



RESOLUTION No. 24-276

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM NON-ENTITLEMENT LOCAL GOVERNMENT COMPETITIVE COMPONENT GRANT AND AUTHORIZING AND DIRECTING THE DIRECTOR OF HEALTH AND HUMAN SERVICES AGENCY, OR HER DESIGNEE, TO ACT ON BEHALF OF THE COUNTY OF NEVADA TO COMPLETE THE APPLICATION PROCESS AND SECURE AWARD OF PROGRAM FUNDS

WHEREAS, the California State of Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) dated June 7, 2021, under the Permanent Local Housing Allocation (PLHA) Competitive Component Grant Program; and

WHEREAS, HCD is authorized to provide up to \$12,500,000 under the SB 2 Permanent Local Housing Allocation Program Competitive Component from the State Treasury's Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq., Chapter 364, Statutes of 2017 (SB 2)); and

WHEREAS, Nevada County is an eligible non-entitlement local government which has applied for program funds to administer a Post Housing Case Management Support team in the amount of PLHA funds not to exceed \$1,000,000; and,

WHEREAS, HCD may award, subject to the selection criteria set forth in the PLHA Guidelines section 403, funding allocations for applicants recommended for funding subject to the terms and conditions of the Guidelines, NOFA, Program Requirements, the Standard Agreement and other contracts between HCD and PLHA Competitive grant recipients.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the County of Nevada represents and certifies that if the County of Nevada is awarded a grant of PLHA Competitive Grant funds pursuant to the above referenced PLHA Competitive Component NOFA from HCD, it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts the County of Nevada may have with HCD; and

BE IT FURTHER RESOLVED that the County of Nevada is hereby authorized and directed to receive a PLHA competitive grant award, in an amount not to exceed \$1,000,000 as stated in the Guidelines contained in the current NOFA in accordance with all applicable rules and laws; and

BE IT FURTHER RESOLVED that the County hereby agrees to use the PLHA funds for the eligible activity for which the County has submitted an application, as set forth in Section 401 of the Guidelines, and as awarded and approved by HCD in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the County and the HCD; and

BE IT FURTHER RESOLVED that pursuant to County's certification in this Resolution, the PLHA funds will be expended only for the eligible activity for which the County has submitted an application, and consistent with all program requirements; and

BE IT FURTHER RESOLVED that the County certifies that, if funds are awarded for the development of new multifamily housing at or below 60 Area Median Income (AMI) or substantial rehabilitation of multifamily rental housing at or below 60 percent of AMI, County shall comply with Uniform Multifamily Regulations Subchapter 19, Title 25, Division 1, Chapter 7, commencing with Section 8300 and the Multifamily Housing Program Guidelines commencing with Section 7300; and

BE IT FURTHER RESOLVED that that the County certifies that, if funds are awarded for the development of an Affordable Rental Housing Development, the Local Government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with HCD-approved underwriting of the project for a term of at least 55 years; and

BE IT FURTHER RESOLVED that the County shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by HCD; and

BE IT FURTHER RESOLVED that the Director of Health and Human Services Agency, or his/her designee is/are authorized to execute the PLHA Competitive Component Program Application, the PLHA Competitive Component Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA Competitive Component grant awarded to County, as HCD may deem appropriate.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of June 2024, 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.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 


Hardy Bullock, Chair

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

2020 W. El Camino Avenue, Suite 670
Sacramento, CA 95833
(916) 263-2771
www.hcd.ca.gov



March 6, 2024

MEMORANDUM FOR: All Potential Applicants

FROM: Jennifer Seeger, Deputy Director
Division of State Financial Assistance

SUBJECT: Permanent Local Housing Allocation Program
2023 Non-Entitlement Local Government Competitive
Notice of Funding Availability

Handwritten signature of Jennifer Seeger in cursive.

The California Department of Housing and Community Development (HCD) is pleased to announce the release of this Non-Entitlement Local Government Competitive Notice of Funding Availability for approximately **\$12.5 million** for the Permanent Local Housing Allocation (PLHA) program. This funding provides grants to Non-Entitlement Local Governments in California to assist persons experiencing or At risk of homelessness and investments that increase the supply of housing to households with incomes of 60 percent or less of Area Median Income.

Applications 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://hcd.ca.gov/grants-funding/active-funding/plha.shtml>. The submittal portal will be available beginning March 6, 2024.

Applicants must upload all application materials to the Department's website no later than **4:00 p.m. Pacific Daylight Time on June 6, 2024**. Please note that the online support and technical assistance closes at 3:30 p.m. Pacific Daylight Time on June 6, 2024. Personal deliveries will not be accepted. No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted.

The PLHA application forms, webinar details, and Guidelines are posted on the Department's [website](#). To receive information on webinars and other updates, please subscribe to the PLHA listserv by clicking on "Email Sign up" on the Department's website. If you have any further questions, please contact CPLHA@hcd.ca.gov.

Attachment

Permanent Local Housing Allocation Program 2023 Non-Entitlement Local Government Competitive Notice of Funding Availability



**Gavin Newsom, Governor
State of California**

**Tomiquia Moss, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
California Department of Housing and Community Development**

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833
Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml>
Email: CPLHA@hcd.ca.gov

March 6, 2024

Table of Contents

I.	Overview	1
	A. Notice of Funding Availability	1
	B. Timeline	1
	C. Authorizing Legislation and Regulations	1
II.	Program requirements	2
	A. Eligible Applicants	2
	B. Eligible Activities	3
	C. Funding limits	3
	D. Application review and project selection	3
III.	Application submission and workshops	8
	A. PLHA application	9
	B. Application submittal	9
	C. Application workshops	9
IV.	Appeal	9
	A. Basis of appeal	9
	B. Appeal process and deadline	10
	C. Decisions	10
V.	Award announcements and contracts	10
	A. Award announcements	10
	B. Contracts	10
VI.	Other state requirements	11
	A. Administration, monitoring, and reporting requirements	11
	B. Article XXXIV	11
	C. Pet Friendly Housing Act of 2017	12
	D. State Prevailing Wages	12
	E. Relocation	12
	F. Accessibility and non-discrimination	13
VII.	Other Terms and Conditions	13
	A. Right to Modify or Suspend	13
	B. Disclosure of application	14
	C. Conflicts	14
	APPENDICES	15

**Permanent Local Housing Allocation
2023 Non-Entitlement Local Government Competitive
Notice of Funding Availability**

I. Overview

A. Notice of Funding Availability

The California Department of Housing and Community Development (Department) is announcing the availability of approximately \$12.5 million in funding for the Permanent Local Housing Allocation (PLHA) program Non-Entitlement Local Government Competitive Notice of Funding Availability (NOFA). This NOFA is funded from moneys deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2022.

Funding for this NOFA is provided pursuant to Senate Bill 2 (SB 2) (Chapter 364, Statutes of 2017). SB 2 established the Fund and authorizes the Department to allocate 70 percent of moneys collected and deposited in the Fund, beginning in calendar year 2019, to Local Governments for eligible housing and homelessness activities. The intent of the bill is to provide a permanent, on-going source of funding to Local Governments for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities. The Non-Entitlement competitive grant program component prioritizes assistance to persons experiencing or At risk of homelessness and investments that increase the supply of housing to households with incomes of 60 percent or less of Area Median Income (AMI).

This NOFA outlines threshold and application requirements for Non-Entitlement Local Governments as defined in Guidelines Section 101. Non-Entitlement Local Governments are governments in areas which are not metropolitan cities or part of an urban county as defined in Appendix A.

B. Timeline

NOFA Release Date	March 6, 2024
Application Submittal Deadline	June 6, 2024
Award Announcement	August 2024

C. Authorizing Legislation and Regulations

SB 2 (Chapter 364, Statutes of 2017) established the PLHA program. The program operates under the requirements of Health and Safety Code (HSC), Part 2 of Division 31, Chapter 2.5 (commencing with Section 50470).

Section 50470 (b)(2)(B)(i) of the HSC authorizes the Department to allocate 70 percent of the moneys collected and deposited in the Fund, beginning in calendar year 2019, for the PLHA program.

Section 50470 (b)(2)(B)(i)(I) of the HSC requires the Department to allocate 90 percent of PLHA funds based on the federal CDBG formula specified in U.S. Code (USC), 42 USC, Section 5306, except that the portion allocated to Non-Entitlement Local Governments is required to be distributed through a competitive grant program for Non-Entitlement Local Governments.

HSC, Section 50470 (d) authorizes the Department to adopt Guidelines to implement the PLHA program, not subject to the rulemaking provisions of the California Administrative Procedure Act.

This NOFA governs the administration of funding from the Fund (created by HSC, Section 50470, subdivision (a)(1) and appropriated by item 2240-103-3317 in the Budget Act of 2019) and made available under the PLHA program.

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 Competitive PLHA funds to Non-Entitlement Local Governments and is not to be considered a complete representation of all program requirements, terms and conditions that will be further set forth in the Standard Agreement.

A. Eligible Applicants

An Applicant must be a Non-Entitlement Local Government. A Non-Entitlement Local Government means:

1. A Local Government in an area which is not a metropolitan city or part of an urban county;
2. A Local Government that, as of September 1, 2017, was an incorporated city with a population of less than 50,000 or a county with an unincorporated area population of less than 200,000 persons, which had not entered into a three-year Urban County Cooperation Agreement; or
3. A Local Government that was not otherwise entitled to receive CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD).

See Appendix A for a list of eligible Applicants for Non-Entitlement Local Government for fiscal year 2023-24

For applications that include the development of a Rental Housing project, the Sponsor must be a Co-Applicant with the Non-Entitlement Local Government, pursuant to Guidelines Section 400. Sponsor includes the general partner(s); if there are two general partners, both must submit all the required Co-Applicant documents.

B. Eligible Activities

Pursuant to Guidelines Section 401, eligible activities under this PLHA competitive NOFA are limited to the following and must take place within the jurisdiction of the Applicant Local Government:

1. Development of new multifamily rental housing that is Affordable to households at or below 60 percent of AMI or substantial rehabilitation of multifamily rental housing that will be Affordable to households at or below 60 percent of AMI, but which is not currently restricted as Affordable housing. In order to be eligible as "substantial rehabilitation", a project must complete a minimum of \$40,000 per unit in hard construction costs; or
2. Assistance to persons who are experiencing or At risk of homelessness, including, but not limited to, through rapid rehousing, rental assistance, supportive services, and case management services that allow people to obtain and retain housing, operating and capital costs for Navigation Centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

C. Funding limits

The maximum application amount, including administrative costs, for the development of new multifamily rental housing or substantial rehabilitation of a multifamily rental housing project, or development of a Navigation Center is \$5 million. The minimum application amount shall be \$500,000.

The maximum application amount, including administrative costs, for assistance through program activities is \$1 million. The minimum application amount shall be \$500,000.

Administrative expenses may be incurred to implement the project or program activity, up to a maximum of 5 percent of the grant amount.

The total NOFA amount will be distributed equally to the two eligible activities, based on scores relative to all other applications.

If there are insufficient eligible applications to utilize the allocation for one activity, unused funds will be used to fund any other eligible applications in the other activity set forth in Guidelines Section 401(a) and this NOFA.

D. Application review and project selection

The application review process consists of two phases: 1) threshold; and 2) rating and ranking.

1. Threshold

An Applicant must submit a complete application and other documents by the deadline stated in this NOFA. Applications submitted in response to this NOFA

must meet the threshold requirements set forth in Guidelines Section 402 in detail. Threshold requirements include:

- (a) For new construction projects, a Phase I Environmental Site Assessment prepared or updated within **12 months prior to** application due date, and a Phase II environmental report if recommended by the Phase I;
- (b) Housing Element Compliance: The Applicant must have a housing element that has been adopted by the jurisdiction's governing body and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585 by the award date.
- (c) The Annual Progress Report (APR) required by Government Code Section 65400 for the current or prior year by the application deadline date;
- (d) A complete application, which shall meet the following minimum requirements:
 - (1) Requests a grant pursuant to Guidelines Section 100(b)(3) in order to carry out one of the eligible activities set forth in Guidelines Section 401 and this NOFA.
 - (2) Is authorized by the governing board of the Applicant and by the developer Co-Applicant, if any.
 - i. If there are two (2) Co-Applicants, all of the required Co-Applicant information and the Resolutions must be submitted for both of the Co-Applicants.
 - (3) Certification in the Resolution(s) that, if the Local Government proposes allocation of funds for any activity to another entity, the selection process shall avoid conflicts of interest and shall be accessible to the public;
 - (4) Demonstration of readiness, including site control for development Projects, land use entitlements, environmental review, commitments of at least 40 percent of permanent funding required, and resources required, a timeline and plan for use of funds, and guidelines for determining the amount of funds to be provided, based on the selected activity;
 - i. Site control must be in the name of the Sponsor;
 - (5) Underwriting requirements:
 - A. Uniform Multifamily Regulations (UMRs) Subchapter 19 of Title 25, Division 1, Chapter 7 (commencing with Section 8300), as amended from time to time, and the Multifamily Housing Program Guidelines (commencing with Section 7300), as amended from time to time, are hereby incorporated by reference into this subchapter and shall apply to

Rental Housing Developments receiving assistance under the PLHA competitive allocation. In the event of a conflict between the provisions of Subchapter 19 and these Guidelines, the provisions of these Guidelines shall prevail.

- (i) UMRs Section 8312(c) is hereby amended to read: (c) For projects utilizing 4 percent tax credits, developer fee payments shall not exceed the amount that may be included in project costs pursuant to 4 California Code of Regulations (CCR), Section 10327. In addition, the developer fee paid from development funding sources shall not exceed the following: (1) for acquisition and/or rehabilitation projects, or adaptive reuse projects, the lesser of the amount of developer fee in project costs or \$2 million; and (2) for new construction projects, the base limit shall be the lesser of the amount that may be included in project costs or \$2.2 million. To arrive at the final limit on developer fee paid from development funding sources, the base limit shall then be multiplied by a ratio that is the average of:
 - a. the difference between (2) and the project's high-cost ratio, as calculated pursuant to Title 4, CCR, Section 10317(i)(6) or successor language; and
 - b. 100 percent.
 - (ii) Section 8312(d) of the UMRs shall not apply.
 - (iii) UMRs Section 8314(a)(1)(A) is amended to read: (A) Approved deferred developer fee, pursuant to Section 8312, provided that the aggregate of the developer fee paid from sources and paid as deferred shall not exceed \$3.5 million.
- B. Period of affordability: All assisted rental units shall be restricted for not less than 55 years.
- C. All development projects shall demonstrate fiscal integrity. The Department shall request any other information as set forth in this NOFA or application in order to determine fiscal integrity. This shall include, but is not limited to, the following:
- i The Sponsor's organizational documents;
 - ii A market study prepared in accordance with California Tax Credit Allocation Committee requirements, and prepared or updated within 12 months prior to the application due date, which demonstrates a market for the non-Assisted Units and documents the anticipated need for the Assisted Units;
 - iii An appraisal prepared or updated at the Sponsor's expense **within 24 months prior to** the application due date;

- iv A preliminary title report;
- v For new construction projects, a Phase I Environmental Site Assessment prepared or updated **within 12 months prior** to the application due date, and a Phase II environmental report if recommended by the Phase I;
- vi For rehabilitation projects, lead-based paint, mold, and asbestos reports.

2. Rating and ranking

Applications submitted within a competitive funding round shall be evaluated using the following criteria as set forth in Guidelines Section 403:

Selection Criteria	Max Points
Priority Points – 25 points	
<p>A. Population – 5 points</p> <p>(i) If the Applicant is a county that has a population of 200,000 or less within the unincorporated areas of the county, the Applicant shall receive all points.</p> <p>B. Prior Award – 5 points</p> <p>(i) The Applicant shall receive all points if the Applicant did not receive an award based on the formula specified in 42 USC, Section 5306 in 2016.</p> <p style="padding-left: 40px;"><u>and either C. (i) or C. (ii) or C. (iii) below:</u></p> <p>C. Activity</p> <p>(i) Assistance for Homeless Persons through Program Activities – 15 points</p> <p style="padding-left: 40px;">(a) Applications to assist persons experiencing or At risk of homelessness, including but not limited to, through programs providing rapid rehousing, or rental assistance, or operating assistance to Navigation Centers shall receive all points.</p> <p style="text-align: center;">or</p> <p style="padding-left: 40px;">(ii) Assistance to Homeless Persons through development of Navigation Centers – 15 points</p> <p style="padding-left: 80px;">(a) Applications for construction of Navigation Centers shall receive all points.</p> <p style="text-align: center;">or</p> <p style="padding-left: 40px;">(iii) Assistance for Homeless Persons through Rental projects – 15 points</p> <p style="padding-left: 80px;">(a) Applications for the new construction, rehabilitation, or preservation of permanent or transitional rental housing in which all or at least 10 percent of the units are restricted to occupancy by tenants who are homeless or At risk of homelessness shall receive all points.</p>	25

Evaluation Criteria – 75 points

A. Community Need – 30 points

- (i) Applicants will receive up to a maximum of 30 points based on the rate of households experiencing the most severe housing need according to the most recent HUD Comprehensive Housing Affordability Strategy (CHAS) dataset in the Applicant Local Government. Applicants will receive points in proportion to this percentage.
- 0% to 19% ~ 10 points
 - 20% - 35% ~ 20 points
 - 36% - 50% ~ 30 points

B. Applicant Administrative Experience – 15 points

- (i) Applicants with prior experience during the past five years administering local, state, or federal Affordable housing or community development programs or who have entered into a contract with an entity with prior experience during the past five years in the implementation of local, state, or federal Affordable housing or community development programs will receive up to 15 points.
- Applicants with experience administering three to five programs as described above ~ 5 points
 - Applicants with experience administering six to eight programs as described above ~ 10 points
 - Applicants with experience administering more than eight programs as described above ~ 15 points

C. Demonstrated Capacity – 30 points

- (i) Capacity points will be based on:
- (a) Sponsor experience in Affordable Rental Housing Development and Ownership in the past five years (up to 30 points)
- Sponsor has completed and owns two Affordable Rental Housing projects – 10 points
 - Sponsor has completed and owns four Affordable Rental Housing projects – 20 points
 - Sponsor has completed and owns six Affordable Rental Housing projects – 30 points
- Or**
- (b) Navigation Center development experience in the past five years (for development of these facilities) (up to 30 points).
- Applicant and/or co-applicant has completed and operated one Navigation Center – 10 points
 - Applicant and/or co-applicant has completed and operated two Navigation Centers – 20 points
 - Applicant and/or co-applicant has completed and operated three Navigation Centers – 30 points
- Or**
- (c) Program Operator experience (for non-development activities) in the past five years (up to 30 points)
- Program Operator has operated three (3) programs of less than \$750,000 each – 10 points
 - Program Operator has operated six (6) programs of between

<p>\$750,000 and \$1million each – 20 points</p> <ul style="list-style-type: none"> - Program Operator has operated nine (9) programs of more than \$1 million each – 30 points 	
--	--

3. Tiebreaker

In the event of tied point scores and insufficient funding for both applications, the Department shall rank the tied applications as follows:

- (a) If one of the tied applications is for an Affordable Rental Housing Development and the other is for a program Activity or development of a Navigation Center, the Affordable Rental Housing Development application will be selected for funding;
- (b) If one of the tied applications is for a Navigation Center and the other is for a program Activity, the Navigation Center will be selected for funding;
- (c) If both of the tied applications are for Affordable Rental Housing Developments, the project with the lowest weighted average of affordability of Restricted Units will be selected;
- (d) If both of the tied applications are for Navigation Centers, the facility that provides overnight shelter to the greatest number of people will be selected; or
- (e) If both of the tied applications are for programs, the Local Government with the highest rate of households experiencing the most severe housing need according to the most recent HUD CHAS data set will be selected.

4. Funding award

Pursuant to Guidelines Section 401(a), the PLHA funds awarded to eligible Applicants must be used to carry out the eligible activity for which the Applicant submitted the application.

An Applicant that receives an award of PLHA funds must comply with the deadline and funding requirements set forth in Guidelines Section 405.

III. Application submission and workshops

Applications must meet eligibility requirements for Sponsor, project, and costs upon submission; see Program Requirements above for eligible Applicants, eligible projects, and eligible uses of funds. Modification of the application forms by the Applicant is prohibited. It is the Applicant’s responsibility to ensure the application is clear, complete, and accurate. After the application deadline, Department staff may request clarifying information, provided such information does not affect the competitive rating of the application. No information, whether written or oral, will be solicited or accepted if this information would result in a competitive advantage to an Applicant or a competitive disadvantage to other Applicants. No Applicant may appeal the evaluation of another Applicant’s application.

A. PLHA application

The PLHA application must be submitted under this NOFA and will be funded on a competitive basis, as set forth in the Guidelines and this NOFA. The PLHA application and program Guidelines are available on the PLHA webpage.

B. Application submittal

Applications 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://hcd.ca.gov/grants-funding/active-funding/plha.shtml>. The submittal portal will be available beginning **March 13, 2024**.

Applicants must upload all application materials to the Department's website no later than **4:00 p.m. Pacific Daylight Time on June 6, 2024**. Please note that the on-line support and technical assistance closes at 3:30 p.m. Pacific Daylight Time on June 6, 2024.

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. 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.

C. Application workshops

Applicants are strongly encouraged to review the PLHA Competitive NOFA webinar to gain information critical for preparing the application. The PLHA webinar will be uploaded on the Department's PLHA [webpage](#). These webinars will cover the NOFA and application.

IV. Appeal

A. Basis of an Appeal

1. Applicants may appeal HCD's written determination that an application is incomplete, has failed threshold review, or has otherwise been determined to provide an insufficient basis for an award (including point scoring and tiebreaker).
2. At the sole discretion of the Department, the Department's written determination may include a request for clarifying and/or corrective information. For purposes of this section, "clarifying information" includes information and/or documentation that resolves ambiguities in any application materials that will inform the Department's threshold, scoring and feasibility determinations.
3. No Applicant shall have the right to appeal a decision of HCD relating to another Applicant's application (e.g., eligibility, award).

4. Any request to appeal HCD's decision regarding an application shall be reviewed for compliance with the Guidelines and this NOFA. All decisions rendered shall be made by the Program Manager or his/her designee. The decision shall be final, binding, and conclusive, and shall constitute the final action of HCD.
5. The appeal process provided herein applies solely to decisions of HCD made pursuant to this NOFA.

B. Appeal Process and Deadlines

Process: To file an appeal, Applicants must submit to HCD, by the deadline set forth below, 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 HCD, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to HCD at CPLHA@hcd.ca.gov according to the deadline set forth in HCD review letters.

C. Decisions

Any request to appeal the Department's decision regarding an application 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.

V. Award announcements and contracts

A. Award announcements

The Department intends to announce awards in **August 2024**. Award recommendations will be posted on the [PLHA webpage](#).

B. Contracts

Successful Applicants (Awardee(s)) will enter into Standard Agreements with the Department. The Standard Agreement contains relevant terms and conditions for the funding of the award.

Standard Agreements will be prepared upon receipt of all documents necessary to enter into an agreement with the Department including, but not limited to, an authorizing Resolution. Standard Agreements will be sent to the Awardee(s) within 90 days after receipt of all required documentation. To facilitate efficient processing of Standard Agreements, Sponsors are strongly urged to submit organizational documents with their application. 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.

VI. Other state requirements

A. Administration, monitoring, and reporting requirements

A recipient of PLHA funds must meet the administration and monitoring requirements set forth in Guidelines Sections 500 and 501 and reporting requirements in Section 503.

B. 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 Section 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.

Article XXXIV requires local voter approval before any state public body can develop, construct, or acquire a low-rent housing project in any manner. However, the Public Housing Election Implementation Law (HSC Section 37000 – 37002) provides clarification as to when Article XXXIV is applicable. HSC Section 37001, for example, lists a number of project types that are not considered “low-rent housing projects.”

Applicants must submit documentation that demonstrates the project’s compliance with, or exemption from, Article XXXIV. If a project is subject to Article XXXIV, the Department requires an allocation letter from the locality, which shows that there is Article XXXIV authority for the project. A Local Government official with authority should prepare the allocation letter and it should include the following:

1. The name and date of the proposition and the number of units that were approved;
2. A copy of the referendum and a certified vote tally;
3. The number of units that remain in the locality’s “bank” of Article XXXIV authority (i.e., the number of units that are still available for allocation); and
4. The number of units that the locality will commit to this project, including the manager unit.

If a project is statutorily exempt from Article XXXIV, the Department requires an Article XXXIV opinion letter from the Applicant’s legal counsel. The Article XXXIV opinion letter must demonstrate that the Applicant has considered both the legal requirements of Article XXXIV and the relevant facts of the project (e.g., all funding provided by public bodies, including state, county or city sources, the number of low-income restricted units, and the general content of any regulatory restrictions). Any conclusion that a project is exempt from Article XXXIV must be supported by facts and a specific legal theory for exemption that itself is supported by the Constitution, statute, or case law.

C. Pet Friendly Housing Act of 2017

Housing funded through this program is subject to the Pet Friendly Housing Act of 2017 (HSC Section 50466). Each awardee will be required to submit a signed and dated certification that residents of the program-funded housing development will be authorized to own or otherwise maintain one or more common household pets as required by HSC Section 50466. Pursuant to this statute, “common household pet” means a domesticated animal, such as a dog or cat, commonly kept in the home for pleasure rather than for commercial purposes.

D. State Prevailing Wages

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.

E. Relocation

Both the Applicant and the Department must comply with applicable Relocation Law, pursuant to Government Code Section 7260 et seq., Title 25, CCR, Section 6000 et seq., and if federal law is applicable (depending on project financing), Code of Federal Regulations (CFR) at 49 CFR Part 24 of the UMRs and Real Property Acquisition for Federal and Federally Assisted Programs (the “URA”) (collectively referred to herein forth as “Relocation” or “Relocation Law”).

Relocation Law provides important protections and assistance for displaced persons and entities affected by the acquisition, rehabilitation, or demolition of real property for government funded projects. Relocation Law ensures that those displaced individuals and entities whose real property is acquired, or who move (even if temporarily), as a direct result of projects receiving government funds, are treated fairly and equitably and receive assistance in moving from the property they occupy. The Department seeks to ensure that displaced persons, which includes tenants, businesses, and homeowners, do not suffer disproportionately as a result of programs designed for the benefit of the public as a whole.

At the NOFA application stage, it is premature to conduct a detailed Relocation review. At this stage, the Department only needs to confirm that Relocation is properly budgeted. Due to the importance of satisfying Relocation Law, the Applicant is encouraged to employ the services of a Relocation consultant to procure a good faith estimate of the potential Relocation cost, which may (or may not) necessitate a Relocation plan. The Department has found that the services of a professional Relocation consultant may save an Awardee money and time in the loan process.

The importance of satisfying Relocation Law cannot be understated. Failure to follow the Relocation requirements will result in the project not being funded by the Department. Applicants cannot circumvent Relocation Law to avoid Relocation payment assistance by simply not renewing leases, which is not permissible under Relocation Law. At the construction loan close stage, the Department will notify all lenders that failure to satisfy Relocation Law, particularly the improper displacement of individuals or entities, could jeopardize Department funding.

F. Accessibility and non-discrimination

All projects or programs shall adhere to the accessibility requirements set forth in California Building Code Chapter 11A and 11B and the Americans with Disabilities Act, Title II. In addition, projects or programs shall adhere to either the Uniform Federal Accessibility Standards (UFAS), 24 CFR Part 8, or HUD's modified version of the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design (Alternative 2010 ADAS), HUD-2014-0042-0001, Federal Register, 79 FR 29671 (5/27/14) (commonly referred to as "the Alternative Standards" or "HUD Deeming Memo"). Accessible units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout the project and be available in a sufficient range of sizes and amenities consistent with 24 CFR Section 8.26.

Recipients shall adopt a written non-discrimination policy requiring that no person shall, on the grounds of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, age, medical condition, genetic information, citizenship, primary language, immigration status (except where explicitly prohibited by federal law), arbitrary characteristics, and all other classes of individuals protected from discrimination under state or federal fair housing laws, individuals perceived to be a member of any of the preceding classes, or any individual or person associated with any of the preceding classes be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with program funds made available pursuant to this NOFA.

Recipients shall comply with the requirements contained in the ADA, the Fair Housing Amendments Act, the California Fair Employment and Housing Act, the Unruh Act, Government Code Section 11135, Rehabilitation Act Section 504, and regulations promulgated pursuant to those statutes, including 24 CFR Part 100, 24 CFR Part 8, and 28 CFR Part 35, in all of the Sponsor's activities.

VII. 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. To receive updates, please subscribe to our PLHA listserv. Please note that in the event this NOFA is amended, the Department will require new authorizing Resolutions from successful Applicants and all constituent entities thereof.

B. Disclosure of application

Information provided in the application will become a public record and available for review by the public, pursuant to the California Public Records Act (Government Code section 6250 et seq.). As such, any materials provided will be disclosed 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.

C. 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 and Guidelines pertaining to PLHA, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

APPENDICES

Appendix A: Non-Entitlement Local Government Competitive NOFA 2023

Eligible Applicants for Non-Entitlement Local Government				
Alpine County	Dixon	Lake County	Point Arena	Vernon
Alturas	Dorris	Lakeport	Portola	Wasco
Amador City	Dos Palos	Lassen County	Rancho Mirage	Weed
Amador County	Dunsmuir	Lemoore	Red Bluff	Westmorland
American Canyon	El Centro	Lincoln	Rio Dell	Wheatland
Anderson	El Dorado County	Live Oak	Rio Vista	Williams
Angels	Etna	Livingston	Riverbank	Willits
Arcata	Eureka	Loomis	San Benito County	Willows
Artesia	Exeter	Los Banos	San Joaquin	Winters
Arvin	Farmersville	Loyalton	San Juan Bautista	Woodlake
Atwater	Ferndale	Madera County	San Juan	Yolo County
Auburn	Firebaugh	Mammoth Lakes	Sand City	Yountville
Avenal	Fort Bragg	Maricopa	Santa Cruz	Yreka
Benicia	Fort Jones	Marina	Scotts Valley	Yuba County
Biggs	Fortuna	Mariposa County	Shasta County	
Bishop	Fowler	Marysville	Shasta Lake	
Blue Lake	Glenn County	McFarland	Sierra County	
Brawley	Grass Valley	Mendocino County	Siskiyou County	
Butte County	Greenfield	Merced County	Solano County	
Calaveras County	Gridley	Modoc County	Soledad	
Calexico	Grover Beach	Mono County	Sonora	
Calimesa	Guadalupe	Montague	South Lake Tahoe	
Calipatria	Gustine	Mount Shasta	St. Helena	
Calistoga	Hidden Hills	Napa County	Suisun City	
Capitola	Hollister	Nevada City	Susanville	
Carmel-by-the-Sea	Holtville	Nevada County	Sutter County	
Chowchilla	Humboldt County	Orange Cove	Sutter Creek	
Clearlake	Huron	Orland	Taft	
Coalinga	Imperial	Oroville	Tehama	
Colfax	Imperial County	Pacific Grove	Tehama County	
Colusa	Indian Wells	Palos Verdes	Trinidad	
Colusa County	Industry	Parlier	Trinity County	
Corcoran	Inyo County	Pismo Beach	Truckee	
Corning	Ione	Placer County	Tulare County	
Crescent City	Jackson	Placerville	Tulelake	
Del Norte County	King City	Plumas County	Tuolumne County	
Dinuba	Kings County	Plymouth	Ukiah	

Appendix B
Housing Element and Annual Progress Report (APR) Submittal Status
Requirement stated in Guidelines Section 402(a) and (b)

To be eligible to apply, jurisdictions are required to have a housing element that has been adopted by the jurisdiction's governing body and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585 by the award date.

To verify current status and eligibility for PLHA funds, please consult the following resources:

Housing Element Compliance: [Housing Element Review and Compliance Report | California Department of Housing and Community Development](#)

Annual Progress Report Submittal: [Annual Progress Reports - Data Dashboard and Downloads | California Department of Housing and Community Development](#)

For questions about housing element compliance, please email housingelements@hcd.ca.gov. For inquiries on status of APR submittal, please email APR@hcd.ca.gov.