



RESOLUTION No. 23-039

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AUTHORIZING THE SUBMISSION OF A HOME INVESTMENT PARTNERSHIPS PROGRAM, PROGRAM INCOME APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING IN THE AMOUNT OF \$1,072,762; AND IF AWARDED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OTHER RELATED DOCUMENTS NECESSARY TO PARTICIPATE AND COMPLY WITH IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM

WHEREAS The California Department of Housing and Community Development (the “Department”) is authorized to allocate HOME Investment Partnerships Program (“HOME”) funds made available from the U.S. Department of Housing and Urban Development (“HUD”). HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and in Title 25 of the California Code of Regulations commencing with section 8200; and

WHEREAS The County of Nevada, a subdivision of the State of California, (the “Applicant”), wishes to apply to the Department for the use of County HOME Program Income funds; and

WHEREAS Nevada County Housing and Community Services released a Request for Proposal in conjunction with its Community Development Block Grant Disaster Recovery Multifamily Housing Program funds award, 20-DRMHP-00026, and Pacific West Communities was the successful applicant; and

WHEREAS Pacific West Communities has proposed to develop Lone Oak II, a thirty-one-unit low-income senior apartment complex in Penn Valley; and

WHEREAS the developer plans to apply with California Tax Credit Allocation Committee (CTVAS) for 2023 credits and CTCAC encourages local government agencies to provide financial assistance to aid in the development and construction of low income rental housing, and it is expected that the loan commitment from the County of Nevada will provide the public leverage needed to be more competitive for a tax credit allocation; and

WHEREAS, the County has identified that the County of Nevada Housing and Community Services has a balance of \$1,072,762 from County HOME loan repayments available for this loan; and

WHEREAS, if the Developer receives an award of Federal tax credits from CTCAC and all other necessary financing to make the project feasible in the 2023 funding round, then a loan agreement will be brought before the Board of Supervisors for approval, which shall be secured by a deed of trust and promissory note.


NOW, THEREFORE, BE IT RESOLVED:

1. The Applicant shall submit an application to the Department to participate in the HOME program and for the use of Program Income funds not to exceed One Million Seventy-Two Thousand Seven Hundred Sixty-Two (\$1,072,762.00) for the following activities and/or programs:
Construction of Lone Oak II, a thirty-one unit senior affordable housing project to be located in Penn Valley, California, in the County of Nevada.
2. If the application for funding is approved, then the Applicant hereby agrees to use the HOME funds for eligible activities in the manner presented in its application as approved by the Department in accordance with the statutes and regulations cited above. The Applicant may also execute a standard agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program (collectively, the required documents).
3. The Applicant authorizes the Director of Nevada County Health and Human Services Agency or his/her designee(s) to execute, in the name of the Applicant, the any and all required documents.

PASSED AND ADOPTED THIS 24th DAY OF JANUARY 2023, BY THE FOLLOWING VOTE:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

The undersigned Clerk of the Board of Supervisors of the applicant does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing board of the applicant passed and adopted at a duly convened meeting on the date set forth above, and said resolution has not been altered, amended, or repealed.


Julie Patterson-Hunter, Clerk of the Board
of Supervisors of the County of Nevada,
State of California

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of January, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward C. Scofield/Chair

1/24/2023 cc: Housing*
AC*

HOME Investment Partnerships Program
HOME Supplement to the
Universal Application for Rental Projects



Gavin Newsom, Governor
State of California

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

Gustavo Velasquez, Director
California Department of Housing and Community Development

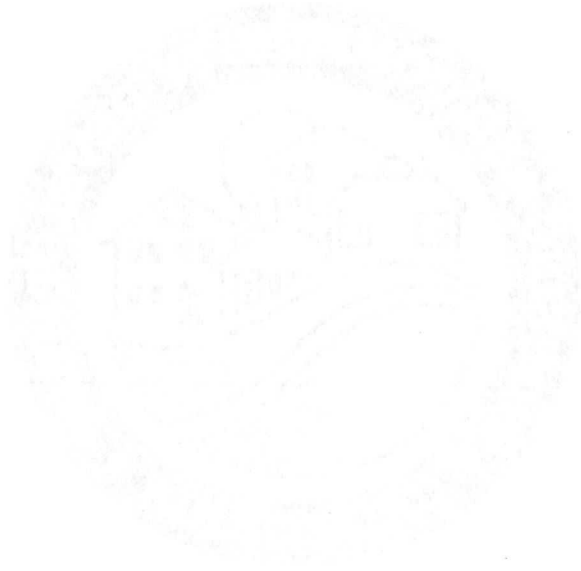
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December 1, 2021

U.S. Department of Education
Office of Inspector General
Investigation of the
U.S. Department of Education's
Financial Management System

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HOME-Specific Instructions for Completing Worksheets in the Universal Application and in the eCivis Application Portal

Complete all worksheets in the Universal Application (UA) in the same order as the questions and worksheets that are provided. Many cells are linked and skipping around will likely give you error messages that will cause figures to calculate incorrectly due to the information not being provided in the correct order. Guidance and instructions for some of the worksheets are provided below as well as on the UA Instructions Worksheet.

A. General Worksheet (eCivis Application Portal)

CHDO Operations – CHDOs requesting Operations funds should put the amount requested in the box labeled “HOME Admin Amount”.

Rural Census Areas

If you think your proposed project is in a rural census area, please type the word “rural” in the census tract box after listing the census tract number. Projects in rural census areas must document that their project is located in a rural area. Follow the steps outlined below to determine if your proposed project is located in a rural area, and to document this rural area status.

Option I. Non-Metropolitan Counties

Projects located in the following counties do not have to provide documentation of their rural status, and will be considered rural applicants:

Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama, Trinity, and Tuolumne.

If your project is not located in one of the above counties, follow one of the processes below to document that the project is located in a rural area.

Option II. Rural Community Determination

- 1) Go to: <https://www.treasurer.ca.gov/ctcac/Cover-memo.pdf>. Proceed as follows:
 - a. Scroll down to Exhibit B and review the “USDA Section 515 Designated Places List”.
 - b. Check to see if the project’s area is on the Section 515 Designated Places List.
 - c. Submit a printout of the page in the designated places list with the location of your project highlighted, and evidence of your project’s location within the designated place. Attach this information as Exhibit 11.
 - d. If the project’s area is not listed on the Section 515 Designated Places List, contact USDA to determine whether or not the area is eligible for the Section 515 program. If the area is eligible for the Section 515 program according to USDA, the applicant must provide a current letter from the USDA Multifamily Housing Program Director stating that the project is located in an area eligible for the Section 515 program.

USDA Contact for Section 515 Designated Places List:
Lorna Lorea, Multifamily Housing Program Specialist
United States Department of Agriculture, Rural Development, Auburn Office
11661 Blocker Drive, Suite 120
Auburn, CA 95603
Phone: 530-217-6250
lorna.lorea@ca.usda.gov
www.rd.usda.gov/ca

OR

- 2) Provide a current letter from the project's local USDA agency evidencing that it is in a Rural Housing Service Section 515 designated area. This letter must specify that the project is in a Section 515 designated area; **eligibility for USDA Rural Programs is not sufficient**. Attach this letter as Exhibit 11.

Option III. Small City Status

A project/program service area may be rural under the Small City Status methodology, provided that both of the following conditions are met:

- i. The project/program service area is located in an incorporated city having a population of 40,000 or less, or in an unincorporated area; **AND**
- ii. The project/program service area primarily is located in an area that is not designated as an "urbanized area."

- 1) Go to the State Department of Finance E-1 population table at:

<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>

to verify the jurisdiction's latest population estimate in the E-1 City/County Table. (If you are asked for a username and password, click "cancel" until the file comes up.) If your project/program service area is located in a city of more than 40,000, stop. Your project/program service area is not located in a rural area.

If your project/program service area is located in a city of 40,000 or less, or in an unincorporated area, print the page of Table E-1 which shows this population figure, and go to Step 2.

- 2) Go to "Explore Census Data" at the US Census Bureau website:

<https://data.census.gov/>

- a. Enter the search term "urban cluster" in the "Find Tables, Maps and more..." search bar.
- b. Under the "Tables" category in the search results, select the "P2 | Urban and Rural" result.

- c. On the new screen, underneath the “P2 | Urban and Rural” title, there is a drop-down menu that says “View All Products”. Select the “2010: DEC Summary File 1” link.¹
 - d. At the top of the right hand side of the screen, click on the “Geos” button (with the Map Pin icon).
 - e. Under the Geos menu (panel on the right of the screen), under the “Most Commonly Used Geographies” category, select the “Tract” option.
 - f. Under the State category, select “California”, and under the County category, select the project/program county.
 - g. Within the project/program county, select the Census tract(s) where the project/program service area will be located, by selecting the checkboxes corresponding to the Census tract(s).
 - h. Click on the “X” at the top left of the “Geos” menu to close the “Geos” menu and show the “Total Population” table.
 - i. Add together the “Inside urban clusters” population and the “Rural” population.
- 3) If the table indicates that over 50 percent of the total population of the project/program service area census tract(s) is rural and/or inside urban clusters (the sum of the “Inside urban clusters” population and the “Rural” population) the proposed service area will be considered rural.

If the proposed project/program service area meets both requirements (i) and (ii) in Option III: Small City Status, print the Census tract table provided, and submit this and your population figure from the E-1 table as **Exhibit 11**.

If you follow this process and, as a result, the evidence shows that your project is not rural, but you believe that it should be considered rural, or if you have other questions, problems, or concerns in determining rural designation pursuant to the above process, please contact the HOME NOFA Unit (HOMENOFA@hcd.ca.gov).

B. Narrative Worksheet (eCivis Application Portal – Narrative)

In addition to providing the information requested in the instructions to this worksheet, if you are providing supportive services in addition to the social services coordinator, please provide an explanation of the costs associated with these services, and your long term plan for meeting these costs.

B1. Contacts Worksheet (eCivis Application Portal – Development Team)

List the contact information for the Managing General Partner in the box labeled “Owner Partner or Member #1”. List the contact information for other general partner (if any) in the box labeled “Owner Partner Member #2”.

¹ As of the NOFA publication date, the 2020 Decennial Census Summary File 1 was not yet available.

C. Site and Units Worksheets (eCivis Portal and UA Max Funds & Unit Mix)

Site control - There are four acceptable forms of site control that avoid “choice-limiting” NEPA problems.

Amenities – Complete the Amenities section of this Worksheet to the extent known at this stage in the development of your project.

D. Miscellaneous Worksheet (UA Max Funds & Unit Mix)

Utility Allowance Schedule – Please complete this table using either the HUD Utility Schedule Model at <http://huduser.org/portal/resources/utimodel.html> or the California Energy Commission California Utility Allowance Calculator (CUAC). Provide a copy of this utility allowance schedule as **Exhibit 4** of your Application. The information provided in the table and in the utility allowance schedule must match. The Department reserves the right to make adjustments to the utility allowance schedule in consultation with the applicant.

Project forms must demonstrate compliance with UMR requirements such as adequate cash flow (debt service coverage ratios and operating costs coverage), reserves, vacancy rates, trending rate assumption, construction contingencies, development cost limits, developer fees, and cash flow uses. The information provided on these worksheets should be consistent with the other components of your application and accurately represent the nature of the project.

E. Rents Worksheet (UA Max Funds & Unit Mix)

Current HOME rent limits are found at: <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>. Note that the prescribed HOME rent limits are maximum rents, and include tenant utility allowance and any tenant-based rental subsidy.

The Department will generally underwrite and restrict projects, (either Deep Affordability Targeting or non-Deep Affordability Targeting), at the Maximum Net Rent for the particular Area Median Income (AMI) level; however, if rents are proposed which are lower than the Maximum Net Rents, HOME will evaluate project feasibility under both rent scenarios, Maximum Net Rents and Proposed Net Rents. The project must meet UMR Debt Service Coverage Ratio or Cash Flow limits in order to be considered at rent levels lower than the Maximum Net Rents.

F. Subsidies Worksheet (UA Max Funds & Unit Mix)

Use this worksheet only if you have project-based rental assistance. If you are completing this worksheet, and on the Rents Worksheet you have proposed rents lower than the Maximum Net Rents, you must include with the printed copy of your application a copy of the Subsidies Worksheet with the “Restricted Rents” button clicked, and an additional copy with the “Proposed Rents” button clicked.

Section 8 Vouchers - Units with Section 8 voucher holders are permitted only to collect from all sources the lower of the applicable State rent, or Federal HOME rent. For example, a unit with a Section 8 voucher holder is restricted at a MHP 35 percent AMI rent of \$439 but the housing

authority allows a rent of \$600; not only must \$439 be used for underwriting, the owner may not collect more than \$439 from all sources.

Project-Based Rental Assistance - Units with federal or state project-based rental subsidy that are occupied by families who have incomes below 50 percent of AMI and pay no more than 30 percent of their adjusted income toward rent, may go up to the maximum rent allowable under the project-based rental subsidy program. However, check with the Department for specific guidance based on your project requirements.

Applicants proposing use of Section 8 project-based rental assistance should submit documentation with their Rents Worksheet that substantiates the Fair Market Rent or Payment Standard for their county for each AMI level and unit size under the particular program.

For applicants proposing HUD 202 or RD rental assistance: Prepare your UA according to the above instructions for Section 8 projects. However, the Department understands that programs providing any amount of operating subsidy needed may require that the project proforma show zero cash flow every year. If the project is feasible and scores high enough to be considered for an award, a proforma will be prepared that fulfills this requirement, even though the built in formulas in the UA form don't enable you to show this kind of budget balancing.

G. Development Sources Worksheet (UA Development Sources)

Waived Fees, Land Donations -The amounts attributable to waived local agency fees, deferred developer fees, and the value of land donations may be shown on your development sources worksheet. Doing so will require that you factor these amounts into your Total Development Cost, and show them as Sources on your Sources and Uses Worksheet. This will also enable you to count these amounts toward your percentage of committed permanent financing.

Equity Investor Amounts – This fund source is most commonly used as a permanent financing source, not as a construction period source. Do not list equity investor information under “Construction Period Sources” unless equity financing will be utilized during construction.

H. Development Budget Worksheet (UA – Development Budget)

HOME Costs –

HOME funds cannot be used to pay for the construction or rehabilitation of things such as a laundry room or community room if those facilities are located in separate buildings from tenant units, or if those facilities can be used by members of the general public who are not project residents or their guests.

HOME funds cannot be used to pay for the UMR-required capitalized operating reserves, or replacement reserves.

Environmental Remediation –If the current environmental reports reveal any Recognized Environmental Conditions (REC) or other hazardous conditions, the Department will look for an

amount in the environmental remediation line item in the Development Budget. These costs should be thoroughly identified and explained in the “Additional Applicant Comments on Development Budget” section, and these costs should be supported by the information in your environmental studies.

Commercial Expenses – The Development Budget contains a column for itemizing commercial expenses if the project will have commercial space. These costs must be thoroughly explained in the “Applicant Comment” column or in the “Additional Applicant Comments” section that follows.

Acquisition Costs See the chart below to determine the amount of acquisition costs which can be charged to the project. For purposes of determining this amount, the HOME applicant, developer, owner, MGP and any affiliated entities are considered related parties. In all cases, reasonable carrying costs and the costs of capital improvements made by the developer or other related parties can be charged to the project and paid for with HOME funds.

Seller and Buyer	Land Values	Cap on Acquisition Costs Paid by HOME	Increment Above Appraised Value	Reasonable Carrying Costs and Capital Improvements
Related Party	Decreased	Current appraised value or purchase price of last arm’s length transaction	Paid for with tax credit equity or junior public financing with no mandatory debt service	Can be paid with HOME or other funds
Related Party	Increased	Amount of last arm’s length transaction	Can't be paid by anyone	Can be paid with HOME or other funds
Unrelated Party	Increased or Decreased	Current appraised value or purchase price	Paid for with tax credit equity or junior public financing with no mandatory debt service	Can be paid with HOME or other funds

Construction Contingency – See UMR Section 8310 (j). Any amount above these minimums should be explained in the “Applicant Comments” section of the Development Budget. For purposes of this calculation, “Total Construction Cost” includes only site work, structures, environmental remediation, General Requirements, Contractor O&P and off-site improvements. It does not include liability insurance.

Capitalized Operating Reserve – See UMR Section 8308. If you are capitalizing the operating reserve at a higher amount than the minimum required amount, provide an explanation in the “Applicant Comments” section of the Development Budget for why the higher amount is needed.

Replacement Reserves – See UMR Section 8309.

HOME Initial Operating Deficit Reserve - HOME funds cannot be used to fund the UMR-required capitalized operating reserve or replacement reserve. However, HOME funds can be used for the cost of funding an initial operating deficit reserve, (rent-up reserve) which is a reserve to meet any shortfall in project income during the period of project rent-up (not to exceed 18 months) and

which may be used only to pay project operating expenses, scheduled payments to a replacement reserve, and debt service. If you anticipate needing such a reserve, please make sure the reserve is sized only for the amount you think you will need. Your calculations for the size of this reserve must be thoroughly explained in the “Additional Applicant Comments on Development Budget” section.

Note also that all reserves are assets of the project but must stay with the property upon transfer of ownership or partner substitutions.

Transition Reserve – HOME funds cannot be used to capitalize a transition reserve; however, the Department may require that a project have a transition reserve if loss of project-based rental subsidy income is projected. This transition reserve must be sized so that the rent for subsidized tenants in both HOME and non-HOME units remains the same for a two-year period after the project-based rental assistance ends. Note: For one-year USDA rental subsidy commitments, the Department will generally assume that these commitments will be renewed, but will also evaluate this issue on a case-by-case basis, should the project rank high enough to be funded.

Consistent with federal relocation requirements prohibiting economic displacement and Section 92.353 of the Federal HOME Regulations, if rents for existing tenants in both HOME and non-HOME units will increase as a result of rehabilitation, rents for these tenants must be maintained at the higher of 30 percent of their income or the rent at the time of “Initiation of Negotiations”, not including regular increases in expenses, for as long as they live in the project. Reasonable rent increases to cover normal cost of living increases are allowed. A transition reserve may be required for this purpose. In establishing the size of this reserve, reasonable turnover assumptions may be made. Your calculations for the size of this reserve must be thoroughly explained in the “Additional Applicant Comments on Development Budget” section.

You are not required to budget for a reserve as discussed above if the rents for existing tenants will not rise at all as a result of the rehab project. Include specific facts in your relocation plan to explain why this transition reserve will not be needed.

Activity Delivery, Administration, and CHDO Operations Funds - HOME Activity Delivery funds are available for staff and overhead costs directly related to carrying out a project. Administration funds are for general management, oversight, and coordination costs. Activity Delivery and Administration funds are only available to State Recipients. CHDO Operations funds are for reasonable and necessary costs for the operation of the CHDO, including things such as employee salaries, training, travel, office rent, equipment, and supplies. They cannot be used for project-specific costs.

Activity Delivery, Administration, and CHDO Operations are a grant from the HOME program and are not part of the HOME loan amount. The amount available for Activity Delivery, Administration, and CHDO Operations is in addition to the maximum loan amount; so it cannot be turned down in order to get a higher HOME loan.

Syndicator/Investor Fees & Expenses versus Financial Consulting Fees

Syndicator/Investor Fees should reflect expenses related to only services to the equity investor. Financial Consulting Fees are for expenses for financial consultants not specifically serving the equity investor.

I. Operating Worksheet (UA – Operating)

On-site Employees Free Rent Box - Do not show free rent as an expense. Click the “No” button in this box.

Operating “Safeharbors” - It is recommended that projects have an operating cost per-unit per month of a minimum of the higher of the required minimum for TCAC or \$300, and a maximum of no more than \$400. This amount excludes property taxes/assessments, replacement reserve deposits, on-site service coordinator, deferred developer fee and asset mgmt./partnership fees). If you go above or below this safeharbor range, you may be asked to provide audited financials from other similar projects which demonstrate that the operating costs for the proposed project are feasible. Note: the applicable TCAC operating minimums can be found at 2021 Operating Expense Minimums (ca.gov)

Vacancy Rate - Use the vacancy rate assumptions in UMR Section 8310.

Social Services Costs - These expenses are considered part of the project’s operating expenses pursuant to UMR Section 8301 (k).

Fees - Pursuant to 24 CFR 92.214, fees such as processing fees, inspection fees, or other fees related to the cost of administering HOME funds cannot be charged to low-income beneficiaries except such reasonable and customary fees that are expressly authorized by the Department pursuant to the requirements of this section. Rental project owners may charge (i) Reasonable application fees to prospective tenants; (ii) Parking fees to tenants only if such fees are customary for rental housing projects in the neighborhood; and (iii) Fees for services such as bus transportation or meals, as long as the services are voluntary and fees are charged for services provided.

J. Cash Flow Worksheet (UA Cashflow)

K. Experience Worksheet (UA Experience)

Using the UA worksheets; complete the Previous Participation Certification and Schedule A to report experience of Applicant, Developer, Owner and/or Managing General Partner, indicating the specific “role” in Schedule A, column 3. Enter the date of the Recorded Notice of Completion as the “Ended Date”. It is not necessary to report **all** previous projects, as only those completed within the last five years will be used for scoring purposes. Specifically, this will be used to determine points for the Capability scoring category “Similar Project Experience last 5 years”

L. Legal Status Worksheet (UA Certifications & Legal Status)

Complete this form as instructed.

Note: This form and the HOME Pending Lawsuits Certification are not the same. Both of these items must be submitted with the application.

Instructions for HOME Governing Board Resolution

An executed resolution must be included with every application submitted to the Department no later than the application deadline. The resolution must authorize:

- submittal of the application and the execution of the HOME Standard Agreement;
- the activity(ies) being proposed in the application;
- the amount of HOME funds being requested
- reference the 2020/2021 HOME NOFA; and
- signature authority for HOME documents.

A sample resolution is included for your use on the following pages. We suggest you either use this resolution or incorporate all elements of the sample resolution into your own resolution that is on organization letterhead. The resolution should be dated after the issuance date of the NOFA, and should reference the 2020/2021 HOME NOFA. **The resolution must specifically include the amount of HOME funds being requested (\$). This is a mandatory element of the resolution.** The resolution must also identify the position(s) **(and for CHDOs the position and current occupant of the position)** that will be authorized to sign reports and drawdown requests. The person attesting to the validity of the resolution cannot be the same individual as the one granted the authority in the resolution. If the application is submitted unsigned, or signed by someone other than the individual authorized in the resolution, the Department may, at its sole discretion, reject the application.

If the resolution allows for a designee, and the designee signs the application on behalf of the authorized signer, a letter signed by the authorized signer identifying the designee must accompany the resolution and dated prior to or on the date the application is signed.

Applicant Certification and Commitment of Responsibility

As the official designated by the governing body, I hereby certify that if approved by the California Department of Housing and Community Development (Department) for a HOME funding allocation the _____ (applicant name) assumes the responsibilities specified in the HOME regulations and certifies that:

1. It possesses the legal authority to apply for the allocation and to execute the proposed program or project;
2. It has resolved any audit findings for prior Department or federally funded housing or community development projects or programs to the satisfaction of the Department or federal agency by which the finding was made;
3. It is not currently suspended or debarred from receiving federal funds;
4. It is currently in compliance with the submittal requirements of 24 CFR 200.512;
5. There are **no** pending lawsuits that would impact the implementation of this program or project;
6. It will follow the State Relocation Plan and the federal Uniform Relocation Act requirements;
7. It will comply with all statutes and regulations governing the HOME Program;
8. It will comply with State and Federal requirements;
9. It has staff available or has committed to hiring staff able to operate a local HOME program or project and oversee the work of an administrative subcontractor, if any;
10. It will use HOME funds as grants solely for authorized activities;
11. If a CHDO, that it is currently certified or that it has submitted an application for certification, and that its organization is currently in compliance with section 8204.1 of the State HOME Regulations including:
 - its certified service areas include the jurisdiction for which their proposed activity is located;
 - its board composition complies with and will continue to comply with the requirements for CHDOs in the definition contained in 24 CFR Section 92.2;
 - the purpose of the organization complies with 24 CFR 92.2; and
 - it is not a public body nor is it controlled by, or under the direction of, a public body, or individuals or entities seeking to derive profit or gain from the organization;

12. If a CHDO, it will maintain effective project control in its role as sole developer, sole owner or managing general partner in the administration of the proposed activity/ies;
13. The information, statements, and attachments contained in this application are, to the best of my knowledge and belief, true and correct.

I authorize the Department of Housing and Community Development to contact any agency, whether or not named in this application, which may assist in determining the capability of the Applicant. All information contained in this application is acknowledged to be public information. (This certification must be signed by the person authorized in the Resolution.)

Signature: _____ Title: _____

Type Name: _____ Date: _____

(SAMPLE) GOVERNING BOARD RESOLUTION

RESOLUTION NO. _____

THE GOVERNING BOARD OF

[Name of Applicant]

HEREBY AUTHORIZES: Submission of the 2020/2021 HOME Investment Partnerships Program application to the California State Department of Housing and Community Development for funding in the amount of \$XXX; and if awarded, the execution of a standard agreement, any amendments thereto, and other related documents necessary to participate and comply with in the HOME Investment Partnerships Program.

WHEREAS:

- A. The California Department of Housing and Community Development (the "Department") is authorized to allocate HOME Investment Partnerships Program ("HOME") funds made available from the U.S. Department of Housing and Urban Development ("HUD"). HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and in Title 25 of the California Code of Regulations commencing with section 8200.
- B. On _____, the Department issued a Notice of Funding Availability announcing the availability of funds under the HOME program (the "NOFA").
- C. In response to the 2020/2021 HOME NOFA, _____ *[insert name of applicant]* a _____ *[insert the legal form of entity, e.g., municipal corporation, subdivision of the State of California, nonprofit corporation]* (the "Applicant"), wishes to apply to the Department for, and receive an allocation of, HOME funds.

IT IS THEREFORE RESOLVED THAT:

- 1. In response to the 2020/2021 HOME NOFA, the Applicant shall submit an application to the Department to participate in the HOME program and for an allocation of funds not to exceed _____ Dollars (\$ _____) for the following activities and/or programs:
[Briefly describe the proposed activities and/or programs]
to be located in _____ *[activity/program location(s)]*.

2. If the application for funding is approved, then the Applicant hereby agrees to use the HOME funds for eligible activities in the manner presented in its application as approved by the Department in accordance with the statutes and regulations cited above. The Applicant may also execute a standard agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program (collectively, the required documents).
3. The applicant authorizes _____ [position title(s) of person(s) authorized] or his/her designee(s) to execute, in the name of the applicant, the required documents.

PASSED AND ADOPTED THIS _____ DAY OF _____ 20___, BY THE FOLLOWING VOTE:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

The undersigned _____ [title of officer] of the applicant does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing board of the applicant passed and adopted at a duly convened meeting on the date set forth above, and said resolution has not been altered, amended, or repealed.

Signature

Date

1. This is intended to be a sample resolution authorizing submittal of an application to the Department and execution of various required documents. An applicant may use another format if it contains a reference to the year of the NOFA, the dollar amount of the application and all of the authorizations contained in this sample.
2. CHDO applicants also must submit an authorizing resolution with their applications, modified as appropriate to their corporate structure, and containing the dollar amount of the application and all of the authorizations contained in this sample.
3. The person attesting to the signing of the resolution cannot be the same person authorized to execute documents in the name of the applicant.
4. CHDO applicants must name the **title and current occupant** in the resolution. If the person occupying the position changes, the CHDO must submit meeting notes or some other official documentation evidencing the change in persons occupying the authorized position. The additional documentation evidencing the name and title of authorized signatories need not be HOME- specific, but may provide general authority evidencing the name and title of individuals authorized to legally bind the governing body.
5. If the resolution allows for a designee, and the designee signs the application on behalf of the authorized signer, a letter signed by the authorized signer identifying the designee must accompany the resolution and dated prior to or on the date the application is signed.

Authorized Signatories Designation Form
(for State Recipient applicants only)

For every position/title authorized in the Authorizing Resolution submitted with the HOME Application, the Department requires that the name of the person(s) currently occupying that/those position(s)/title(s) be kept on file at the Department. This allows the Standard Agreement to be signed by the current occupant(s) of the named position(s)/title(s) to sign on behalf of the applicant. Please provide this information in the spaces below.

Note: If the information provided below changes, update this form and send it to your HOME Representative along with a copy of meeting notes or some other official documentation evidencing the change in persons occupying the authorized position(s)/title(s). The additional documentation evidencing the name and position(s)/title(s) of authorized signatories need not be HOME-specific, but may provide general authority evidencing the name(s) and position(s)/title(s) of individuals authorized to legally bind the governing body.

State Recipient: _____

HOME Application Year or Contract Number: _____

Authorized Signatory Position/Title	Name of Person Currently Occupying this Position

Submitted by (must not be a person named above):

Printed Name: _____

Signature: _____

Title: _____

Date: _____

CHDO Effective Project Control (CHDO applicants only)

In order to comply with HUD's requirement that CHDOs have Effective Project Control over projects funded out of the CHDO set-aside, CHDOs must fulfill the role of owner, developer or sponsor, as defined at 24 CFR 92.300 (see CHDO criteria requirements in Section II. A. 2. of NOFA). In order to demonstrate that one of these roles can be met, the following documentation must be submitted for the applicable role.

Owner -Submit a narrative which discusses how the CHDO will satisfy the role of sole owner of the project, with no partnership acting as the long-term owner of the project. Note: as the sole owner, the CHDO must hold valid legal title, in fee simple absolute, or have a long term leasehold interest, as defined at UMR Section 8316.

Developer- Submit a narrative which discusses how the CHDO will satisfy the role of sole developer of the project where the CHDO is in charge of all aspects of the development process and assumes all risks of development. Note: as the sole developer, the CHDO must own the project in fee simple absolute, or have a long-term leasehold interest, as defined at UMR Section 8316.

Sponsor- Submit a narrative which discusses how the CHDO will satisfy the role of sponsor of the project in one of the following manners:

1) The project will be owned (in fee simple absolute) by a wholly-owned affiliate of the CHDO; or the project will be owned by a limited partnership or limited liability company, of which the CHDO will be the sole managing general partner (if an L.P.) or sole managing member (if an LLC) and will have ultimate decision-making authority with respect to the operation of the property and its long-term management and operation. Include an organizational chart depicting the proposed ownership structure, or, if formed, a copy of the partnership agreement.

2) The project will be owned (in fee simple absolute) and developed by the CHDO and the CHDO will transfer the project to another non-profit at a predetermined time after project completion. The non-profit to which the project will transfer must be identified and approved by the Department prior to commitment of funds.

Sole (Managing) General Partner - 1) Submit a narrative which discusses how the CHDO will satisfy the role of sole managing general partner. Note: as sole MGP, the CHDO must have ultimate decision-making authority with respect to all of the decisions that must be made over the life of the project which concern its long-term management and operation. If the CHDO is claiming to be the sole managing general partner but will also need financial guarantees from another entity for the proposed project, it is not likely that the CHDO will have the ultimate decision-making authority over all long-term ownership decisions. 2) Submit an organizational chart for the proposed structure of the limited partnership. 3) If formed, included a copy of the limited partnership agreement.

PDP Documentation Requirements – Rental New Construction

PDP items must be: (1) submitted; (2) prepared according to all instructions; and (3) indicate no problems that would affect financial feasibility, or if problems exist that affect financial feasibility, costs are thoroughly itemized and the Development Budget clearly shows these expenses. The methodology for calculating these expenses must also be discussed in the Development Budget in the section “Additional Applicant Comments on Development Budget”.

Market Study – (35 points) – Points will be awarded for a rental market study prepared in no earlier than 2021 in accordance with the current California Tax Credit Allocation Committee (TCAC) 2021 Market Study Guidelines, TCAC Market study Guidelines can be found on the TCAC website [2021 Market Study Guidelines \(ca.gov\)](https://www.tcac.ca.gov/2021-Market-Study-Guidelines)

For those projects scoring high enough to proceed to feasibility review, the Market Study must demonstrate that there is a market for the proposed project (the entire project concept, including commercial uses, and proposed unit sizes and rents). In calculating demand, the analyst shall use the applicable incomes and rents in the project's HOME application. Note that TCAC approval of the Market Study does not guarantee Department approval, nor shall the Department be held to TCAC evaluative methods or guideline interpretations. If the Market Study fails to support sufficient need or demand for the project, the project may be considered infeasible.

To Avoid Common Errors:

1) Define Primary Market Area (PMA) Appropriately

In describing the PMA, if it is larger than the community where the project is located, you must do more than you normally do for a TCAC market study. In particular, the Department will evaluate whether the market study sufficiently demonstrates that people who live or work outside the community will move to the proposed project. In demonstrating that people will move to your proposed project, you may discuss the following factors in your PMA Description.

- a. Actual experience of similar projects in the community where the proposed project is located – Quantify the actual initial and ongoing rent-up of these units to people who lived or work outside the community where the project is located.
- b. Commute Patterns that show that people who work outside the community do choose to live in rental housing in the community where the project is located, or would do this if there was sufficient rental housing. In discussing this, you may provide information that people routinely commute from jobs in the PMA to rental housing in the project community. If possible, you should survey major employers, ideally the actual employees (not just an interview with the company), to determine existing commute patterns, or use other data to show actual commute patterns to rental housing in the community.

- c. Market Perceptions that show that the proposed project is located in the more desirable area of the PMA, i.e. that people will be willing to endure a longer commute to live in this more desirable part of the region.
- d. Experience of Nearby Comparable Developments - If you have made a diligent effort to make the case for a larger PMA, and after demonstrating that you have tried unsuccessfully to find information for your subject community, as a last resort only, you may use the experience of similar projects in similar communities outside of the community within the last five years. In these cases, a larger PMA must have been utilized, and the project must have rented up and continued at high levels of occupancy. If you use this option, we suggest that you provide all information, both positive and negative, addressing the similarity of the projects to your proposed project. For example, if your project is located in a very small rural community with no current rental housing projects and is located 8 miles from a major employer; you may cite the example of a similar very small rural community with these same characteristics.

2) Use the Appropriate Comparables

- a. You should include a minimum of three market rate comparables for each bedroom size within one mile of the proposed project. However, the Department understands that this is not always possible; therefore, when evaluating comparables, the Department will evaluate the comparables used in the rent matrix in the following descending order of quality preference. (Note: comparables will be used only to evaluate the overall feasibility of a project, not as specific point items):
 - 1. Closely comparable units within one mile, with the same number of bedrooms as the proposed project;
 - 2. Closely comparable units within the community (not the expanded PMA), with the same number of bedrooms as the proposed project;
 - 3. Less comparable units (e.g. due to inferior condition/age) which you would not normally consider to be comparable, with the same number of bedrooms as the proposed project, and within one mile (preferably), or within the community (not the expanded PMA);
 - 4. Closely comparable (ideally) or not so comparable units, within a mile or within the same community, but with a different number of bedrooms;
 - 5. Comparables outside the community but within the PMA;
 - 6. Comparables outside the PMA (this is the last resort and will not be heavily weighted due to the difficulty in evaluating market differences in so many diverse communities).
- b. In rural areas, single family homes in the PMA may be used when there is an insufficient number of comparable 3 and 4-bedroom rental units, provided that the proposed rents are at least 20 percent below the rent for single family homes. Single family homes may not be used as comparables for rental units containing 2-bedrooms or less.
- c. A unit within a duplex or triplex may be used as one comparable. However, proposed project rents must be at least 10 percent below the rent for the duplex/triplex. In some cases, depending on the degree of amenities with the duplex/triplex, we suggest that project rents for these types of units be at least 20 percent below.

- d. Vacancy rates must be included for your comparables, including single family home comparables market-rate comparables, and affordable housing comparables. Do not put “N/A” for the vacancy rate, even for single family homes. (For single family homes, indicate if the unit is currently vacant or occupied.).
- e. Adjustments to your project rents made for amenities must make sense in light of the fact that your project units will be marketed, and must be affordable, to low and very low-income households.

3) Demand Calculations

- a. The Department suggests that the demographic data used for these calculations be from only the PMA, not the secondary market area or the entire county, unless there is documentation of the population numbers who have moved to the PMA from outside the PMA based on surveys of initial move-in renters of similar type housing projects, with an outline of this survey included as an appendix to the study.
- b. Make sure your demand calculations are consistent with the minimum occupancy requirements required under UMR 8305 (b), and make clear in the Executive Summary of the market study that this standard was used. Your demand data must also demonstrate that you will be able to rent the two-, three-, four-, and five-bedroom units to households with the minimum number of persons required by UMR 8305 (b) as shown below.

<i>Unit Size</i>	<i>Minimum Number of Persons in Household</i>
SRO	1
0-BR	1
1-BR	1
2-BR	2
3-BR	4
4-BR	6
5-BR	8

- c. Capture Rate – Where the capture rate exceeds 25 percent, you must fully explain in this section (TCAC Market Study Item #37, Calculation and Analysis of Capture Rate) how the project will achieve full occupancy in spite of the high capture rate.

Appraisal (10 points) – The appraisal must be prepared no earlier than 2021. The appraised value must be the unrestricted fair market value of the land, as required by UMR 8311. If the land has structures on it that will be demolished, the appraised value must exclude the value of these structures and include the expense of the demolition unless it will be done outside of the project development budget. If the land will be leased, the appraised value must be adjusted to reflect the difference in the value of a leasehold estate as compared to an ownership estate interest.

All appraisals should take into consideration all unique aspects of the property and of the

proposed project that will affect its value.

Proposed project sites shall not require site development work that is significantly more costly than that typical for other similar projects in the local market area, unless either: (1) the proposed site acquisition cost together with the site development (and environmental remediation) costs are less than the cost of a typical site together with typical site development costs in the project's market area; or (2) there are no other sites available in the market area with a lower combined cost.

No appraisal is needed if land is being donated to the project, no land costs will be shown in the development budget, and there are no other financial consequences from the land donation which would require that the Department assess the value of the land (e.g. not calculating a higher developer fee or a higher percentage of permanent financing committed due to land donation).

Note the following regarding acquisition costs charged to the project.

Seller and Buyer	Land Values	Cap on Acquisition Costs Paid by HOME	Increment Above Appraised Value	Reasonable Carrying Costs and Capital Improvements
Related Party	Decreased	Current appraised value or last arm's length transaction	Paid for with tax credit equity or junior public financing with no mandatory debt service	Can be paid with HOME or other funds
Related Party	Increased	Amount of last arm's length transaction	Can't be paid by anyone	Can be paid with HOME or other funds
Unrelated Party	Increased or Decreased	Current appraised value or purchase price	Paid for with tax credit equity or junior public financing with no mandatory debt service	Can be paid with HOME or other funds

Phase I Phase II Site Assessment (35 points) - Points will be awarded for reports prepared according to the following: a Phase I, site assessment meeting ASTM Standard

E1527-13 or E1527-21 and a Phase II site assessment, if recommended by the Phase I, meeting ASTM Standard E1903-19. All reports must be prepared according to these ASTM standards, except as discussed below. The Phase I/VES report must be prepared no earlier than 2020, and the Phase II report must be prepared no earlier than 2020. The Phase I/II/VES reports may be prepared by different firms.

Older reports will not be considered in scoring; however, if the applicant is aware of more than one Phase I, Phase II or VES report for the property, all such reports should be included with the application. Should the project score high enough to be considered for an award, missing reports must be submitted for review prior to the Department's Internal Loan Committee meeting.

We recommend that you carefully evaluate the Phase I/II to ensure that these reports are complete, clear and without deficiencies; and that with the passage of time nothing has changed on the site. If something on the site or the surrounding area has changed since your Phase I was prepared, you must prepare a new Phase I.

For those projects scoring high enough to proceed to feasibility review, the content of the report(s) will be evaluated. In its evaluation, the Department will consider both positive and negative factors, including but not limited to the following:

Positive Factors:

- (1) If an older Phase I/II includes a bigger site, the newer Phase I should clearly delineate what issues identified in the older Phase I/II pertain to the smaller project site;
- (2) The report contains no exceptions, deletions, or deviations unless the report clearly says that these are acceptable pursuant to Section 11.7 of ASTM Standard E1527-13;
- (3) The report concludes that there are no recognized environmental conditions in connection with the property;
- (4) If there are environmental deficiencies but the preparer concludes that one or more of these deficiencies are not RECs, there is a complete explanation as to why these conditions are not considered environmental hazards;
- (5) If the current Phase I/II reveals any RECs or other hazardous conditions, there is an environmental remediation line item in the Development Budget and an explanation as to how this line item was determined;
- (6) Where structures will be or have been demolished, lead and asbestos testing was performed and the results discussed in a Phase II report;
- (7) There is no further action or investigation recommended;
- (8) There are no environmental regulatory concerns;
- (9) The Department is listed as one of the entities to which the report provides reliance;
- (10) The Phase I does not show the likely presence of chemicals of concern in the sub-surface of the target property (TP) caused by the release of vapors from contaminated soil or groundwater either on or near the TP;
- (11) If the Phase I reveals a vapor encroachment condition (VEC) exists, further investigation as recommended has been conducted.

Negative Factors:

- (1) The Summary section of the Phase I or Phase II reports does not disclose all potentially hazardous conditions or instances of contamination (past or present) on the property;
- (2) The Phase I or Phase II is missing information otherwise required in these reports;
- (3) The Phase I or Phase II is not signed by the certified environmental assessor.

The Market Study, Appraisal, and Phase I/Phase II shall be prepared by an individual or firm which: (1) has the appropriate license and knowledge and experience necessary to competently prepare the document; (2) is aware of, understands, and correctly employs those recognized methods and techniques that are necessary to produce a credible and complete document; (3) communicates each analysis, opinion, and conclusion in a manner that is not misleading as to the true market needs for low-income residential property, and the value and condition of the subject property; and (4) is an independent third party having no identity of interest with the applicant, the partners of the applicant, the intended partners of the applicant, or with the general contractor.

Floodplain Analysis (25 points)

All Applicants must submit a FEMA Flood Hazard Determination Form, OMB # 1660 - 0040 (or later form number) issued by a flood certification service, or other appropriate independent third party prepared no earlier than 2021.

In addition to the FEMA Form listed above, projects where the buildings are located in a flood hazard area need to submit one of the following:

- a) Any additional documentation necessary to confirm that the floodplain is incidental to the project, or
- b) A FEMA Conditional Letter of Map Revision, or
- c) A narrative explaining your intent to obtain a FEMA Conditional Letter of Map Revision, or
- d) a narrative and supporting documentation with the HOME application which discusses with specificity the following: (1) the sites outside of the floodplain that were considered for the project and the reasons for rejection of these sites; (2) the negative and positive impacts of building in a floodplain; (3) the steps that have been or will be taken to minimize the negative impacts to lives and property of building in a floodplain.

Note: all projects located in a 100-year flood plain must carry flood insurance, unless otherwise exempt. The flood insurance policy should be for 80 percent of the replacement cost of the structures. A project can receive an exemption from the flood insurance requirement if the following is done:

(1) The pad and foundation of the buildings must be elevated above the base flood elevation, or (2) The letter of map revision must be provided to the Department at loan closing. If you are planning on raising your project above the flood plain, these costs must be specifically identified in the Development Budget. Flood insurance costs should also be adequately reflected in the Operating Budget.

Preliminary Construction Cost Estimate (5 points) – On the form that follows, provide an itemized cost estimate. The cost estimate must be prepared no earlier than 2021. The cost estimate must be consistent with the Development Budget, or an explanation must be provided to support any differences.

Geotechnical Soils Report – This report is not required for scoring purposes and does not need to be submitted with the application. However, a geotechnical soils engineering report from a State licensed engineering firm, which is specific to the proposed project, and prepared no earlier than 2020 will be required prior to construction loan closing. An update letter will be required if there have been significant changes to the site since the original report (e.g. grading or seismic event), changes in the type of project being developed (e.g. from single-story to 3-story), or there have been other changes in factors that would affect the conclusions of the original report.

Relocation General Information Notice and Relocation Plan (30 points)

Relocation GIN and Relocation Plan (30 points) - Provide a comprehensive narrative covering the history to date of the developer's negotiations with the seller and other funding sources to support the Initiation of Negotiations (ION) date, along with the date of the ION. If the GIN was not provided at the same time as the Initiation of Negotiations, the narrative must explain the corrective actions. In addition, include the following: (1) a copy of the GIN, signed acknowledgement of hand-delivery to each tenant or other proof of delivery (i.e., return receipt requested), and the list of notified tenants to include the apartment unit number; (2) a project-specific relocation study/plan summarizing the estimated cost and methodology for calculating the relocation expenses. The relocation plan must be prepared or updated no earlier than 2021.

If relocation requirements will not be triggered, the application must clearly demonstrate this.

Itemized Preliminary Construction Cost Estimate
(New Construction Projects)

Estimate Prepared By

Date Prepared:

Basis for Estimated Costs:

<i>Trade Item</i>	<i>Amount</i>	<i>Notes/Descriptions</i>
Concrete		
Masonry		
Metals		
Rough Carpentry		
Finish Carpentry		
Waterproofing		
Insulation		
Roofing		
Sheet Metal and Flashing		
Exterior Siding		
Doors		
Windows		
Glass		
Lath & Plaster		
Drywall		
Tile Work		
Acoustical		
Wood Flooring		
Resilient Flooring		
Carpet		
Paint & Decorating		
Specialties		
Special Equipment		
Cabinets		
Appliances		
Blinds & Shades		
Modular/Manufactured		
Special Construction		
Elevators or Conveying Syst.		
Plumbing & Hot Water		
Heat & Ventilation		
Air Conditioning		
Fire Protection		
Electrical		
Accessory Buildings		

Other/misc.		
Subtotal Structural		
Earth Work		
Site Utilities		
Roads & Walks		
Site Improvement		
Lawns & Planting		
Geotechnical Conditions		
Environmental Remediation		
Demolition		
Unusual Site Cond		
Subtotal Site Work		
Total Improvements		
General Conditions		
Subtotal		
Builders Overhead		
Builders Profit		
TOTAL		

Total Square Foot:

Residential Square Foot:

Total Cost/Total Square Foot:

Total Cost/Residential Square Foot:

The preparer certifies that, to the best of their knowledge, the construction estimates, and trade-item breakdown on this page are complete and accurate.

Signature: _____

Title: _____

Employed by: _____

Date: _____

PDP Documentation Requirements for Rehabilitation with or without Acquisition Projects

PDP items must be: (1) submitted; (2) prepared according to all instructions; and (3) indicate no problems that would affect financial feasibility, or if problems exist that affect financial feasibility, costs are thoroughly itemized and the Development Budget clearly shows these expenses. The methodology for calculating these expenses must also be discussed in the Development Budget in the section “Additional Applicant Comments on Development Budget”.

Market Study (10 points) – Requirements are the same as for Rental New Construction. Please refer to Market Study guidance for Rental New Construction projects.

Appraisal* (30 points) – The appraisal must be prepared no earlier than 2021. An appraisal is required for any purchase, if any debt will be assumed, and if any exit taxes or payments are to be paid.

General Requirements for Appraisals – All appraisals should take into consideration all unique aspects of the property and of the existing project that affects its value. If the project has existing income and rent-restrictions, then the appraised value should reflect the income and rent restrictions, as well as any deed restrictions for the remainder of the existing regulatory agreement. If actual unit rents are lower than is permitted by the regulatory agreement, appraisal should assume actual project rents increase at no more than 2.5 percent per year. If the project is currently not habitable or is not in good condition, the appraisal should take into account the rehabilitation costs necessary to make it habitable and in good condition.

Note the following regarding acquisition costs charged to the project.

Seller and Buyer	Land Values	Cap on Acquisition Costs Paid by HOME	Increment Above Appraised Value	Reasonable Carrying Costs and Capital Improvements
Related Party	Decreased	Current appraised value or last arm's length transaction	Paid for with tax credit equity or junior public financing with no mandatory debt service	Can be paid with HOME or other funds
Related Party	Increased	Amount of last arm's length transaction	Can't be paid by anyone	Can be paid with HOME or other funds
Unrelated Party	Increased or Decreased	Current appraised value or purchase price	Paid for with tax credit equity or junior public financing with no mandatory debt service	Can be paid with HOME or other funds

No appraisal is needed if land is being donated to the project, no land costs will be shown in the development budget, and there are no other financial consequences from the land donation which would require that the Department assess the value of the land (e.g. not calculating a higher percentage of permanent financing committed due to land donation).

Floodplain Analysis* (25 points) – Requirements are the same as for Rental New Construction.

Assess Lead-Based Paint, Asbestos, and Mold* (25 points) –For scoring, all reports submitted pursuant to this task must be prepared no earlier than 2021 by an entity properly certified or accredited as noted below.

For projects scoring high enough to proceed to feasibility review, the Department will evaluate the contents of the report(s), considering both positive and negative factors. The lead-based paint assessment needs to be prepared for only buildings constructed prior to January 1, 1978. If the property was constructed after December 31, 1977, indicate this in the PDP chart above.

If the reports identify any environmental hazards, you are you are required to have a remediation plan to correct any identified hazards, and the cost for remediation has to be shown in the development budget. Note also that if there are inconsistencies between the PNA findings, and the findings of the lead, asbestos, and mold reports, this will be cause for concern.

Lead-Based Paint Assessment (for buildings constructed prior to January 1, 1978) - provide a report from an inspector/assessor certified by the California Department of Public Health. Federal lead regulations generally require that unless the presence of lead is presumed, paint testing must be conducted on all deteriorated painted surfaces or surfaces that will be disturbed or replaced. It is our expectation that most developers will presume the presence of lead after inspecting only a few units with positive results for lead.

Lead hazard reduction or abatement activities must be conducted in accordance 24 CFR Part 35. If you are presuming lead-based paint in all deteriorated painted surfaces or surfaces that will be disturbed or replaced, note this in your lead report, and discuss what remediation measures will be undertaken in accordance with Part 35.

Asbestos Report - provide an "Asbestos-Containing Material Report" based on an analysis from an environmental laboratory accredited by the National Institute of Standards and Technology Asbestos Program. In preparing the report, at least 50 percent of the units must be inspected, including all units believed to be most at-risk for asbestos-containing material. A mitigation plan must be included with each report if necessary.

Mold Report – The mold report must be based on a thorough building inspection, and if necessary, physical inspections and testing in hidden areas. The report must thoroughly discuss the design of the building envelope and the types of failures that could result, or are resulting, in condensation, floods, and water leaks. Where there is any basis to believe that there could be mold inside walls or otherwise inaccessible areas (e.g., such as mold odor and/or moisture intrusion), physical inspections must be performed by opening up the hidden area. If mold is found, it must be evaluated and tested. In preparing the report, at least 50 percent of the units

must be inspected, including all units believed to be most at-risk for mold. The remediation plan to correct any identified mold shall include remediation of the mold source (e.g., moisture intrusion and/or inadequate ventilation).

Testing is required if there is any basis to believe that there could be mold inside walls or otherwise inaccessible areas (e.g., such as mold odor and/or moisture intrusion). If it is your determination, in consultation with construction experts, after a thorough building inspection and if necessary after physical inspections, that there is no basis to believe that there could be mold inside walls or otherwise inaccessible areas, then no testing would be required. There must be a definitive statement in the mold report that there is no basis to believe there could be mold inside walls or otherwise inaccessible areas. If this statement is qualified or conditional in any way, then testing is required.

Mold testing should identify the type and quantity of mold(s) present. The mold report should discuss whether the mold present is of the type and quantity normally found in the indoor or outdoor air, or is otherwise potentially hazardous.

The Market Study, Appraisal, and lead, asbestos, and mold reports shall be prepared by an individual or firm which: (1) has the appropriate license and knowledge and experience necessary to competently prepare the document; (2) is aware of, understands, and correctly employs those recognized methods and techniques that are necessary to produce a credible and complete document; (3) communicates each analysis, opinion, and conclusion in a manner that is not misleading as to the true market needs for low-income residential property, and the value and condition of the subject property; and (4) is an independent third party having no identity of interest with the applicant, the partners of the applicant, the intended partners of the applicant, or with the general contractor.

Preliminary Rehabilitation Cost Estimate and Detailed Scope of Work (20 points) – The application must contain an itemized cost estimate and detailed scope of work that was prepared not more than six months prior to the application due date listed in the NOFA. If a project scores high enough to be evaluated for feasibility, the Department will evaluate the scope of work relative to the PNA and its own on-site inspection and may require modifications to the scope of work prior to recommending the project for funding. Pursuant to 24 CFR 92.251, housing that is constructed or rehabilitated with HOME funds must meet all applicable local codes, and rehabilitation standards at the time of project completion. Projects involving rehabilitation must do sufficient rehabilitation to ensure the long-term viability of these projects.

Note also that if a PNA is submitted with the application, we recommend that the Preliminary Rehabilitation Cost Estimate, Scope of Work, and Development Budget be consistent with the immediate needs identified in the PNA. The amount of the annual deposit into the replacement reserve should also be sized consistent with the long-term needs identified in the PNA.

Physical Needs Assessment (74 points) - Prepare a PNA dated no earlier than 2021 meeting the requirements of Fannie Mae's "Physical Needs Assessment, Guidance to the Property Evaluator" found at:

<https://www.hud.gov/sites/documents/RADPCASOWEXHIBITS.PDF> *(copy and paste URL instead of clicking)

For projects proposing to use USDA Rural Development funds, you may use the USDA Rural Development Capital Needs Assessment form found at:

<https://www.rd.usda.gov/files/RDUL-CNA%20Process.pdf>

In addition, the PNA/CNA must meet the following requirements:

(A) The PNA/CNA shall include a narrative of Property Evaluator's findings, opinions, and recommendations along with photographs of the physical needs assessment inspection. The narrative shall include a summary of the Physical Needs Over Time, including the: (1) quantity, (2) unit cost, (3) total cost and (4) comments about each item necessary to maintain the project for 20 years.

(B) The PNA/CNA shall be prepared by a Property Evaluator that: (1) has the appropriate license as an architect or engineer and must be regularly in the business of performing PNAs/CNAs for lender or investor clients; (2) is aware of, understands, and correctly employs those recognized methods and techniques that are necessary to produce a credible and complete report; (3) communicates each analysis, opinion and conclusion in a manner that is not misleading as to the true condition of the subject property; and (4) is an independent third party having no identity of interest with the applicant, the partners of the applicant, the intended partners of the applicant, or with the general contractor.

(C) The Property Evaluator shall visit the project to perform the PNA/CNA, and shall inspect at least 30 percent of the project units, including a minimum of one (1) unit per building, one unit per floor, one unit per bedroom size, all handicapped accessible units, and all building common areas, roof areas, mechanical systems, plumbing, electrical systems, site drainage, asphalt, landscaping (including slope maintenance), irrigation, walkways, site lighting and security systems.

(D) The PNA/CNA shall include an evaluation without an inflation factor and one with an inflation factor for a 20-year projection.

(E) The PNA/CNA shall identify the quantity of items that need to be immediately replaced or repaired, the unit cost, the total cost, and comments about each item. These items include, but are not limited to: flooring, refrigerator, range, hood, dishwasher, kitchen sink, disposal, kitchen cabinets, kitchen plumbing fixtures, low flow toilets, bathroom plumbing fixtures, tubs and showers, tub and shower enclosures, smoke detectors, heating and air conditioning units, water heaters, window treatments, closet doors, interior lighting, screens, windows, doors, GFIs, floor and window coverings and drywall repairs. Any additional items in need of immediate repair shall also be identified.

(F) The amounts shown in the Operating Budget for replacement reserves must be consistent with the amount required in the PNA/CNA for replacement reserves with inflation factor.

(G) The Preliminary Rehabilitation Cost Estimate, Scope of Work, and Development Budget must also be consistent with immediate needs identified in the PNA/CNA.

Relocation General Information Notice and Relocation Plan (75 points) - Provide a comprehensive narrative covering the history to date of the developer's negotiations with the seller and other funding sources to support the Initiation of Negotiations (ION) date, along with the date of the ION. If the GIN was not provided at the same time as the Initiation of Negotiations, the narrative must explain the corrective actions. In addition, include the following: (1) a copy of the GIN, signed acknowledgement of hand-delivery to each tenant or other proof of delivery (i.e., return receipt requested), and the list of notified tenants to include the apartment unit number; (2) a project-specific relocation study/plan summarizing the estimated cost and methodology for calculating the relocation expenses, and (3) a certified Rent Roll on the ION date showing unit number, household size, household income, tenant name, move in date, last income certification date (as appropriate), tenants receiving a rental subsidy (i.e., Section 8 vouchers, etc.), and rent (at ION and current). These documents should be no older than six month prior to the application due date listed in the NOFA. The relocation plan must be prepared or updated. The plan must include a description of the transition reserve required by the Department to maintain the rents for existing tenants as long as they live in the project.

All owners must insure that the property management files for all tenants at the ION date are complete before taking possession of the property. Be aware, that all original tenants, whether still in the project or not, may have to be re-noticed, i.e., receive another GIN if the original GIN is determined to lack all required GIN information.

If relocation requirements will not be triggered, the application must clearly demonstrate this.

Instructions for Completing the Verification of Zoning and Other Required Local Approvals, the Verification of Local Development Impact Fees and the Verification of Water and Sewer Availability forms.

1. Applicant completes only the project information portion of each form, then gives the form(s) to the applicable local government department/agency to complete the zoning, local approvals, and fee portion of the forms;
2. The local official completing the forms must have the knowledge and authority to complete the verifications. It may be necessary for one or more Local Officials to complete the forms. If multiple officials, make copies of the forms for each official.
3. On the Verification of Local Approvals, for any item that is not required, the local official should check the applicable box on the chart and, on a separate sheet, provide a written explanation as to why it is not needed (simply stating that the requirement is "N/A" is not sufficient). **All verification forms must be signed by the appropriate certifying local official and the developer.**

Rental New Construction

A total of **125 points** are possible for Zoning and Local Approvals.

- a. Zoning: **40 points** will be awarded if the project, as proposed, is zoned for the intended use, complies with the general plan, and with conditional use requirements, if any.
- b. Local Approvals Obtained: **80 points** will be awarded if **ALL** required local approvals have been obtained.
- c. Water and Sewer Availability: **5 points** will be awarded if **both** services are currently available with sufficient capacity to serve the project as proposed.

Points will be awarded if the both the Verification of Zoning and Other Required Local Approvals, the Verification of Local Development Impact Fees and the Verification of Water and Sewer Availability forms are complete and included with the application.

Rental Acquisition/Rehabilitation

The Rental Rehabilitation Local Approvals form must be correctly completed and included in the application for a total of **1 point**.

To receive points, the verification forms must be signed by the Local Official AND the Developer.

**Department of Housing and Community Development
HOME PROGRAM
Verification of Zoning and Other Required Local Approvals
Rental New Construction**

To the applicant: Complete only the project information portion, then submit this form to the local government department having knowledge and authority to provide this verification. The local official is to complete Section I & II.

Applicant Name: _____
 Project Name: _____
 Address /Site: _____
 City & County: _____
 Assessor Parcel Number(s): _____

To the jurisdiction completing this verification: The applicant named above has applied for project funding under the state HOME Program, a competitive lending program. Project Readiness is an important factor in the Departments' project rating process. To assist in this review, please provide the information requested in Section I and II below.

Section I: Zoning. The parcel indicated above is zoned _____, which allows for multi-family development of no more than _____ units per acre. The project, as proposed, is zoned for the intended use, complies with the general plan, and with conditional use requirements, if any.

Section II: Required Local Approvals

Check All Required Items	Actual Approval Date or Expected Approval Date	Check if the Item is Not Required
<input type="checkbox"/> CEQA		
<input type="checkbox"/> Conditional Use Permit		
<input type="checkbox"/> Site Plan		
<input type="checkbox"/> Design Review		
<input type="checkbox"/> Variances		
<input type="checkbox"/> Planned Unit Development		
<input type="checkbox"/> Specific Plan		
<input type="checkbox"/> All Other Required Approvals (Please List)		

Certification I certify, on behalf of the entities I represent, that the information presented on the attached Local Approvals form is true and correct to the best of my knowledge.

Name of Local Official (print): _____
 Signature: _____
 Agency or Department: _____
 Title _____ Date: _____

Developer Name (print): _____
 Signature _____
 Title _____ Date: _____

**Department of Housing and Community Development
HOME PROGRAM
Verification of Local Development Impact Fees
Rental New Construction**

Itemize all local impact fees to be paid.

Pursuant to TCAC Regulation Section 10302(x), Local Development Impact Fees are defined as: the amount of impact fees, mitigation fees, or capital facilities fees imposed by municipalities, county agencies, or other jurisdictions such as public utility districts, school districts, water agencies, resource conservation districts, etc. **Permit processing fees, building permit fees, and plan check fees are NOT considered Local Development Impact Fees.**

TYPE OF FEES TO BE PAID	AMOUNT OF FEE
Community Development Fees	\$
Drainage Facilities	\$
Facilities Assessment	\$
Fire Facilities	\$
General Facilities	\$
Governmental/Environmental	\$
Law Enforcement Facilities	\$
Library Facilities	\$
Parks & Recreation	\$
Public Facilities	\$
Schools	\$
Streets & Signals	\$
Traffic Fees	\$
Waste Water Collection	\$
Waste Water Treatment	\$
Water Facilities	\$
Other (specify):	\$
Other (specify):	\$
Other (specify):	\$
Other (specify):	\$
Other (specify):	\$
Total Estimated Local Development Impact Fees	\$

Certification I certify, on behalf of the entities I represent, that the information presented on the attached Local Approvals form is true and correct to the best of my knowledge.

Name of Local Official (print): _____
 Signature: _____
 Agency or Department: _____
 Title _____ Date: _____

Developer Name (print): _____
 Signature _____
 Title _____ Date: _____

**Department of Housing and Community Development
HOME PROGRAM
Verification of Required Local Approvals
Rental Rehabilitation**

To the applicant: Complete only the project information portion then submit this form to the local government department having knowledge and authority to provide this verification. The local official is to complete the local approvals section.

Applicant Name: _____
 Project Name: _____
 Address /Site: _____
 City & County: _____
 Assessor Parcel Number(s): _____

To the jurisdiction completing this verification: The applicant named above has applied for project funding under the state HOME Program, a competitive lending program. Project Readiness is an important factor in the Departments' project rating process. To assist in this review, please provide the information requested in the local approvals section (chart).

Check All Required Items		Actual Approval Date or Expected Approval Date	Check if the Item is Not Required and explain on separate page.
<input type="checkbox"/>	Planning Department Approval		
<input type="checkbox"/>	Design Review Approval		
<input type="checkbox"/>	All Other Required Approvals (Please List)		
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

Certification I certify, on behalf of the entities I represent, that the information presented on the attached Local Approvals form is true and correct to the best of my knowledge.

Name of Local Official (print): _____
 Signature: _____
 Agency or Department: _____
 Title _____ Date: _____

Developer Name (print): _____
 Signature _____
 Title _____ Date: _____

**Department of Housing and Community Development
HOME PROGRAM
Verification of Water and Sewer Availability
Rental New Construction**

To the applicant: Complete only the project information portion, then submit this form to the local government department having knowledge and authority to provide this verification. The utility service provider is to complete Section I.

Applicant Name: _____
Project Name: _____
Address /Site: _____
City & County: _____
Assessor Parcel Number(s): _____

To the jurisdiction/service provider completing this verification: The applicant named above has applied for project funding under the state HOME Program, a competitive lending program. Project Readiness is an important factor in the Departments' project rating process. To assist in this review, please provide the information requested in Section I below.

Section I: Water and Sewer Availability

Circle all appropriate answers:

- 1) Yes/No – A public water supply is currently available with sufficient capacity to serve the multifamily project as proposed.
- 2) Yes/No – A public sewer service is currently available with sufficient capacity to serve the multifamily project as proposed.

Certification I certify, on behalf of the entities I represent, that the information presented on the attached Verification of Water and Sewer Availability form is true and correct to the best of my knowledge.

Name of Local Official (print): _____

Signature: _____

Agency or Department: _____

Title _____ Date: _____

Developer Name (print): _____

Signature _____

Title _____ Date: _____

Permanent Financing Commitments (Up to 25 points)

For each of the non-HOME Permanent Financing Source listed on the "Development Sources" worksheet of the UA, submit financing commitment letters, as evidenced by letters or resolutions from the funding sources, evidence of fee waivers, etc.

Permanent financing commitment letters should be labeled as Exhibit 9. Note: if you would like the value of waived local fees, deferred developer fee, or land donations to count toward the percentage of permanent financing committed, you must include the value of these items on your Development Sources Worksheet.

Financing commitments conditioned on the award of bond or tax credit authority from a public agency, including but not limited to TCAC/CDLAC, will not be accepted without the public agency approval letter, a letter estimating public agency syndication proceeds, and a financing commitment letter meeting the requirements identified in this section.

NOTE: for projects reporting RDA financing as “committed” the Applicant must provide evidence that the funds are available and that the Successor Agency has assumed the financial obligation.

Documentation of Financing Commitments must contain the following:

1. The borrower's name;
2. The project name;
3. The project site address, assessor's parcel number, or legal description;
4. The amount, interest rate, and terms of the financing being committed. Permanent financing commitment letters must state what the interest rate is for the entire term of the loan. If there is an adjustment of the interest rate at some point during the loan term, there must be a ceiling rate, and the adjustment and the ceiling rate must be identified in the financing commitment letter.
5. The Permanent loan must be fully amortized; and
6. Assumable public financing must indicate that all significant underwriting assumptions have been approved, including but not limited to:
 - a) Purchase price
 - b) Disposition of reserves
 - c) Scope of work
 - d) Operating costs
 - e) Proposed rents
 - f) Availability of subsidies
 - g) Proposed annual reserves deposits, term/amount

Federal Loans – Some federal lenders (HUD, RD, and others) may not show the project location/address on their commitment letters. Therefore, for federal loans only, the letters need not show the project location/address provided that other third-party documentation demonstrates that the federal commitment letter is for the proposed project site. Federal loan letters must still meet all other requirements for commitment letters.

If any elements are missing from the commitment letters, full points cannot be awarded. The letter may be conditioned on certain standard underwriting criteria, such as appraisals, but may not be generally conditional. Examples of unacceptable general conditions include phrases such as "subject to senior management approval", or a statement that omits the word "commitment" but instead indicates the lender's "willingness to process an application" or indicates that financing is subject to loan committee approval of the project.

Financing commitments must clearly show that the lender is committing financing to the project. The Department will evaluate the conditions of the financing letter to determine if they qualify the commitment to such a degree that a valid commitment does not exist.

Make sure that you have enough permanent financing sources identified on the Development Sources Worksheet to cover the costs listed in the Development Budget and Permanent Sources and Uses Worksheets. Make sure that the dollar amounts in any permanent financing commitment letters correspond with the total amounts listed on these worksheets.

State Objectives

Up to 200 points may be earned by meeting one or more of the State Objectives outlined below. Applicants must submit the State Objectives Worksheet for Rental Projects with their application package to receive these points.

a) 100 Percent Financing Committed: 85 points will be awarded for projects that have 100 percent of **ALL** their non-HOME permanent financing committed by the application due date. Projects anticipating applying for **ANY** type of tax credits **WILL NOT** be considered as having their financing committed and are thus not eligible for these points.

b) Overcoming Impediments to Fair Housing - 35 points shall be awarded for projects located in high and highest areas of opportunity within the TCAC Opportunity Map.
<http://www.treasurer.ca.gov/ctcac/opportunity.asp>

c) Policy Objectives – up to 80 points shall be awarded to applications that propose rental projects with funding commitments to target Special Needs populations.

State Objectives: Special Needs or Homeless Populations or VASH units	
Percent of Units Designated by the <u>Funding Source as Special Needs Units</u>	<u>Points</u>
51% or more	80
41-50%	70
31-40%	60
26-30%	50
21-25%	35
16-20%	22
11-15%	9
6-10%	5
1-5%	3

For more information see Section IV.B. of the HOME NOFA.