



# **RESOLUTION No. 21-520**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

### **RESOLUTION AUTHORIZING PARTICIPATION IN ROUND 4 OF THE NO PLACE LIKE HOME PROGRAM (NPLH) AND SUBMISSION OF A COMPETITIVE APPLICATION FOR ROUND 4 NPLH FUNDS**

WHEREAS, the No Place Like Home Program ("NPLH program") through the State of California, Department of Housing and Community Development ("Department"), provides financing for acquisition, design, construction, rehabilitation and preservation costs, and to capitalize operating reserves for permanent supportive housing for individuals living with a serious mental illness who are homeless, chronically homeless, or at-risk of chronic homelessness; and

WHEREAS, the Department issued a Notice of Funding Availability ("NOFA") for Round 4 funds, dated October 29, 2021, as may be amended from time to time, under the No Place Like Home Program ("NPLH" or "Program") authorized by Government Code section 15463, Part 3.9 of Division 5 (commencing with Section 5849.1) of the Welfare and Institutions Code, and Welfare and Institutions Code section 5890; and

WHEREAS, the NOFA relates to the availability of approximately \$231 million in Competitive Allocation funds under the NPLH Program, of which nearly \$55 million is set aside for Counties with population of 200,000 or less; and

WHEREAS, Nevada County is a County and an Applicant, as those terms are defined in the NPLH Program Guidelines, dated October 29, 2021 ("Guidelines").

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Nevada, State of California does hereby determine and declare as follows:

Section 1. That County is hereby authorized and directed to apply for and if awarded, accept the NPLH Program funds, as detailed in the NOFA, up to the amount authorized by the Guidelines and applicable state law.

Section 2. That the Health and Human Services Director, or his or her designee, is hereby authorized and directed to act on behalf of County in connection with an award of NPLH Program funds, and to enter into, execute, and deliver any and all documents required or deemed necessary or appropriate to evidence the loan of NPLH Program funds, the County's obligations related thereto, and the Department's security therefore. These documents may include, but are not limited to, a State of California Standard Agreement ("Standard Agreement"), a regulatory agreement, a promissory note, a deed of trust and security agreement, and any and all other documents required or deemed necessary or appropriate by the Department as security for, evidence of, or pertaining to the NPLH Program funds, and all amendments thereto (collectively, the "NPLH Program Documents").

Section 3. That County shall be subject to the terms and conditions that are specified in the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that County will use the

NPLH Program funds in accordance with the Guidelines, other applicable rules and laws, the NPLH Program Documents, and any and all NPLH Program requirements.

Section 4. That County will make mental health supportive services available to each project's NPLH tenants for at least 20 years, and will coordinate the provision of or referral to other services (including, but not limited to, substance use services) in accordance with the County's relevant supportive services plan, and as specified in the NPLH program guidelines.

Section 5. The Director of Health and Human Services Agency or designee, will return to the Board of Supervisors to provide an informational update should the application be approved.

Section 6. The project name shall be Pacific Crest Commons – Truckee, CA

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of December, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Dan Miller, Chair

# **No Place Like Home Program**

## **Round 4 Notice of Funding Availability**



**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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**October 29, 2021**

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## **I. Overview**

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

The California Department of Housing and Community Development (HCD) hereby announces the availability of a minimum of \$486 million in Round 4 Competitive Allocation and Alternative Process County (APC) funds for the No Place Like Home (NPLH) program. Approximately \$231.4 million of this amount is available through the HCD Competitive Allocation. The remaining approximately \$254.5 million is available under the APC Allocations.

The amounts available under this Notice of Funding Availability (NOFA) are subject to adjustment prior to finalizing Round 4 Project awards. Adjustments may be made depending on changes in bond financing costs, amounts unawarded from the Noncompetitive Allocation (NCA) that will be transferred to the Competitive Allocation, as well as returned funds. All remaining uncommitted funds will be awarded in Round 4.

The disbursement of funds pursuant to this NOFA is contingent on: (1) the sale of bonds by the California State Treasurer's Office; and (2) the availability of proceeds of any such bond sales made available to HCD for disbursement pursuant to all program requirements.

NPLH provides deferred payment loans to Counties applying independently as a Development Sponsor, as well as to Counties applying jointly with another entity as a Development Sponsor, to finance the development of Permanent Supportive Housing for persons living with a serious mental illness who are Chronically Homeless, Homeless, or At-Risk of Chronic Homelessness. NPLH funds must be used to acquire, design, construct, rehabilitate, or preserve Permanent Supportive Housing and may be used to fund Capitalized Operating Subsidy Reserves (COSR). Funding under this NOFA is provided through the sale of bonds with interest payments on the bonds funded through the Mental Health Services Fund of the Mental Health Services Act (MHSA).

NPLH funds are available through a NCA and a Competitive Allocation. This NOFA addresses funds that will be available through Round 4 of the Competitive Allocation. Competitive Allocation funds and a County's NCA funds may be used in the same Project. Projects proposing to use both of these sources of NPLH funds must submit one Project application utilizing the Competitive Allocation forms provided with this NOFA. In order for Counties to use their NCA funds, they must have submitted their acceptance form to HCD no later than August 15, 2019. These NCA funds must also be currently available and not already awarded by HCD to other NPLH Projects. If the County has previously requested an extension to submit an application to use their NCA funds, that extension must have been already granted by HCD.

Defined terms within the October 2020 NPLH Guidelines (Guidelines) are capitalized in this NOFA. Definitions of capitalized terms can be found in Section 101 of the Guidelines.

## **B. Competitive Allocation Amounts for HCD Administered NPLH Funds**

For Projects funded under this HCD Competitive Allocation, Counties compete for available funds with other Counties of a similar population size. The initial amounts available under this NOFA for the HCD Competitive Allocation within each population group are as follows.

<b>Population Group</b>	<b>Initial Amount</b>
Large County (population greater than 750,000)	\$121,200,609
Medium County (population between 200,000 to 750,000)	\$55,545,271
Small County (population less than 200,000)	\$54,701,849
<b>Total</b>	<b>\$231,447,729</b>

For a list of Counties within each population group, see Appendix A in the NPLH NOFA.

The total amount of funds available within each County population group is based on a formula that accounts for:

1. The proportionate share of Homeless persons among the Counties within each group based on the most recent Point-In-Time (PIT) Count of both sheltered and unsheltered Homeless persons as published by the U.S. Department of Housing and Urban Development (HUD), and as compared to the state's total Homeless population. This factor is weighted at 70 percent; and
2. The proportionate share of Extremely Low-Income (ELI) renter households that are paying more than 50 percent of their income for Rent using HUD's Comprehensive Housing Affordability Strategy dataset. This factor is weighted at 30 percent.

Notwithstanding the above calculation, the Small County Allocation shall be no less than 8 percent of the funds made available in the Competitive Allocation.

In addition, pursuant to Guideline Section 204 (d) (6) (D), If the total funds requested for a County population group(s) is less than the amount made available to that population group(s) in the NOFA, HCD may use funds from that population group(s) to fund other eligible unfunded applications in other

population group(s) as long as HCD adjusts the allocations for each affected population group in the subsequent NOFA to account for any such reallocation.

**Consistent with this provision, the amounts within each population group above reflect adjustments in allocations as a result of reallocations of funds made in Round 3. See Appendix A for more detail.**

### **C. Alternative Process County Allocation**

If a County with five percent or more of the state's homeless population wants to administer its NPLH funds, it can be designated by HCD as an APC. Once the County has been designated as an APC, the County, as the Project lender, will use its share of funds to select Projects of any number of Units based on a method of distribution approved by HCD, and will monitor these Projects for the required period of affordability. Articles I and III of the Guidelines address HCD requirements for APCs. As of the date of this NOFA, four Counties have been designated to be APCs: Los Angeles, San Diego, San Francisco, and Santa Clara Counties. APCs need not apply for their Round 4 allocation. It will be automatic provided that the County's NPLH program complies with all applicable NPLH Guideline requirements.

Upon request, HCD may offer each APC a one-time advance on future funding allocations in order to address documented unmet application demand. Funds advanced in a particular round will be deducted from the amount available to the APC in the following funding round(s).

<b>County</b>	<b>Initial Amount</b>
Los Angeles	\$173,957,962
San Diego	\$29,874,192
San Francisco	\$22,934,093
Santa Clara	\$27,786,022
<b>Total</b>	<b>\$254,552,269</b>

Once a County has been designated by HCD to administer funds as an APC, proposed Projects located in an APC, other than Projects located in the cities of Claremont, La Verne, and Pomona, must apply for NPLH funds through the APC pursuant to the terms of the APC's application process in accordance with the method of distribution and other requirements approved by HCD.

HCD will not accept applications for Projects located in APCs under this NOFA, except for proposed Projects of five or more Units located in the cities of Claremont, La Verne, and Pomona. The cities of Berkeley, Claremont, La Verne

and Pomona are considered Counties under the NPLH statute because these cities receive a direct allocation of MHSA funds. Therefore, these cities can be direct applicants for NPLH funds.

For a current list of these APC contacts, see the most recent HCD award list(s) for each of the APCs located on the [NPLH Program webpage](#).

#### **D. Tentative program timeline**

##### **1. Projects submitted to HCD**

NOFA release	October 2021
Application deadline for Projects submitted to HCD	January 19, 2022, 5 p.m. Pacific Standard Time
Award announcements for Projects submitted to HCD	June 30, 2022

##### **2. Projects Submitted to APCs**

HCD awards funds to APCs	June 30, 2022
Application deadline for Projects submitted to an APC	Determined by the County
Award announcements for Projects submitted to an APC	Determined by the County

#### **E. Authorizing Legislation, Program Guidelines, and Regulations**

The NPLH program furthers the purposes of Assembly Bill (AB) 1618, (Chapter 43, Statutes of 2016), as amended by AB 1628, (Chapter 322, Statutes of 2016, effective September 13, 2016), the 2018 No Place Like Home Act (AB 1827, Assembly Budget Committee), and Senate Bill (SB) 1030, (Chapter 165, Statutes of 2020, effective September 25, 2020). Guidelines implement, interpret, and make specific the NPLH statutes.

The NPLH program Guidelines establish terms, conditions, and procedures for the award of funds under the Competitive Allocation. The current Guidelines are available on the NPLH website at [Guidelines](#). Except as otherwise provided in the Guidelines, multifamily rental housing Projects of five or more Units underwritten by HCD are also subject to HCD's current Uniform Multifamily Regulations (UMRs). The current UMRs are located at [HCD UMR webpage](#).

Applicants are responsible for complying with the NPLH program requirements set forth in the Guidelines, UMRs, and NOFA, as applicable. Applicants are advised to carefully review the Guidelines, UMRs, and information contained in this NOFA before submitting applications.

## **II. Program requirements**

The remainder of this NOFA addresses individual Project threshold requirements and competitive application rating criteria for Projects of five or more Units to be administered by HCD using Competitive Allocation funds.

The following is provided as a summary and is not to be considered a comprehensive representation of the eligibility, threshold, and application rating criteria, or other requirements or terms and conditions of the NPLH program. Terms that are defined in the Guidelines are capitalized.

### **A. Project Requirements**

Projects are eligible to receive funding if they meet the requirements of Section 202 of the Guidelines.

#### **1. Eligible Applicants**

Applications must be submitted by a single County independently as the Development Sponsor, or by a single County jointly with another entity as the Development Sponsor. Two or more Counties may apply together as joint Applicants if there is a commitment to collaborate in the provision or coordination of supportive services or other resources to the Project, and if NPLH tenants from each of the Applicant Counties are expected to reside in the Project.

If a County does not want to be the borrower on any NPLH loan documents, then it must apply jointly with a Development Sponsor.

**NOTE:** the definition of “Development Sponsor” within Section 101 of the NPLH Guidelines includes a duly constituted governing body of an Indian reservation or rancheria, or other legal entity, or any combination thereof, certified by HCD as qualified to own, manage, and rehabilitate a Rental Housing Development.

As part of implementation of AB 1010 (Garcia) (Chapter 660, Statutes of 2019) to provide greater opportunities to Native American Tribal housing organizations to access available resources through HCD, the following clarifies Development Sponsor as it relates to Native American Tribal Housing organizations:

Federally Recognized and Special Government Entities and Properties:

A Development Sponsor that is any of the following:

- a. It meets the definition of Indian tribe under Section 4103 of Title 25 of the United State Code (means any Indian tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.). 25 USC 4103(13)(B);
- b. If not a federally recognized tribe, either
  - i. It is listed in the Bureau of Indian Affairs Office of Federal Acknowledgement petitioner list pursuant to Section 82.1 of Title 25 of the Federal Code of Regulations. (Office of Federal Acknowledgment (OFA) | Indian Affairs (bia.gov))
  - ii. It is an Indian tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of consultation pursuant to Section 65352.3 of the Government Code (GC); and proposes a project on land that satisfies the following:
    1. Located in Indian country as defined by 18 USC 1151, or
    2. Located on fee land.

Each Applicant shall elect and disclose whether or not the Project will be part of an application to the California Tax Credit Allocation Committee (TCAC) seeking tiebreaker incentives for hybrid 4 percent and 9 percent tax credit projects. A Development Sponsor that will apply to TCAC seeking hybrid tiebreaker incentives must submit applications jointly with a County for NPLH funds for one or both hybrid component Projects, but each component Project must apply independently with a separate application. The hybrid election is irrevocable unless the requirements of Guidelines Section 200 (n) are met.

## **2. Development Team Experience**

The minimum experience requirements set forth in Section 202 (c) of the Guidelines must be met collectively among the members of the Project team consisting of the Applicant (i.e., the County applying independently or the County applying jointly with a separate Development Sponsor), the property manager, and the lead service provider if the lead service provider is not the County. The experience requirements in Section 202 (c) vary based on County population size. Documentation of property manager and lead service provider experience must also be provided as set forth in the NPLH Supplemental Application.



### **3. Uses and Terms of Program Assistance**

NPLH funds will be provided as post-construction permanent loans in Rental Housing Developments of five or more units serving qualifying members of the Target Population. All NPLH funds shall be used for the development costs identified in the California Code of Regulations (CCR), Title 25, Section 7304, Subdivision (b), and to refinance loans used to cover such costs.

NPLH funds may be used to capitalize operating subsidy reserves for NPLH Assisted Units pursuant to the requirements of Section 209 of the Guidelines, and under Section 8308 of the UMRs. (The capitalized reserves permitted under Section 209 are hereafter referred to as COSRs.) Pursuant to the 2020 Cal. Legis. Serv. Ch. 147 (SB 1030 (Chapter 165, Statutes of 2020)), which amended Welfare and Institutions Code (WIC) Section 5849.8, COSRs provided by HCD shall be provided in the form of a grant.

NPLH funds may be used to rehabilitate existing affordable housing. Projects proposed for rehabilitation will be underwritten based on the number of NPLH tenants the Project will house upon completion of the rehabilitation. The proposed Project can be comprised of vacant Units or Units currently occupied with tenants meeting the occupancy and income requirements under Section 206 of the Guidelines.

Proposed Projects involving new construction and requiring the demolition of existing residential space are eligible only if the number of bedrooms in the new Project is at least equal to the total number of bedrooms in the demolished structures, unless HCD approves an exception to this one-for-one replacement rule in accordance with UMR Section 8302 (b).

For example, it may approve a reduction in the number of single room occupancy (SRO) Units where necessary to add private cooking and bathing facilities, or a reduction in the number of bedrooms in public housing necessary to meet federal requirements. Requests for an exception to the one-for-one replacement rule should be submitted to HCD on or before the application deadline to ensure that this issue can be resolved as soon as possible. The new Units may exist on separate parcels if all parcels are part of the same Rental Housing Development and meet the requirements of Scattered Site Housing described in Section 202 (m) of the Guidelines.

Program assistance provided on land that is not Tribal Trust land shall have an initial term of 55 years or longer to match the period of affordability restrictions under the Low-Income Housing Tax Credit Program, commencing with the date of recordation of HCD's NPLH regulatory agreement. For Projects located on Tribal Trust land, Program loans shall have an initial term of 50 years to match the period of affordability restrictions under the Low-



Income Housing Tax Credit Program, commencing with the date of recordation of HCD's NPLH regulatory agreement.

Program loans shall be secured by the Project's real property and improvements, subject only to liens, encumbrances, and other matters of record approved by HCD consistent with Section 8315 of the UMRs.

All construction loan closings for the NPLH-funded Project shall occur no later than 36 months from the date of HCD's award letter to the Project. HCD's permanent loan closing shall occur no later than 72 months from the date of HCD's award letter to the Project. HCD may extend these deadlines a total of up to 24 months in the aggregate where it is clear to HCD in its sole discretion that granting an extension will enable the Project to start construction or achieve 90 percent occupancy of the Assisted Units.

Other loan terms are described in Section 200 of the Guidelines. Additional requirements governing supportive services, tenant selection, and income and rent restrictions are discussed in the other sections of the NOFA below.

#### **4. Use of County Noncompetitive Allocation Funds**

The application submission deadline for Projects proposing use of NCA funds was February 15, 2021, unless HCD has granted the County an extension of this deadline. Counties for whom HCD has granted an extension, can propose Projects utilizing funds from both the NCA and the Competitive Allocation. using the current Competitive Allocation NOFA and Application Forms. These Project applications must be submitted by the deadline in the Round 4 Competitive Allocation NOFA,

Counties that have been granted an extension by HCD, may also submit Project applications proposing to use NCA funds without the use of NPLH Competitive Allocation funds. For these Projects, use the NCA NOFA and application forms found on the NPLH webpage. These forms do not contain worksheets for application scoring criteria. These Project applications can be submitted at any time up to the application submission deadline in the NCA NOFA.

NCA funds not awarded to Projects by HCD, shall be used to fund Projects submitted under the Round 4 Competitive Allocation NOFA, or subsequent NOFAs if Round 4 is undersubscribed.

For a listing by County of available NCA funds and all application forms, look under the heading "Current NOFAs" at: <https://www.hcd.ca.gov/grants-funding/active-funding/nplh.shtml#funds>.

## 5. Site Control

The Development Sponsor, or an entity controlled by the Development Sponsor, must have site control of the proposed Rental Housing Development that meets the requirements of the UMR Section 8303. At the time of application, documented site control shall be for a period no shorter than through the anticipated date of the award of NPLH funds by HCD as set forth in Section I.D of this NOFA.

## 6. Maximum Award Amounts and Per-Unit Subsidy Limits

The maximum award amount per Project, including all eligible capital and COSR costs, shall be \$20 million, including Competitive Allocation funds and any NCA funds awarded by HCD to the Project. Funds from the County's NCA and the Competitive Allocation may be used in the same multifamily Project or on the same NPLH Assisted Units, as long as HCD's NPLH per-Unit subsidy limits are not exceeded.

## 7. Capital Per-Unit Limits

Counties and Project Development Sponsors should consult the NPLH per-Unit subsidy limits table for **9 percent tax credit Projects**, and **Projects without 9 percent tax credits** for the current capital per-Unit subsidy limits based on the Area Median Income (AMI) levels being targeted, and the number of bedrooms per unit. NPLH per subsidy limits are located at: <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>. The NPLH capital per-Unit subsidy limits begin on page 161 of the current year "MTSP Regular Income, Rent and VHHP Loan Limits" document hyperlinked above.

## 8. COSR Per-Unit Limits

The COSR per-Unit subsidy limit for all Projects is the same. For Projects funded under Round 4, this per-Unit limit is \$193,991.

The per-Unit capital and COSR amounts listed above are maximum amounts available. The actual amount that a Project receives is subject to the individual Project underwriting performed prior to the award of funds and at loan closing. The Universal Rental Project application form contains a COSR calculation worksheet that calculates the amount of each Project's COSR consistent with COSR underwriting requirements in Section 209 of the Guidelines.

## 9. Stacking of Funds

HCD's "stacking rule" governs when Projects can and cannot layer two or more HCD funding sources to provide rental housing capital on the same Units.

Pursuant to Administrative Notice Number 21-06, a maximum of four HCD Funding Sources comprised of no more than two development loans and two housing-related infrastructure grants may now be used on a single Project. Housing-related infrastructure grants are those grants provided through the Affordable Housing Sustainable Communities program - Housing Related Infrastructure (HRI) grants, Transit Oriented Development program - Infrastructure grants, and Infill Infrastructure Grant program grants.

The funding limits set forth above shall not include HCD funds awarded for purposes other than capital improvements, such as loans or grants for non-housing related infrastructure, transit amenities, programs, or rental and operating subsidies; therefore, for example, putting HCD-funded rental housing capital amounts and HCD-funded rental subsidy or operating subsidy on the same Unit(s) is still permissible. See Administrative Notice Number 21-06 for further information.

## 10. Financial Feasibility

Projects shall meet the underwriting requirements of HCD's UMRs, as well as the Occupancy, Income, Rent Limits, and Transition Reserve requirements discussed below. Where there is a difference between the UMRs and the NPLH program Guidelines, the provisions of the Guidelines shall prevail. See Sections 206, 207, and 208 of the Guidelines for more information.

## 11. Site and Unit Requirements

All Project sites must be free from severe adverse environmental conditions, such as the presence of toxic waste that is economically infeasible to remove and that cannot be mitigated. Documentation of compliance with this requirement must be provided as set forth in the NPLH application forms.

All Project sites must be reasonably accessible to public transportation, shopping, medical services, recreation, schools, and employment in relation to the needs of the Project tenants and what is typically available in that County. Documentation of compliance with this requirement must be provided as set forth in the NPLH application forms.

Upon Project completion, all Assisted Units and other Units of the Project must be on a permanent foundation and must meet all applicable state and local requirements pertaining to rental housing, including, but not limited to, requirements for minimum square footage, and requirements related to

maintaining the property in a safe and sanitary condition.

Upon Project completion, all Projects must be accessible to persons with disabilities pursuant to the requirements set forth under Section 213 (b) of the Guidelines.

## **12. Supportive Services**

For a minimum of 20 years, Counties must commit to make mental health services available to the Project's NPLH tenants, and to coordinate the provision or referral to other services, including, but not limited to, substance use services.

As set forth in the HCD application form, the County shall include a Project-specific supportive services plan developed by the County in partnership with the Project Development Sponsor, supportive service providers, and the property manager.

Participation in available supportive services by NPLH tenants shall be voluntary. Access to or continued occupancy in housing cannot be conditioned on participation in services or on sobriety. The supportive services plan must describe the services to be made available to NPLH tenants in a manner that is voluntary, flexible, and individualized, so that NPLH tenants may continue to engage with supportive services providers, even as the intensity of services needed may change. Adaptability in the level of services should support tenant engagement and housing retention.

See Section 203 of the Guidelines regarding supportive services that must be made available, as well as other required information pertaining to supportive services.

## **13. Tenant Selection**

At least one person residing in each NPLH Assisted Unit must qualify as having a Serious Mental Disorder or as being a Seriously Emotionally Disturbed Child or Adolescent as defined under WIC Section 5600.3. That person must also be Homeless, Chronically Homeless, or At-Risk of Chronic Homelessness as defined under Section 101 of the Guidelines. Pursuant to Section 5849.9 of the WIC, Units funded with NCA funds shall prioritize persons with mental health supportive services needs who are Homeless or At-Risk of Chronic Homelessness

Tenant eligibility criteria must be satisfied prior to being referred to an NPLH Project. Referrals to NPLH Assisted Units shall be made through the local Coordinated Entry System (CES) for persons who are Chronically Homeless or Homeless. For persons At-Risk of Chronic Homelessness, CES or another comparable prioritization system based on greatest need shall be used. All

referral protocol for NPLH Assisted Units must be developed in collaboration with the local Continuum of Care and implemented consistent with program requirements.

Projects shall accept tenants regardless of sobriety, participation in services or treatment, history of incarceration, credit history, or history of eviction in accordance with practices permitted pursuant to Housing First practices set forth in WIC Section 8255, or other federal or state Project funding sources.

In addition, pursuant to 24 CFR 578.93 (c), recipients of Continuum of Care program funds are also required to follow HUD Affirmative Marketing requirements. HUD has provided additional mention of this requirement as it relates to implementation of a Coordinated Entry System in CPD Notice 17-01. This Notice provides that recipients of CoC Program funds must affirmatively market their housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or disability who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities. Housing assisted by HUD and made available through the CoC must also be made available to individuals and families without regard to actual or perceived sexual orientation, gender identity, or marital status in accordance with 24 CFR 5.105 (a)(2).

See Section 211 of the Guidelines for more information regarding tenant selection requirements.

#### **14. Occupancy and Income Requirements**

Total household income at time of move-in shall not exceed 30 percent of the County AMI. HCD has published the current income limits at 30 percent AMI and below. The NPLH income limits begin on page one of the current year "MTSP Regular Income, Rent and VHHP Loan Limits" hyperlinked in Item 7 above. Documentation requirements for income and tenant eligibility are referenced in Section 206 of the Guidelines.

Household income may increase above 30 percent AMI over time, and households above 30 percent AMI can continue to reside in their Units. Counties can also choose to continue offering supportive services to tenants residing in these Units. However, Units with household income above 30 percent AMI shall no longer be designated by HCD as NPLH Assisted Units, unless the reason for the increase in income was due to changes in the Supplemental Security Income/State Supplementary Payment (SSI/SSP) rate or cost of living adjustment. See Section 207 of the Guidelines for more information concerning changes in tenant income.

## **15. Rent Limits**

At initial occupancy, tenant-paid Rents for NPLH Assisted Units shall be restricted to no more than 30 percent AMI or below, as specified in the Project regulatory agreement. HCD has published the current Rent limits at 30 percent AMI and below based on the County and the number of bedrooms Per-Unit. These limits begin on page 21 of the current year "MTSP Regular Income, Rent and VHHP Loan Limits" hyperlinked in Item 7 above.

Projects shall have a transition reserve in the event that any project-based rental assistance is not renewed, or in the event that the Project COSR is exhausted, and the Project cannot secure other sufficient rental or operating subsidies to continue without immediately raising Rents on the NPLH Assisted Units. The minimum amount of the transition reserve shall be the amount sufficient to prevent Rent increases for one year following the loss of the rental assistance or exhaustion of the COSR.

NPLH funds cannot be used to fund the transition reserve. The transition reserve may be capitalized from sources other than NPLH funds or funded from annual project cash flow in amounts to be approved by HCD. Withdrawal and the use of funds in the transition reserve shall be subject to HCD's prior review and written approval.

If Rent increases on the Assisted Units are necessary due to loss of rental or operating assistance, and after exhausting all transition reserve funds, rent increases will only be permitted to the minimum extent required for Fiscal Integrity, as determined by HCD. In no event shall Rents on Assisted Units be increased above the Rent limit for 60 percent AMI following the exhaustion of the transition reserve in the absence of other rental or operating subsidy to the Project.

See Section 207 of the Guidelines for more information on requirements related to the NPLH transition reserve.

## **16. Integration**

All Projects must demonstrate integration in accordance with the requirements of Section 202 (e) of the Guidelines. To promote integration of NPLH tenants with other Project tenants, in Projects of greater than 20 Units, HCD will fund no more than 49 percent of a Project's Units as NPLH Units. This limitation shall not be interpreted to preclude occupancy of any Project Units by persons with disabilities, or restrictions by other funding sources, including, but not limited to, restrictions imposed by TCAC, that result in more than 49 percent of the total Project Units being restricted to persons with disabilities.



In addition, NPLH Assisted Units shall not be segregated in any manner from other units in the Project. Examples of prohibited forms of segregation include separation of the NPLH Units by assignment, partition, or restriction to separate floors, doors, common areas, legal parcels, or any other areas or portions of the building or of any affordable housing project of which the Project is comprised, or a part. Exceptions may be permitted under certain circumstances as set forth in Section 202 (e) of the Guidelines.

See Section 202 (e) of the Guidelines for additional integration requirements and further specification thereof .

## **17. 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 §§ 37000 - 37002). Article XXXIV documentation for loans underwritten by HCD shall be subject to review and approval by HCD 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 §§ 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 shows the Project’s compliance with or exemption from Article XXXIV. If a Project is subject to Article XXXIV, HCD requires an allocation letter from the locality that 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:

- a. The name and date of the proposition, and the number of Units that were approved;
- b. A copy of the referendum and a certified vote tally;
- c. 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
- d. 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, HCD 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, and/or case law.

Whether or not a Project is statutorily exempt from Article XXXIV, the Project must still comply with limitations on the percentage of NPLH Units HCD can fund pursuant to the NPLH integration requirement discussed in Guidelines Section 202 (e).

HCD's stacking rule in Guidelines Section 200 (e) may also impact how Article XXXIV compliance using the "49 percent test" may be achieved.

## **18. Relocation**

All persons who are displaced as a direct result of the development of an NPLH Project shall be entitled to relocation benefits and assistance as provided in California relocation assistance law (GC § 7260 et seq., CCR Title 25, § 6000 et seq.).

A relocation plan conforming to the provisions of CCR Title 25, Section 6038 shall be prepared. The relocation plan or other relocation documentation shall be subject to the review and approval by HCD prior to the beginning of any construction or activity that will result in displacement.

If the Applicant determines that relocation requirements are not applicable to the Project, the application must explain and document why relocation does not apply. Additional certifications to this effect may also be requested by HCD.

## **19. State Prevailing Wages**

Funds awarded under this NOFA are subject to California prevailing wage law (Labor Code, §§ 1771, 1720-1781), and require the payment of prevailing wages unless the Project meets one of the exceptions of Labor Code Section 1720. Each Applicant shall be responsible for determining, on a case-by-case basis, the extent of applicability of state prevailing wage law to its individual Project. If applicable, prior to the close of the program loan, the Development Sponsor shall provide to HCD a written certification that prevailing wages have been paid, or will be paid, and that the records shall be available consistent with the requirements of this subsection. Applicants are encouraged to seek professional advice as to how to comply with state prevailing wage law.

## **B. Competitive Allocation Application Review Process**

The application review process consists of three phases: initial threshold review, rating and ranking, and Project feasibility review.

### **1. Initial Threshold Review**

During the initial threshold review, applications will be evaluated based solely upon the materials contained within the application to determine completeness and compliance with the following requirements to be evaluated at application stage as set forth in Section 202 of the Guidelines:

- a) Eligible Applicant
- b) Eligible use of funds
- c) Experience of the Project team
- d) Site control for a time period no shorter than through the anticipated NPLH award date as set forth under Section I.D. of this NOFA
- e) Project integration
- f) Compliance with Article XXXIV as discussed in section A.17 above
- g) Application completeness, including submission of all required reports and other documents, including, but not limited to, the documents set forth in Guidelines Section 202 (h)

### **2. Application Scoring**

If the total amount of funds requested in a County population group set forth in Appendix A exceeds the amount of funds available for that group, those applications will be scored based on the application selection criteria in Section 205 of the Guidelines unless HCD exercises the option to transfer sufficient funds from one or more undersubscribed County population groups to address the unmet demand, as permitted under Guidelines Section 204 (d)(6)(D).

In the event that one or more County population groups are oversubscribed and no funds transfer or an insufficient funds transfer is made within each oversubscribed County population group, the applications with the highest number of points shall be selected for funding, provided that all threshold and eligibility requirements are met. In the event of a tie between applications, funds will be awarded to the application with the highest overall readiness point score under Section 205 (d). If a second tiebreaker is needed, funds will be awarded to the application with the lowest per-Unit Total Development Cost pursuant to the calculation methodology under 25 CCR Section 8311.

A city receiving funds pursuant to the Bronzan-McCorquodale programs under WIC Section 5701.5 shall not be funded for more than one Project per funding round for a Competitive Allocation unless that Project is being submitted by the county in which that city is located within the county's own population group.

In addition, Projects located in these cities that do not receive maximum points in any of the application rating factors may receive a total of two additional points in the aggregate if the application was submitted through the county in which that city resides within the county's population group rather than by the city within its population group.

The Competitive Allocation application rating criteria in Section 205 of the Guidelines are summarized in the table below. Consult Sections 204 and 205 of the Guidelines for more information.

<b>Rating Category</b>	<b>Maximum Points</b>	<b>Summary (See Section 205 of the Guidelines for more detail.)</b>
<b>Percentage of Total Project Units Restricted to the Target Population</b>	65	Percentage of total Project Units restricted as NPLH Units, and use of CES, or use of an alternate system to refer persons At-Risk of Chronic Homelessness to NPLH Units
<b>Leverage of Development Funding</b>	20	Ratio of the capital (non-COSR) portion of the NPLH loan to other sources of committed development funding attributable to the NPLH Units. NCA funds may count as leveraged funds
<b>Leverage of Rental or Operating Subsidies</b>	35	Percentage of NPLH Units that have committed non-HCD project-based or sponsor-based subsidies with terms substantially similar to that of other project-based rental or operating assistance
<b>Readiness to Proceed</b>	50	Percentage of total construction and permanent financing committed; completion of all necessary environmental clearances; land use approvals

<b>Extent of On-Site and Off-Site Supportive Services</b>	20	Points for case management provided on-site at the Project, use of evidence-based practices to assist NPLH tenants to retain their housing; offering more services than required, and implementing resident involvement strategies
<b>Past History of Evidence Based Practices</b>	10	Points for prior experience of the lead service provider in implementing evidence-based practices recognized to lead to a reduction in homelessness, or other related use of evidenced-based practices to serve special needs populations

### 3. Financial Feasibility

In the event that one or more County population groups are oversubscribed, and no transfer of funds or an insufficient funds transfer is made to address unmet demand within each oversubscribed County population group, the highest scoring applications will be evaluated for financial feasibility in accordance with NPLH program requirements. If a funding round is undersubscribed, all applications meeting Project threshold requirements will be evaluated for financial feasibility. Financial feasibility requirements include, but are not limited to, the requirements referenced in Sections 206 through 209 of the program Guidelines. See Guidelines Section 208 for certain exceptions to the UMRs for NPLH.

## C. Appeals

### 1. Basis of Appeals

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

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

To appeal a decision, Applicants must submit to HCD, by the deadline set forth in Subsection (b) below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. The Applicant must provide a detailed reference to the area(s) of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be accepted 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 if the information would result in a competitive advantage to the Applicant.

Appeals must be received by HCD no later than five business days from the date of HCD's eligibility, threshold review, or preliminary point score determination letters, representing HCD's decision made in response to the application.

Appeals are to be submitted to HCD via email at [NPLH@hcd.ca.gov](mailto:NPLH@hcd.ca.gov) with a copy to [Tanya.Danna@hcd.ca.gov](mailto:Tanya.Danna@hcd.ca.gov).

Appeal emails will be accepted as long as the email time stamp is no later than 5:00 p.m. Pacific Standard Time on the day of the appeal deadline.

## **3. Decision**

Any appeal of HCD's decision shall be reviewed for compliance with the NPLH Guidelines in effect on the date of this NOFA, and any subsequent clarifying documents, such as the NPLH program's responses to "Frequently Asked Questions." It is HCD's intent to render its decision in writing within 15 business days of receipt of the Applicant's written appeal. All decisions rendered shall be final, binding, and conclusive and shall constitute the final action of HCD with respect to the appeal.

## **D. Financial Assistance Application Submittal Tool (FAAST) Application Components**

The Competitive Allocation Project application consists of the following documents available on the [NPLH Program website](#). Application materials must be submitted electronically via the FAAST system. Requirements for uploading the NPLH Application Workbooks and required supporting documentation and identified naming conventions are described in the materials provided with the NPLH Supplemental Application instructions.

1. **NPLH Supplemental Application** – This form contains information needed to evaluate application threshold compliance and rating for Projects of five or more Units underwritten by HCD. The program Supplement also contains information Counties must submit in order to utilize their Competitive Allocation funds.
2. **Universal Rental Project Application Form** – This form contains information needed to evaluate Project financial feasibility for Projects of five or more Units underwritten by HCD.

Project applications submitted under this NOFA will be funded on a competitive basis, as set forth in Section II. A. and B. above, subject to the availability of funds. HCD's NPLH application forms, program Guidelines, and application workshop information are available on the [NPLH Program website](#).

Competitive Allocation funds and a County's NCA funds may be used in the same Project. Projects proposing to use both of these sources of NPLH funds must submit one Project application utilizing the Competitive Allocation application forms provided with this NOFA. See Section A.4. above for further information regarding use of NCA 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 has been submitted, HCD staff may request clarifying information to determine compliance with NPLH program requirements.

**Application materials to HCD must be submitted electronically via the Financial Assistance Application Submittal Tool (FAAST) system no later than 5:00 p.m. Pacific Standard Time on January 19, 2022. HCD will no longer accept hardcopy submittals**

#### **E. Disclosure of Application to the Public**

Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act (Act) (GC § 6250 et seq.). As such, any materials provided may be disclosed to any person making a request under this Act. HCD 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 HCD, the Applicant is waiving any claim of confidentiality as to the submitted information, and consents to HCD's disclosure of such information upon a request under the Act.

## **F. Award Announcements and Contracts**

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

HCD will enter into a regulatory agreement with the County Applicant and/or a separate Development Sponsor that will contain specific provisions governing Project operations in accordance with NPLH requirements. See Section 215 of the Guidelines for a description of these agreements.

A condition of award will be that a Standard Agreement(s) must be executed by the Awardee(s) within 90 days (Contracting Period) of the Awardees' receipt of the Standard Agreement(s). Failure to execute the Standard Agreement(s) within the Contracting Period may result in award cancellation. The Awardee(s) shall remain a party to the Standard Agreement(s) for the entire term of the Standard Agreement(s); removal of the Awardee(s) shall be prohibited.

The disbursement of funds pursuant to this NOFA is contingent on: (1) the sale of bonds by the California State Treasurer's Office and (2) the availability of proceeds of any such bond sales being made available to HCD for disbursement pursuant to all program requirements.

Questions can be directed to the NPLH email at [NPLH@hcd.ca.gov](mailto:NPLH@hcd.ca.gov).



### APPENDIX A: ROUND 4 ALLOCATIONS

NPLH Formula Estimates for the Competitive Program								
	COUNTY	Pop Est. as of 1/1/2019	2019 PIT Count	% of PIT	ELI Renter Severe cost Burden	Formula Allocation	Adjustments	
Alternative Program							Amount of Alternative Process County Round 4 Funds Advanced in Round 2	Allocation For Round 4
1	Los Angeles	9,805,672	58,190	38.46%	409,700	\$181,888,942	-\$7,930,980	\$173,957,962
2	San Diego	3,351,786	8,102	5.36%	94,480	\$29,874,192		\$29,874,192
3	San Francisco	883,869	8,035	5.31%	38,620	\$22,934,093		\$22,934,093
4	Santa Clara	1,954,286	9,706	6.42%	47,330	\$27,786,022		\$27,786,022
<b>Total</b>		<b>15,995,613</b>	<b>84,033</b>	<b>55.55%</b>	<b>590,130</b>	<b>\$262,483,249</b>	<b>-\$7,930,980</b>	<b>\$254,552,269</b>

NPLH Formula Estimates for the Competitive Program								
	COUNTY	Pop Est. as of 1/1/2019	2019 PIT Count	% of PIT	ELI Renter Severe cost Burden	Formula Allocation	Adjustments	
Large Counties							Adjustments from Round 3	Allocation For Round 4
1	Alameda	1,545,973	6,914	4.57%	45,655	\$21,244,077		\$21,244,077
2	Contra Costa	1,155,879	2,295	1.52%	25,665	\$8,328,871		\$8,328,871
3	Fresno	1,018,241	2,248	1.49%	30,100	\$8,761,104		\$8,761,104
4	Kern	916,464	1,330	0.88%	21,175	\$5,592,511		\$5,592,511
5	Orange	3,222,498	6,860	4.53%	87,855	\$26,249,545		\$26,249,545
6	Riverside	2,440,124	2,811	1.86%	42,190	\$11,508,380		\$11,508,380
7	Sacramento	1,546,174	5,561	3.68%	51,720	\$18,909,501		\$18,909,501
8	San Bernardino	2,192,203	2,607	1.72%	49,605	\$11,946,315		\$11,946,315
9	San Joaquin	770,385	2,631	1.74%	17,285	\$8,073,338		\$8,073,338
10	San Mateo	774,485	1,512	1.00%	18,220	\$5,646,602		\$5,646,602
11	Ventura	856,598	1,669	1.10%	15,835	\$5,713,204		\$5,713,204
Total		16,439,024	36,438	24.09%	405,305	\$131,973,448	-\$10,772,839	\$121,200,609

NPLH Formula Estimates for the Competitive Program								
	COUNTY	Pop Est. as of 1/1/2019	2019 PIT Count	% of PIT	ELI Renter Severe cost Burden	Formula Allocation	Adjustments	
							Adjustments from Round 3	Allocation For Round 3
Medium Counties								
1	Butte	226,466	1,266	0.84%	7,690	\$3,808,548		\$3,808,548
2	Marin	262,879	1,034	0.68%	7,175	\$3,219,280		\$3,219,280
3	Merced	282,928	608	0.40%	7,005	\$2,231,516		\$2,231,516
4	Monterey	445,414	2,422	1.60%	8,730	\$6,559,280		\$6,559,280
5	Placer	396,691	617	0.41%	6,505	\$2,191,189		\$2,191,189
6	San Luis Obispo	280,393	1,483	0.98%	8,400	\$4,387,460		\$4,387,460
7	Santa Barbara	454,593	1,803	1.19%	11,820	\$5,529,516		\$5,529,516
8	Santa Cruz	274,871	2,167	1.43%	8,670	\$5,973,088		\$5,973,088
9	Solano	441,307	1,151	0.76%	10,810	\$3,926,611		\$3,926,611
10	Sonoma	500,675	2,951	1.95%	11,060	\$8,043,353		\$8,043,353
11	Stanislaus	558,972	1,923	1.27%	12,380	\$5,869,990		\$5,869,990
12	Tri-Cities (Claremont, La Verne, Pomona)	224,022	746	0.49%	6,270	\$2,455,488		\$2,455,488
13	Tulare	479,112	819	0.54%	11,005	\$3,196,600		\$3,196,600
14	Yolo	222,581	655	0.43%	8,895	\$2,567,884		\$2,567,884
Total		5,050,904	19,645	12.99%	126,415	\$59,959,803	-\$4,414,532	\$55,545,271

NPLH Formula Estimates for the Competitive Program								
	COUNTY	Pop Est. as of 1/1/2019	2019 PIT Count	% of PIT	ELI Renter Severe cost Burden	Formula Allocation	Adjustments	
							Adjustments from Round 3	Allocation For Round 3
Small counties								
1	Alpine	1,162	0	0.00%	8	Not Applicable 8% set aside per the Welfare and Institution Code Section 5849.8(c) exceeds proportional share of need per calculation in E71 and G71		
2	Amador	38,294	214	0.14%	530			
3	City of Berkeley	123,328	1,108	0.73%	7,200			
4	Calaveras	45,117	186	0.12%	670			
5	Colusa	22,117	57	0.04%	259			
6	Del Norte	27,401	184	0.12%	780			
7	El Dorado	191,848	613	0.41%	2,680			
8	Glenn	29,132	58	0.04%	890			
9	Humboldt	135,333	1,702	1.13%	4,570			
10	Imperial	190,266	1,413	0.93%	4,610			
11	Inyo	18,593	141	0.09%	284			
12	Kings	153,710	250	0.17%	3,290			
13	Lake	65,071	408	0.27%	2,005			
14	Lassen	30,150	46	0.03%	545			
15	Madera	159,536	260	0.17%	3,130			
16	Mariposa	18,068	60	0.04%	410			
17	Mendocino	89,009	785	0.52%	2,670			
18	Modoc	9,602	5	0.00%	220			
19	Mono	13,616	73	0.05%	79			
20	Napa	140,779	322	0.21%	2,175			
21	Nevada	98,904	415	0.27%	1,710			
22	Plumas	19,779	46	0.03%	315			
23	San Benito	62,296	282	0.19%	775			
24	Shasta	178,773	827	0.55%	4,740			
25	Sierra	3,213	12	0.01%	30			
26	Siskiyou	44,584	229	0.15%	1,505			
27	Sutter	97,490	293	0.19%	1,915			
28	Tehama	64,387	288	0.19%	1,300			
29	Trinity	13,688	81	0.05%	315			
30	Tuolumne	54,590	385	0.25%	1,145			
31	Yuba	77,916	428	0.28%	1,535			
Total		2,217,752	11,171	7.38%	52,290	\$39,514,478	\$15,187,371	\$54,701,849
	State Total	\$39,703,293	151,287	\$1	\$1,174,140	Total Round 4 NOFA Amount		\$485,999,998