

RESOLUTION NO. 2020-89
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
ENDORISING AND AUTHORIZING APPLICATION FOR PERMANENT LOCAL HOUSING
ALLOCATION PROGRAM AND, WHEN AWARDED, TO NEGOTIATE AND EXECUTE A
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
STANDARD AGREEMENT AND ALL OTHER NECESSARY RELATED DOCUMENTS; AND
APPROVING A FIVE-YEAR EXPENDITURE PLAN FOR THE PROGRAM FORMULA
ALLOCATION OF AN ESTIMATED \$4,353,426 FROM THE CALIFORNIA DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT

AUTHORIZING RESOLUTION

The Board of Supervisors of the County of Marin ("Applicant") hereby consents to, adopts and ratifies the following resolution:

A. WHEREAS, the Department is authorized to provide up to \$195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the 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))).

B. WHEREAS, the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 02/26/2020 under the Permanent Local Housing Allocation (PLHA) Program.

C. WHEREAS Applicant is an eligible Local government applying for the program to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation.

D. WHEREAS the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between the Department and PLHA grant recipients.

NOW THEREFORE BE IT RESOLVED THAT:

1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above-referenced PLHA NOFA, it represents and certifies that 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 Applicant may have with the Department.

2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA **\$4,353,426** in accordance with all applicable rules and laws.

3. Applicant hereby authorizes and adopts the PLHA Plan attached to the PLHA application and incorporated into the Board of Supervisors Staff Report on July 21, 2020 and included hereto as Attachment A and certifies that the public had an adequate opportunity to review and comment on its content.

4. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and 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 Applicant and the Department.

5. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.

6. Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).

7. Applicant certifies that, if funds are used 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 a Local government-approved underwriting of the Project for a term of at least 55 years.

8. Applicant 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 the Department.

9. **The Community Development Agency Director or his designee** is/are authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 25th day of August 2020, by the following vote:

AYES: SUPERVISORS Dennis Rodoni, Judy Arnold, Damon Connolly, Kathrin Sears, Katie Rice

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



Katie Rice
PRESIDENT, BOARD OF SUPERVISORS

INSTRUCTION: The attesting officer cannot be the person identified in the resolution as the authorized signor

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Nancy Henderson, Deputy Clerk of the **Marin County Board of Supervisors**, does hereby attest and certify that the attached Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the **Marin County Board of Supervisors** which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST:

A handwritten signature in cursive script, appearing to read "Nancy Henderson", is written over a horizontal line.

Signature of Attesting Officer

Attachment A

§302(c)(4) Plan						Rev. 2/26/20
<p>§302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities.</p> <p>The County of Marin will use PLHA funds to match portions of funds placed into the County's Housing Trust Fund. The County's Housing Trust Fund has two dedicated sources of funds: (1) inclusionary fees paid by market-rate developers of multi-unit developments in-lieu of constructed units or fractional units pursuant to the County's inclusionary housing policy, and (2) Affordable Housing Impact fees paid by property owners upon constructing or remodeling single family homes larger than 2,000 square feet, based on an increase in demand for affordable housing due to low paid jobs associated with this new development.</p> <p>The Housing Trust projects targeted for PLHA matching funds are new construction of permanent supportive housing for people experiencing homelessness, new construction of veteran housing, and rehabilitation and new construction of family housing. The Housing Trust prioritizes rental housing that is restricted for a minimum of 55 years. Activities eligible for funding include predevelopment, construction, rehabilitation and land acquisition.</p>						
<p>§302(c)(4)(B) Provide a description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of Area Median Income (AMI).</p> <p>The County of Marin will prioritize projects that are rehabilitating and developing housing for those at or below 60% AMI. For those projects that include a mix of incomes, funds will be matched in proportion to the number of units that house 60 percent or below of AMI.</p>						
<p>§302(c)(4)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local Government's Housing Element.</p> <p>The Plan is consistent with the local Housing Element. Programs in our Housing Element promote increasing funding for affordable housing in a variety of ways, including Program 2.c- Make provisions for multifamily housing amenities, and Program 2.n. Apply long-term housing affordability controls, Program 3.m Raise funds from a variety of sources for affordable housing incentivize the creation of affordable housing, therefore the Plan detailed here is consistent with the Housing Element program priorities. In addition, the Plan is consistent with goals in the Housing Element, including Goal 2 Meet Housing Needs through a Variety of Housing Choices Respond to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs.</p>						
<p>Activities Detail (Activities Detail (Must Make a Selection on Formula Allocation Application worksheet under Eligible Activities, §301))</p>						
<p>§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.</p>						
<p>§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.</p>						
<p>§301(a)(3) Matching portions of funds placed into Local or Regional Housing Trust Funds.</p>						
<p>§302(c)(4)(E)(i) Provide a description of how allocated funds will be used for the proposed Activity.</p>						<p>Percentage of Funds Allocated for Affordable Owner-occupied Workforce Housing</p>
<p>The Housing Trust projects targeted for PLHA matching funds are new construction of permanent supportive housing for people experiencing homelessness, new construction of veteran housing, and rehabilitation and new construction of family rental housing. The Housing Trust prioritizes rental housing that is restricted for a minimum of 55 years. Activities eligible for funding include predevelopment, construction, rehabilitation and land acquisition.</p>						
<p>Complete the table below for each proposed Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).</p>						
Funding Allocation Year	2019	2020	2021	2022	2023	
Type of Affordable Housing Activity	Rental	Rental	Rental	Rental	Rental	
§302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Activity	100%	100%	100%	100%	100%	

Local Government Formula Allocation				Rev. 2/26/20
Eligible Applicant Type:	Entitlement			
Local Government Recipient of PLHA Formula Allocation:	Marin County			
Approximate PLHA Formula Allocation Amount:	\$725,571	Allowable Local Admin (5%):	\$36,278	
<p>Instructions: If the Local Government Recipient of the PLHA Formula Allocation delegated its PLHA formula allocation to a Local Housing Trust Fund or to another Local Government, the Applicant (for which information is required below) is the Local Housing Trust Fund or administering Local Government. The PLHA award will be made to the Applicant (upon meeting threshold requirements) and the Applicant is responsible for meeting all program requirements throughout the term of the Standard Agreement.</p> <p>The 302(c)(4) Plan template worksheet requires first choosing one or more of the Eligible Activities listed below. If "Yes" is clicked, the 302(c)(4) Plan worksheet opens a series of questions about what precise activities are planned. Some specific activities, such as providing downpayment assistance to lower-income households for acquisition of an affordable home, could be included under either Activity 2 or 9. Please only choose one of those Activities; don't list the downpayment assistance under both Activities.</p> <p>If the PLHA funds are used for the same Activity but for different Area Median Income (AMI) level, select the same Activity twice (or more times) and the different AMI level the Activity will serve. Please enter the percentage of funds allocated to the Activity in only the first Activity listing to avoid double counting the funding allocation.</p>				
Eligible Applicants §300				
<p>§300(a) Eligible Applicants for the entitlement formula component described in Section §100(b)(1) are limited to the metropolitan cities and urban counties allocated a grant for the federal fiscal year 2017 pursuant to the federal CDBG formula specified in 42 USC, Section §5306.</p>				
Applicant:	County of Marin			
Address:	3501 Civic Center Boulevard, Suite 308			
City:	San Rafael	State:	CA	Zip: 94903 County: Marin
§300(d) Is Applicant delegated by another Local government to administer on its behalf its formula allocation of program funds?				No
§300(d) If Applicant answered "Yes" above, has the Applicant attached the legally binding agreement required by §300 (c) and (d)?				Yes
File Name:	App1 Resolution	PLHA webpage for Resolution Document	Attached and on USB?	Yes
File Name:	App1 Signature Block	Signature Block - upload in Microsoft Word Document	Attached and on USB?	Yes
File Name:	App1 TIN	Taxpayer Identification Number Document	Attached and on USB?	Yes
File Name:	Applicant Agreement	Legally binding agreement between Delegating and Administering Local Governments	Attached and on USB?	N/A
Eligible Activities, §301				
§301(a) Eligible activities are limited to the following:				Included?
§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to Extremely low-, Very low-, Low-, or Moderate-income households, including necessary operating subsidies.				<input type="checkbox"/> YES
§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.				<input type="checkbox"/> YES
§301(a)(3) Matching portions of funds placed into Local or Regional Housing Trust Funds.				<input checked="" type="checkbox"/> YES
§301(a)(4) Matching portions of funds available through the Low- and Moderate-income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.				<input type="checkbox"/> YES
§301(a)(5) Capitalized Reserves for services connected to the preservation and creation of new permanent supportive housing.				<input type="checkbox"/> YES
§301(a)(6) Assisting persons who are experiencing or At-risk of homelessness, including, but not limited to, providing rapid re-housing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.				<input type="checkbox"/> YES
§301(a)(7) Accessibility modifications in Lower-income Owner-occupied housing.				<input type="checkbox"/> YES
§301(a)(8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.				<input type="checkbox"/> YES
§301(a)(9) Homeownership opportunities, including, but not limited to, down payment assistance.				<input type="checkbox"/> YES
§301(a)(10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more affordable housing Projects, or matching funds invested by a county in an affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the affordable housing Project.				<input type="checkbox"/> YES
Threshold Requirements, §302				
§302(a) Housing Element compliance: Applicant or Delegating Local Government's Housing Element was adopted by the Local Government's governing body by the application deadline and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to Government Code Section 65585.				Yes
§302(b) Applicant or Delegating Local Government has submitted the current or prior year's Annual Progress Report to the Department of Housing and Community Development pursuant to Government Code Section 65400.				Yes
§302(c)(2) Applicant certifies that submission of the application was authorized by the governing board of the Applicant.				Yes
§302(c)(3) Applicant certifies that, if the Local Government proposes allocation of funds for any activity to another entity, the Local government's selection process had no conflicts of interest and was accessible to the public.				Yes
§302(c)(4) Does the application include a Plan in accordance with §302(c)(4)?				Yes
§302(c)(4)(D) Applicant certifies that the Plan was authorized and adopted by resolution by the Local Government and that the public had an adequate opportunity to review and comment on its content				Yes
§302(c)(5) Applicant certifies that the Plan submitted is for a term of five years. Local Governments agree to inform the Department of changes made to the Plan in each succeeding year of the term of the Plan.				Yes
§302(c)(6) Applicant certifies that it will ensure compliance with §302(c)(6) if funds are used for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects.				Yes
§302(c)(7) Applicant certifies that it will ensure that the PLHA assistance is in the form of a low-interest, deferred loan to the Sponsor of the Project, if funds are used for the development of an Affordable Rental Housing Development. The loan shall be evidenced through a Promissory Note secured by a Deed of Trust.				Yes
§302(c)(8) Has Applicant attached a program income reuse plan describing how repaid loans will be reused for eligible activities specified in Section 301?				Yes
Administration				
Applicant agrees to adhere to §500, Accounting Records.				Yes
Applicant agrees to adhere to §501, Audits/Monitoring of PLHA Files.				Yes
Applicant agrees to adhere to §502, Cancellation/Termination.				Yes
Applicant agrees to adhere to §503, Reporting.				Yes
Certifications				
On behalf of the entity identified below, I certify that: The information, statements and attachments included in this application are, to the best of my knowledge and belief, true and correct and I possess the legal authority to submit this application on behalf of the entity identified in the signature block.				
Leelee Thomas	Planning Manager	Leelee Thomas		7/22/20
Authorized Representative Printed Name		Title		Signature
Entity name:	County of Marin	Phone Number:	415 473 7549	Date
Entity Address	3501 Civic Center Drive, Suite 308	City:	San Rafael	State: CA Zip: 94903