5,000,000

### **PREVIOUS COUNCIL and/or COMMITTEE ACTION**

The Housing Commission has sought matching grants from the State of California Office of Housing and Community Development Local Housing Trust Fund Program funds on three prior occasions:

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Application for California Housing and Community Development Local Housing Trust Fund Program Funding  
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City Council Resolution R-298562 (Attachment 2), passed on November 3, 2003, authorized an application that resulted in an award of \$2 million to the City of San Diego Affordable Housing Fund. These funds were used, in part, to finance three affordable housing developments: Becky's House II, Sunburst Apartments and Veterans Village Phase Two.

City Council Resolution R-304523, passed on December 15, 2008, authorized an application, submitted in January 2009. That application was not selected for funding. This resolution also authorized the Housing Commission to submit an application in response to "any subsequent NOFA's issued and to request a finding allocation for affordable housing activities in the City of San Diego that are in accordance with the Housing Trust Fund and the LHTF Program."

Housing Authority Resolution HA-1617, passed on April 15, 2014, authorized an application that resulted in an award of \$1 million to the City of San Diego Affordable Housing Fund. These funds were used for new construction of 59 permanent supportive housing units at Talmadge Gateway.

#### **COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS**

If funds are awarded, proposed projects will be presented to the applicable Community Planning Groups for their review and input.

#### **KEY STAKEHOLDERS and PROJECTED IMPACTS**

This funding opportunity would benefit extremely low-income to moderate-income residents of the City of San Diego Affordable housing developers are also potential stakeholders.

#### **ENVIRONMENTAL REVIEW**

The application for State funding is not a project as defined by the California Environmental Quality Act Section 21065 and State CEQA Guidelines Section 15378(b)(4), as it is government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The determination that this activity is not subject to CEQA, pursuant to Section 15060(c)(3), is not appealable and a Notice of Right to Appeal the Environmental Determination (NORA) is not required. Processing under the National Environmental Policy Act is not required as no federal funds are involved in this action.

Respectfully submitted,

*Tracey McDermott*

Tracey McDermott  
Senior Vice President and Chief Financial Officer  
Financial Services Department

Approved by,

*Jeff Davis*

Jeff Davis  
Executive Vice President & Chief of Staff  
San Diego Housing Commission

Attachments: 1) State of California Local Housing Trust Fund Program NOFA dated April 30, 2020  
2) Resolution R-298562 (November 3, 2003)  
3) Resolution R-304523 (December 15, 2008)  
4) Resolution HA-1617 (April 15, 2014)

Docket materials are available on the San Diego Housing Commission website at [www.sdhc.org](http://www.sdhc.org).

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF FINANCIAL ASSISTANCE**

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April 30, 2020

**MEMORANDUM FOR: ALL POTENTIAL APPLICANTS**

**FROM:**

  
Jennifer Seeger, Acting Deputy Director  
Division of Financial Assistance

**SUBJECT:**

**Local Housing Trust Fund Program  
Notice of Funding Availability**

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$57 million in funds for the Local Housing Trust Fund (LHTF) Program. This funding provides Matching Grants to Local Housing Trust Funds established by cities and counties, Native American Tribes and incorporated 501(c)(3) nonprofit organizations. Eligible activities include construction loans and/or permanent financing loans to pay for predevelopment costs, acquisition costs, and other costs associated with the development or rehabilitation of Affordable rental housing projects, or Emergency Shelters, Transitional Housing, Permanent Supportive Housing, and Affordable homebuyer/homeowner projects, including assistance to income-eligible households to purchase for-sale housing units or to rehabilitate. Funds may also be used for the construction, conversion, repair, and rehabilitation of Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs).

Application materials must be submitted electronically to the Department's website. Requirements for uploading the Application Workbook and required supporting documentation, including naming conventions, are described in the application instructions available at <https://www.hcd.ca.gov/grants-funding/active-funding/lhtf.shtml>. The application instructions and submittal portal will be available beginning July 15, 2020. The Department no longer requires a hardcopy submittal of the Application Workbooks or supplemental documentation.

Applicants must upload all application materials to the Department's website no later than **11:59 p.m. Pacific Standard Time on August 3, 2020**.

To receive information on workshops and other updates, please subscribe to the LHTF Program [listserv](#). If you have any further questions, please contact [LHTF@hcd.ca.gov](mailto:LHTF@hcd.ca.gov).

Attachment

# **Local Housing Trust Fund Program**

## **Notice of Funding Availability**



**State of California  
Gavin Newsom, Governor**

**Lourdes M. Castro Ramírez, Secretary  
Business, Consumer Services and Housing Agency**

**Douglas R. McCauley, Acting Director  
California Department of Housing and Community Development**

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Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov>  
LHTF email: [LHTF@hcd.ca.gov](mailto:LHTF@hcd.ca.gov)

**April 30, 2020**

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## **I. Overview**

### **A. Notice of Funding Availability**

The California Department of Housing and Community Development (Department) is announcing the availability of approximately \$57 million in funding for the Local Housing Trust Fund (LHTF) Program. Funding for this Notice of Funding Availability (NOFA) is provided by the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1), adopted by voters on November 6, 2018.

Program Funds awarded under this NOFA shall be used to provide construction loans and/or permanent financing loans to pay for construction or rehabilitation of Affordable rental housing projects, Emergency Shelters, Permanent Supportive Housing, Transitional Housing and Affordable homebuyer/homeowner projects. Program Funds may also be used to assist income-eligible first-time homebuyers to purchase homes, and to rehabilitate houses owned by income-eligible occupants, as well as to construct, convert, reconstruct, rehabilitate and/or repair Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs).

### **B. Timeline**

NOFA Release	April 30, 2020
Application Due Date	August 3, 2020
Award Announcements	October 2020

### **C. Authorizing Legislation and Regulations (Regulatory Authority)**

Health and Safety Code (HSC) Section 50842.2 established the LHTF Matching Grant program.

HSC Section 50843.5(a) authorized the Department to provide matching funds to Local Housing Trust Funds established by cities and counties, Native American Tribes, and/or incorporated 501(c)(3) nonprofit organizations.

Senate Bill 3 (SB 3) (Chapter 365, Statutes of 2017) authorized the Veterans and Affordable Housing Bond Act of 2018 and authorized the issuance of bonds in the amount of \$4 billion under the State General Obligation Bond Law. Specifically, SB 3 allows for the allocation of \$300 million of the Bond proceeds for the LHTF program.

SB 3 also allowed the Department to adopt Guidelines instead of regulations for the LHTF program, establishing requirements for administration of the program. The Department adopted Guidelines in April 2020.

Applications submitted under this NOFA are subject to the Guidelines, all applicable statutory requirements, and this NOFA. All section references in this NOFA refer to the Guidelines unless otherwise noted. The Guidelines and NOFA are available on the Department's website.



Capitalized terms not otherwise defined in this NOFA shall have the meanings set forth in Guidelines section 101.

## **II. Program Requirements**

The following is provided as a summary for the allocation of the LHTF program funds to Local Housing Trust Funds. This is not to be considered a complete representation of the eligibility, threshold, or other requirements, terms and conditions.

### **A. Eligible Applicants**

An applicant must be:

1. A city, county, or city and county that has created, funded, and operated an existing Local Housing Trust Fund or that has created and funded a new Local Housing Trust Fund in compliance with Guidelines Sections 102(a)(1), 102(a)(2), and 102(a)(3).

A Local Housing Trust Fund or Regional Housing Trust Fund that was created, funded, and operated by a combination of two or more cities or counties must agree in its application to utilize program funds only for Eligible Projects located in cities or counties that at the time of application have met the requirements outlined in Guidelines Section 102(a)(4).

2. An existing or new Local Housing Trust Fund that is a charitable nonprofit organization as defined by Section 501(c)(3) of the Internal Revenue Code and which complies with Guidelines Section 102(b)(1), 102(b)(2) and 102(b)(3).
3. A Native American Tribe or Tribes that has created, funded, and operated an existing Local Housing Trust Fund, or that has created and funded a new Local Housing Trust Fund in compliance with Guidelines Section 102(c)(1), 102(c)(2), and 102(c)(3). Fifteen percent of the funds made available by this NOFA shall be reserved for Local or Regional Housing Trust Funds meeting the definition of "new Local Housing Trust Fund". In the event there are insufficient applications from new Local Housing Trust Funds that pass threshold, the funds shall be used for applications from existing Local Housing Trust Funds.

### **B. Eligible Activities**

Pursuant to Guidelines Section 105, the LHTF funds shall be allocated in compliance with all of the following:

1. To provide construction loans and/or permanent financing loans at simple interest rates of no higher than three percent per annum, for payment of predevelopment costs, acquisition, construction, or rehabilitation.
2. Administrative expenses may not exceed five percent of Program Funds and Matching Funds.

3. A minimum of 30 percent of Program Funds and Matching Funds, after deducting administrative expense, shall be expended on assistance to Extremely Low-Income Households. To comply with this requirement, dwelling units or shelter beds must be Affordable to and restricted for Extremely Low-Income Households with household income of no more than 30 percent of Area Median Income (AMI).
4. No more than 20 percent of the Program Funds and Matching Funds, after deducting administrative expense, shall be expended on assistance to Moderate-Income Households. To comply with this requirement, dwelling units must be Affordable to and restricted for Moderate-Income Households with household income of no more than 120 percent of AMI.
5. The remaining Program Funds and Matching Funds shall be expended on assistance to Lower Income Households. To comply with this requirement, dwelling units must be Affordable to and restricted for Lower Income Households with household income of no more than 80 percent AMI.

### **C. Funding Activity Limits**

Pursuant to Guidelines Section 103, the funding minimums and maximums apply as detailed below.

The minimum application request by an Applicant that is an existing Local Housing Trust Fund shall be \$1 million.

The minimum application request by an Applicant that is a new Local Housing Trust Fund, but which is not a Regional Housing Trust Fund, shall be \$500,000.

The minimum application request by an Applicant that is a new Local Housing Trust Fund, which is also a Regional Housing Trust Fund, and which is utilizing Permanent Local Housing Allocation Funds as Matching Funds, shall be \$750,000.

The maximum application request for all Applicants shall be \$5 million.

### **D. Matching Funds Requirements**

Pursuant to Guidelines Section 104, all Programs Funds provided shall be matched by the Applicant on a dollar for dollar basis with Matching Funds derived from dedicated sources of funding, such as taxes, fees, loan repayments, or public or private contributions. Matching Funds shall be On Deposit prior to disbursement of Program Funds. Matching Funds must be utilized on a dollar-for-dollar basis for the same Eligible Project for which Program Funds are used.

All requirements of Guidelines Section 104 must be satisfied.

## E. Program Administrative Costs

Pursuant to Guidelines Section 105(b), a Local Housing Trust Fund that receives an award under this NOFA shall not use more than five percent of the allocation and not more than five percent of Matching Funds for administrative costs related to the execution of eligible activities.

## F. Underwriting, Administration, and Reporting Requirements

A grantee of the LHTF program must comply with the underwriting and loan requirements of Guidelines Section 107, the administrative requirements of Sections 108 and 109 (b), and the reporting requirements of Section 112.

## G. Application Requirements

### 1. Threshold

Only complete applications on forms made available by the Department submitted on or before the application deadline stated in this NOFA shall be considered for funding. Applications must meet the requirements set forth in Guidelines Sections 106(d) and 106(e).

### 2. Rating and Ranking

In the event that the amount of funding requested in complete and eligible applications exceeds the funds available, applications shall be evaluated and funded using the following criteria:

Criterion	Max Pts.
<b>Non-Residential Matching Funds:</b> Extent to which the Applicant provides Matching Funds from sources other than residential Local Impact Fees or In Lieu Fees (Guidelines Section 106(f)(1)) <ul style="list-style-type: none"><li>- 0% – 25% from other sources ~ 5 points</li><li>- 26% - 50% from other sources ~ 10 points</li><li>- 51% or more from other sources ~ 15 points</li></ul>	<b>15</b>
<b>Deeper Income Targeting:</b> Extent to which the Applicant commits to expend less than 20 percent of Program Funds and Matching Funds to serve Moderate-Income Households (Guidelines Section 106(f)(2)) <ul style="list-style-type: none"><li>- 11% - 18% funding for Moderate-Income Household ~ 5 points</li><li>- 6% - 10% funding for Moderate-Income Household ~ 10 points</li><li>- 1% - 5% funding for Moderate-Income Household ~ 15 points</li><li>- 100% funding for Lower-Income Household ~ 20 points</li></ul>	<b>20</b>

<p><b>Readiness:</b> Extent to which the Applicant has completed a first phase funding process for multifamily rental projects and announced on its website the status of each project, including those projects that were approved to submit a final application upon award of Program Funds by the Department (Guidelines Section 106(f)(3))</p> <ul style="list-style-type: none"> <li>- Website posting of pipeline projects with status ~ 5 points, <b>PLUS EITHER</b> of the next two (2) factors:</li> <li>- Projects with first phase funding completed representing two (2) times the application request (e.g. if requesting \$5 million, pipeline projects must total at least \$10 million ~ 5 points <b>OR</b></li> <li>- Projects with first phase funding completed representing three (3) times the application request (e.g. if requesting \$5 million, pipeline projects must total at least \$15 million ~ 10 points</li> </ul> <p>Note: applications requesting funds solely for single family activities will receive zero points in the category.</p>	<b>15</b>
<p><b>Increasing the Supply of Lower-Income Rental Housing:</b> Extent to which the Applicant commits to use Program Funds and Matching Funds for the new construction of rental housing developments affordable to and restricted to households with average incomes of no more than 60 percent of AMI (Guidelines Section 106(f)(4))</p> <ul style="list-style-type: none"> <li>- 50% funding for 60% AMI or less ~ 0 points</li> <li>- 51% - 74% funding for 60% AMI or less ~ 10 points</li> <li>- 75% - 99% funding for 60% AMI or less ~ 15 points</li> <li>- 100% funding for 60% AMI or less ~ 20 points</li> </ul>	<b>20</b>
<p><b>Community Need:</b> Percentage of Lower-Income Households paying more than 50 percent of their household income for rent or owner expenses, in jurisdictions to be served by the application, in comparison with jurisdictions to be served by other applications (Guidelines Section 106(f)(5))</p> <ul style="list-style-type: none"> <li>- 0% - 25% ~ 5 points</li> <li>- 26% - 44% ~ 10 points</li> <li>- 45% or higher ~ 15 points</li> </ul>	<b>15</b>
<p><b>Regional Housing Trust Fund Applicants:</b> Applicants which are a Regional Housing Trust Fund meeting the description herein get all points in this category. A Regional Housing Trust Fund, for the purposes of these points, is one that includes six jurisdictions (in counties with total populations of 250,000 or less), or eight jurisdictions (in counties with more than 250,000), <b>or</b> that meet the minimum threshold (two jurisdictions with more than one million people, three jurisdictions in counties with total populations of 250,000 or less, or four jurisdictions in counties with more than 250,000, <b>and</b> include more than 66 percent of the population of the county or counties (Guidelines Section 106(f)(6))</p>	<b>15</b>
<p><b>Total maximum points</b></p>	<b>100</b>

*Please Note: In future NOFAs, HCD may assess negative points for Applicants who received awards in prior years for applications in which they committed to Deeper Income Targeting and/or to Increase the Supply of Lower-Income Rental Housing but did not expend funds committed to these activities.*

### **3. Tie Breaker**

In the event of tied point scores, the Department shall rank tied applications based on the extent to which the application identifies specific multifamily rental projects for which the trust fund has issued Letters of Intent to developers for construction or permanent financing.

## **H. State and Federal Requirements**

Climate Adaptation - Executive Order B-30-15 addressed the need for climate adaptation and ordered that:

1. All state agencies with jurisdiction over sources of greenhouse gas emissions shall implement measures, pursuant to statutory authority, to achieve reductions of greenhouse gas emissions to meet the 2030 and 2050 greenhouse gas emissions reductions targets.
2. State agencies shall take climate change into account in their planning and investment decisions and employ full life-cycle cost accounting to evaluate and compare infrastructure investments and alternatives.
3. State agencies planning and investments shall be guided by the following principles:
  - Priority should be given to actions that both build climate preparedness and reduce greenhouse gas emissions;
  - Where possible, flexible and adaptive approaches should be taken to prepare for uncertain climate impacts;
  - Actions should protect the state's most vulnerable populations; and
  - Natural infrastructure solutions should be prioritized.

In response to the Governor's Executive Order, the Department strongly encourages Awardees to implement the LHTE-funded project in a manner that reduces greenhouse gas emissions and adapts to climate change. In addition, Awardees must obtain specific information from local governments indicating the progress made in planning to adapt to climate change.

## **III. Application, Submission, Workshops, and Appeals**

### **A. Application forms**

Applications must be on the Department's forms and cannot be altered or modified by the Applicant. Excel forms must be in Excel format, not a PDF document. Applications that do not meet the program requirements outlined in this NOFA will not be eligible for funding. Application forms are available for download on the [LHTE webpage](#).

## **B. Application Submission Process**

Application materials must be submitted electronically to the Department's website. Requirements for uploading the Application Workbook and required supporting documentation, including naming conventions, are described in the application instructions available at <https://www.hcd.ca.gov/grants-funding/active-funding/lhtf.shtml>. The application instructions and submittal portal will be available beginning July 15, 2020. The Department no longer requires a hardcopy submittal of the Application Workbooks or supplemental documentation.

Applicants must upload all application materials to the Department's website no later than **11:59 p.m. Pacific Standard Time on August 3, 2020**.

Personal deliveries will not be accepted. No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted. Applications that do not meet the filing deadline requirements will not be eligible for funding.

## **C. Application Workshops**

The Department will conduct application webinars for the LHTF program application submittal process. Applicants are strongly encouraged to attend an application workshop to gain information critical for preparing the application. LHTF program workshop details and related program information will be posted on the [LHTF webpage](#).

## **D. Appeals**

### **1. Basis of Appeals**

- a. Upon receipt of the Department's notice that an application has been determined to be incomplete, ineligible, fails threshold, or has a reduction to the initial point score, Applicants under this NOFA may appeal such decision(s) to the Department pursuant to this section.
- b. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant's eligibility, point score, award, denial of award, or any other matter related thereto.
- c. The appeal process provided herein applies solely to decisions of the Department made in this LHTF program NOFA and does not apply to any decisions made with respect to any previously issued NOFAs or decisions to be made pursuant to future program NOFAs.

### **2. Appeal Process and Deadlines**

- a. To file an appeal, Applicants must submit to the Department a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed reference to the area or areas of the application that provide clarification and

substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the written appeal is submitted to the Department, no further information or materials will be accepted or considered thereafter.

- b. Appeals are to be submitted to the Department at [LHTF@hcd.ca.gov](mailto:LHTF@hcd.ca.gov) according to the deadline set forth in Department review letters.
- c. Appeals must be received by the Department by the date stated in the Department's review letter.

### **3. Decision**

Any request to amend the Department's decision shall be reviewed for compliance with the Guidelines and this NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

### **E. Disclosure of Application**

Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act (Chapter 1473, Statutes of 1968). As such, any materials provided will be disclosable to any person making a request under this Act. The Department cautions applicants to use discretion in providing information not specifically requested, including, but not limited to, bank account numbers, personal phone numbers and home addresses. By providing this information to the Department, the applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

## **IV. Award Announcements and Contracts**

### **A. Award Announcements**

Awards will be announced in October 2020. Award recommendations will be posted on the LHTF program website.

### **B. Contracts**

Successful Applicants (Awardee(s)) will enter into a Standard Agreement with the Department. The Standard Agreement contains all the relevant state and federal requirements, as well as specific information about the award and the work to be performed.

A condition of an award will be that a Standard Agreement must be executed by the awardee within 30 days (contracting period) of the awardee's receipt of the Standard Agreement(s). Failure to execute the Standard Agreement(s) within the Contracting Period may result in award cancellation. The Awardee(s) shall remain a party to the Standard Agreement for the entire term of the Standard Agreement; removal of the Awardee(s) shall be prohibited.

## **V. Other State Requirements**

### **A. Article XXXIV**

All projects shall comply with Article XXXIV, Section 1 of the California Constitution as clarified by the Public Housing Election Implementation Law (HSC Sections 37000 - 37002). Article XXXIV documentation for loans underwritten by the Department shall be subject to review and approval by the Department prior to the announcement of award recommendations.

### **B. Housing First Practices**

Housing First is an evidence-based model designed to permanently house an individual and make available optional supportive services to help them remain stably housed. Housing First means that housing is made available with very low barriers to entry and applicants are not rejected due to poor credit, financial history, lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of housing readiness. Supportive services providers shall also utilize Housing First principles and offer services as needed and/or requested on a voluntary basis. Housing shall not be contingent upon participation in services. Applicants will certify and document adherence to Housing First practices in the application, property management plan, and supportive services plan. Adherence to Housing First practices shall be subject to periodic compliance monitoring.

### **C. Pet Friendly Housing Act of 2017**

Housing funded through the LHTF program is subject to the Pet Friendly Housing Act of 2017 (HSC Section 50466). Each Awardee is required to submit a signed and dated certification that residents of the LHTF program-funded housing development will be authorized to own or otherwise maintain one or more common household pets.

### **D. Prevailing Wage Requirements**

LHTF Program Funds awarded under this NOFA are subject to state prevailing wage law, as set forth in Labor Code Section 1720 et seq., and require the payment of prevailing wages unless the project meets one of the exceptions of Labor Code Section 1720 (c), as determined by the Department of Industrial Relations (DIR). The DIR can be contacted via its website at <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>. Applicants are urged to seek professional advice as to how to comply with state prevailing wage law.

## **VI. Other Terms and Conditions**

### **A. Right to Modify or Suspend**

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including without limitation, the amount of funds available hereunder. If such an action occurs, the Department will



notify all interested parties and will post the revisions to the Department's website. You may [subscribe](#) to the Department's email list.

## **B. Conflicts**

In the event of any conflict between the terms of this NOFA and either applicable state or federal law or regulation, the terms of the applicable state or federal law or regulation shall control. Applicants are deemed to have fully read and understand all applicable state and federal laws, regulations, and guidelines pertaining to the LHTF program, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

(R-2004-357)

RESOLUTION NUMBER R- 298562

ADOPTED ON NOV 03 2003

AUTHORIZING APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UP TO \$2,000,000 UNDER THE LOCAL HOUSING TRUST FUND PROGRAM; THE EXECUTION OF AGREEMENT(S) IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE LOCAL HOUSING TRUST FUND PROGRAM.

WHEREAS, the State of California Department of Housing and Community Development [HCD] has issued a Notice of Funding Availability [NOFA] for the Local Housing Trust Fund [LHTF] Program which: 1) was created by AB 1891 of 2002 [Diaz]; and 2) established Section 50843 of the Health and Safety Code; and 3) is funded by the Housing and Emergency Shelter Trust Fund Act of 2002 [Proposition 46]; and

WHEREAS, on April 16, 1990, the City Council adopted Ordinance No. O-17454 (New Series) establishing the San Diego Housing Trust Fund; and

WHEREAS, the Housing Commission administers the LHTF for the City of San Diego; and

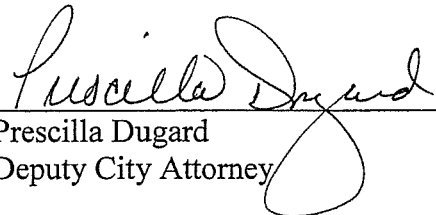
WHEREAS, rental housing production is an eligible activity under the Housing Trust Fund Program/Annual Plan which is approved annually by City Council; and

WHEREAS, the City of San Diego wishes to submit an application to HCD for an allocation of LHTF Program funds of up to \$2,000,000, as outlined in San Diego Housing Commission Report No. HCR03-084; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City of San Diego delegates responsibility to the San Diego Housing Commission's Chief Executive Officer [CEO] or designee to make application to HCD to participate in the LHTF Program, for an allocation of up to \$2,000,000, to receive such funding, to amend the Housing Commission budget, and to administer the LHTF Program on behalf of the City of San Diego.
2. That the CEO is directed to submit to HCD an application to participate in the LHTF Program in response to the NOFA issued August 18, 2003, and any subsequent NOFAs issued, and to request a funding allocation for rental housing production activities in the City of San Diego.
3. That if the application for funding is approved, the City of San Diego shall use the LHTF Program funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program guidelines.
4. That the CEO is authorized to execute in the name of the City of San Diego, the application, the Agreement, and all other documents required by HCD for participation in the LHTF Program, and any amendments thereto.

APPROVED: CASEY GWINN, City Attorney

By   
Prescilla Dugard  
Deputy City Attorney

PD:dm  
09/24/03  
Or.Dept:Hsg.Comm.  
R-2004-357

R-2004-357 SDHC Local Hsg Trust Fund Prog

Passed and adopted by the Council of San Diego on November 3, 2003 by the following vote:

**YEAS: PETERS, ZUCCHET, ATKINS, LEWIS, MAIENSCHIN, FRYE, MADAFFER,**  
**INZUNZA, MAYOR MURPHY**

**NAY:** NONE

**VACANT:** NONE

**NOT PRESENT:** NONE

AUTHENTICATED BY:

**DICK MURPHY**

Mayor of The City of San Diego, California

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California

(SEAL)

By: Esther Ramos, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
RESOLUTION NO. R-298562, passed and adopted by the Council of The City of  
San Diego, California on November 3, 2003.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California

(SEAL)

By:  Deputy

RESOLUTION NUMBER R- 304523DATE OF FINAL PASSAGE DEC 15 2008

12/02

A RESOLUTION AUTHORIZING APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING OF UP TO \$2,000,000 UNDER THE LOCAL HOUSING TRUST FUND PROGRAM AND AUTHORIZING THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE SAN DIEGO HOUSING COMMISSION, OR DESIGNEE, TO EXECUTE ANY AND ALL AGREEMENT(S) AND RELATED DOCUMENTS NECESSARY, IF SELECTED, TO FACILITATE PARTICIPATION IN THE LOCAL HOUSING TRUST FUND PROGRAM.

WHEREAS, the State of California Department of Housing and Community Development [HCD] has issued a Notice of Funding Availability [NOFA] for the Local Housing Trust Fund [LHTF] Program which is funded by the Housing and Emergency Shelter Trust Fund Act of 2006 [Proposition 1C] and requires LHTF Program funds to be used for the purposes set forth in Section 50843.5 of the Health and Safety Code; and

WHEREAS, on April 16, 1990, the City Council adopted Ordinance No. O-17454 (new Series) establishing the San Diego Housing Trust Fund; and

WHEREAS, the Housing Commission administers the San Diego Housing Trust Fund for the City of San Diego; and

WHEREAS, eligible activities under the Housing Trust Fund Program Annual Plan, which is approved annually by City Council, include but are not limited to rental housing development and assistance to first-time homebuyers; and

WHEREAS, on November 3, 2003, by Resolution Number R-298562, the City of San Diego City Council delegated responsibility to the San Diego Housing Commission's President and Chief Executive Officer [President & CEO] (formerly CEO) or designee to make application to HCD to participate in the LHTF Program and to administer the LHTF Program on behalf of the City of San Diego; and


WHEREAS, the City of San Diego wishes to submit an application to HCD for an allocation of LHTF Program funds of up to \$2,000,000, as outlined in City Council Report No. CCR-08-008; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City of San Diego hereby designates the San Diego Housing Commission's [Commission] President & CEO or designee to make application to HCD for an allocation of up to \$2,000,000 for City participation in the LHTF Program.
2. That the President & CEO or designee is directed to submit to HCD an application to participate in the LHTF Program in response to the NOFA issued October 24, 2008, and any subsequent NOFA's issued, and to request a funding allocation for affordable housing activities in the City of San Diego that are in accordance with the Housing Trust Fund and the LHTF Program.
3. That if the application for funding is approved by HCD, the City of San Diego shall use the LHTF Program funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program guidelines.
4. That the Commission is hereby authorized to accept and administer LHTF funds on behalf of the City.

5. That the President & CEO or designee is authorized to execute in the name of the City of San Diego, the application, the Agreement, and all other documents required by HCD for participation in the LHTF Program, and any amendments thereto.

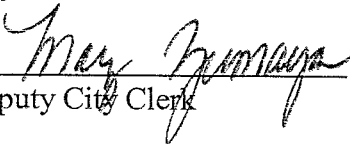
APPROVED: MICHAEL J. AGUIRRE, General Counsel

By   
Alex W. Sachs  
Deputy General Counsel

AWS:mm  
11/19/08  
Or.Dept: San Diego Housing Comm.  
R-2009-689  
MMS#7092

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 02 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12.15.08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on December 2, 2008, by the following vote:

**YEAS:** **PETERS, FAULCONER, ATKINS, FRYE, MADAFFER, & HUESO.**

**NAYS:** **NONE.**

**NOT PRESENT:** **YOUNG & MAIENSCHIN.**

**RECUSED:** **NONE.**

AUTHENTICATED BY:

**JERRY SANDERS**

Mayor of The City of San Diego, California

**ELIZABETH S. MALAND**

City Clerk of The City of San Diego, California

(Seal)

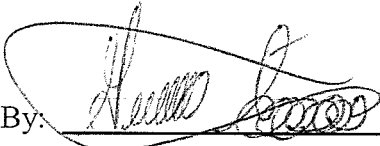
By: **GIL SANCHEZ**, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
RESOLUTION NO. **R-304523**, approved by the Mayor of The City of San Diego,  
California on **December 15, 2008**.

**ELIZABETH S. MALAND**

City Clerk of The City of San Diego, California

(SEAL)

By:  Deputy



(HA-2014-26)

HOUSING AUTHORITY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NUMBER HA- **1617**  
DATE OF FINAL PASSAGE APR 15 2014

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO AUTHORIZING THE SAN DIEGO HOUSING COMMISSION TO APPLY ON BEHALF OF THE CITY OF SAN DIEGO TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING OF \$2 MILLION UNDER THE LOCAL HOUSING TRUST FUND PROGRAM AND AUTHORIZING THE HOUSING COMMISSION'S PRESIDENT AND CHIEF EXECUTIVE OFFICER, OR DESIGNEE, TO COMMIT \$2 MILLION IN MATCHING FUNDS FROM THE CITY OF SAN DIEGO'S INCLUSIONARY HOUSING TRUST FUND AND TO TAKE RELATED ACTIONS.

WHEREAS, the State of California Department of Housing and Community Development (HCD) released a Notice of Funding Availability (NOFA) on February 26, 2014 for the Local Housing Trust Fund (LHTF) Program, which is funded by the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C) and requires LHTF Program funds to be used for the purposes set forth in California Health and Safety Code sections 50843.5 and 53545.9(c), as amended by Cal. Assembly Bill 532 (2013-2014 Reg. Sess.); and

WHEREAS, on April 16, 1990, by Ordinance No. O-17454, the San Diego City Council (City Council) established an affordable housing trust fund (Affordable Housing Fund); and

WHEREAS, the San Diego Housing Commission (Housing Commission) administers the Affordable Housing Fund for the City of San Diego (City); and

WHEREAS, eligible activities under the Affordable Housing Fund Annual Plan, which is approved annually by the City Council, include but are not limited to predevelopment, acquisition, construction, and rehabilitation of affordable housing; and

WHEREAS, on December 15, 2008, by Resolution R-304523, the City Council authorized the Housing Commission to submit an HCD application to participate in the LHTF Program in response to the NOFA issued on October 24, 2008, and any subsequent NOFAs issued, to request funding for affordable housing activities in the City in accordance with the Affordable Housing Fund and the LHTF; and

WHEREAS, the Housing Commission wishes to submit an application on behalf of the City to HCD for an allocation of LHTF Program funds of \$2 million; NOW, THEREFORE,

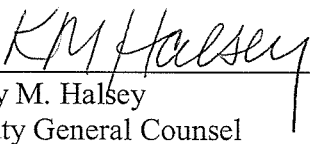
BE IT RESOLVED, by the Housing Authority of the City of San Diego, that the President and Chief Executive Officer of the Housing Commission (President & CEO), or designee, is hereby authorized on behalf of the City to apply for \$2 million in funding from the State of California HCD's LHTF.

BE IT FURTHER RESOLVED, that the President & CEO, or designee, is hereby authorized to commit \$2 million in matching funds from the City's Inclusionary Housing Trust Fund, as required by the NOFA.

BE IT FURTHER RESOLVED, that the President & CEO, or designee, is authorized to execute all documents and instruments that are necessary and appropriate to implement these approvals, in a form approved by the Housing Commission's General Counsel.

APPROVED: JAN I. GOLDSMITH, General Counsel

By

  
Keely M. Halsey  
Deputy General Counsel

KMH:als  
04/03/14  
Or.Dept:SDHC  
Doc. No. 758236\_2

Passed and adopted by the Housing Authority of the City of San Diego on April 15, 2014, by the following vote:

	<b>Yeas</b>	<b>Nays</b>	<b>Excused</b>	<b>Not Present</b>
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AUTHENTICATED BY:**

**Todd Gloria**

Chair of the Housing Authority  
of the City of San Diego, California

**Richard C. Gentry**

Executive Director of the Housing Authority  
of the City of San Diego, California

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
RESOLUTION NO. **1617** passed and adopted by the Housing Authority of the City of San  
Diego, California on April 15, 2014.

By:



**Charles Eshnaur**  
Deputy Secretary of the Housing Authority  
of the City of San Diego, California