

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

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August 24, 2023

MEMORANDUM FOR: Interested Parties

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

SUBJECT: Request for Public Comment
Proposed Changes to Homeownership Super NOFA

On December 30, 2022, the California Department of Housing and Community Development (Department/HCD) published final Guidelines for the CalHome Program and the homeownership elements of the Joe Serna, Jr. Farmworker Housing Grant Program ("Serna Homeownership"). On January 6, 2023, the Department published the first Homeownership Super NOFA (HOSN). In accordance with Assembly Bill 434 (Chapter 192, Statutes 2020), HOSN and associated program Guidelines aligned the homeownership elements of Serna with the CalHome Program.

The Department plans to release revised final Guidelines for CalHome and Serna Homeownership and a second round of the Homeownership Super NOFA for general applicants in 2024. **As part of this process, the Department is soliciting stakeholder feedback on:**

1. CalHome Program Draft Guidelines, which modify the CalHome Program Final Guidelines that went into effect December 30, 2022,
2. Serna Homeownership Program Draft Guidelines, which modify the Serna Homeownership Program Final Guidelines that went into effect December 30, 2022, and
3. Proposed changes to the January 6, 2023, Homeownership Super NOFA for the second round HOSN, which are outlined in this memo. The Department may make substantial additional changes to the January 6, 2023, Homeownership Super NOFA to address the needs of Tribal Entity Applicants.

Comments must be submitted in writing no later than 4:00pm Friday September 29th using the form provided at this link: <https://www.surveymonkey.com/r/XJ6YHWF>

Please note that the current set of proposed changes is not exhaustive, and the Department retains the right to make additional changes – both substantive and nominal – prior to the release of the final Program Guidelines and HOSN.

For reference, current Round 1 HOSN Program Guidelines and the 2023 Homeownership Super NOFA are available on the Department's website at the following link: <https://www.hcd.ca.gov/grants-and-funding/programs-active/homeownership-super-nofa>. Please refer to the Program Guidelines for complete definitions of any capitalized terms used throughout this document.

The proposed changes in the draft Program Guidelines and proposed changes to the HOSN for general applicants reflect feedback received from tribes and other stakeholders. The key proposed changes outlined below are included in both the CalHome and Serna Homeownership Guidelines unless otherwise noted.

Key proposed Guidelines changes that apply to Tribal Entity Applicants include:

1. Clarifying that for Tribal Entity Applicants, calculating income eligibility shall be determined in accordance with 25 U.S.C. §4103 (Guidelines §203(a) Eligible Households).
2. Clarifying that a Tribal Entity Recipient may implement a preference for Tribal Households in connection with any Eligible Activities undertaken within Indian Country (Guidelines §204(b) Local Program/Project Administration).
3. Clarifying that a Recipient's loan servicing plan must address timely payment of property taxes and assessments, except in the case of Eligible Activities located on land held in trust by the Bureau of Indian Affairs (BIA) or land subject to a restriction by the United States against alienation (Guidelines §206(a)(3) Loan Servicing Requirements).
4. Clarifying that if Tribal Entities intend for lands located in Indian Country, or other real property held in fee by such Tribal Entities, to be considered a Mobilehome Park for the purposes of Guidelines §301(g) Maximum Homeowner/Homebuyer Loan Terms (which permits program assistance that is provided to assist in the Rehabilitation or replacement of existing Mobilehomes located in a Mobilehome Park or Manufactured Home community and not permanently affixed to a foundation to be provided in the form of a forgivable loan), such tribal lands or real property must satisfy the legal and programmatic requirements of a Mobilehome Park per H.S.C. §18214 (Guidelines §301(g) Maximum Homeowner/Homebuyer Loan Terms).
5. Clarifying that, with respect to evidence of site control, an uncertified title status report issued by the BIA will be acceptable to the Department while the Tribal Entity Applicant's application is pending, provided a certified title status report, title opinion letter issued for the benefit of the Department or other documentation is provided before Award disbursement (Guidelines §400.3(f) Site Control).
6. Adding that, for required appraisals for Mortgage Assistance programs, in the case of land held in trust by the BIA or subject to a restriction by the United States against alienation, the appraisal shall take into consideration the unique circumstances surrounding said real property (Guidelines §402.4(b)(1) Underwriting Requirements).
7. Adding to the definition of Low-Income or Lower-Income that, in the case of Eligible Activities located within Indian Country, lower-income or low-income shall be determined in accordance with 25 U.S.C. §4103 (Guidelines Appendix A – Definitions).
8. Modifying the definition of Tribal Entity to include a reference to California Code of Regulations (CCR) tit. 25, §8301(s) (Guidelines Appendix A – Definitions).
9. Adding a definition for Tribal Household (Guidelines Appendix A – Definitions).
10. Modifying the conditions of Award funding for Tribal Entity Applicants (Guidelines Appendix B – Tribal Eligibility) as follows:
 - a. Changing BIA consent to BIA approval to the extent required by applicable law.
 - b. Changing references to “state court” to “a court of competent jurisdiction.”

- c. Clarifying that, with respect to title insurance, an uncertified title status report issued by the BIA will be acceptable to the Department while the Tribal Entity Applicant's application is pending, provided a certified title status report or title opinion letter must be provided before award disbursement.

Key proposed Guidelines changes that apply to all Applicants include:

1. Moving provisions regarding Activity Delivery Fees from the NOFA to Guidelines, shifting to use the term administrative costs rather than Activity Delivery Fee, and simplifying the approach for managing administrative costs to reduce administrative burden on both Recipients and the Department (Guidelines Sections 207(a)(1)(B) and (C), 402.2(d), 403.2(h), 405.2(f)).
2. Removing the exemption from repayment of the CalHome Program loan for certain types of transfers of interest (Guidelines §301(c)(4) Maximum Homeowner/Homebuyer Loan Terms). This provision was determined to be inconsistent with statute, which requires repayment of the CalHome Program loan upon sale or transfer and does not permit any exemptions.
3. Clarifying that forgivable loans may only be made for program assistance that is provided to assist in the Rehabilitation or replacement of existing Mobilehomes located in a Mobilehome Park or Manufactured Home community *and not permanently affixed to a foundation* (Guidelines §301(g) Maximum Homeowner/Homebuyer Loan Terms). Statute requires that forgivable loans be limited to Mobilehomes not permanently affixed to a foundation.
4. Clarifying that when the Department converts the portion of a Homeownership Development Project Loan that is used to provide Mortgage Assistance to qualified First-Time Homebuyers into a Grant, the Recipient is then expected to use that grant for a Mortgage Assistance program and the provisions of §402 of these Guidelines, including the provisions of §402.2(d) regarding administrative costs, shall apply to that Grant (Guidelines §400.5(d) Homeownership Development Project Loan Terms).
5. Adding definitions for Foundation System, Manufactured Home Community, Permanent Foundation, and Reconstruction (Guidelines Appendix A – Definitions).
6. Adding more details to the requirement that the Applicant must provide a market study verifying an adequate Agricultural Worker market for their Project or Program (Serna Homeownership Guidelines §208(l) Threshold Requirements).

Key proposed NOFA changes for the second round of the Homeownership Super NOFA include:

1. Changing the requirement for After-Rehabilitation Values for units assisted with Owner-Occupied Rehabilitation funds from “at or below the current local median sales price of a single-family home” to “at or below 130% of the current local median sales price of a single-family home” (NOFA §II.b.4 – Owner-Occupied Rehabilitation Assistance). When a home is significantly rehabilitated, including when there is a full reconstruction after a disaster, the value of the home is likely to be higher than the median sales price of all homes sold, most of which are likely in worse condition than the newly-rehabilitated home.
2. Adding to the requirement for After-Rehabilitation Values for units assisted with Owner-Occupied Rehabilitation funds that, for properties where funds were used to add an ADU or JADU, the After-Rehabilitation Value shall be at or below 130% of the current local median sales price of a single-family home with an ADU or JADU ((NOFA §II.b.4 – Owner-Occupied Rehabilitation Assistance). Adding an ADU or JADU significantly increases the value of a property above the median price of all homes sold including those without an ADU/JADU. The value of such properties should be compared to similar properties with an ADU/JADU.

3. Changing the Prohousing scoring from “5 points will be awarded to Applicants that are jurisdictions that have received a prohousing designation” to “5 points will be awarded to Projects or Programs that are located in jurisdictions that have received a prohousing designation.” This change was made to be consistent with the current best practice for use of the prohousing incentive in funding programs.

The Department may make substantial additional changes to the January 6, 2023 Homeownership Super NOFA to address the needs of Tribal Entity Applicants.

CalHome Program Draft Guidelines



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CALHOME PROGRAM GUIDELINES

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ARTICLE I. GENERAL OVERVIEW

Section 100. Purpose and Scope

- (a) These CalHome Program Final Guidelines (the “Guidelines”) implement and interpret, [Chapter 6 \(commencing with §50650\) of Part 2 of Division 31, Health and Safety Code \(H.S.C.\)](#), which establishes the CalHome Program administered by the California Department of Housing and Community Development (the “Department”) and [Chapter 2 \(commencing with §54006\) of Part 16 of Division 31, H.S.C.](#).
- (b) These Guidelines implement [Assembly Bill \(AB\) 434 \(Chapter 192, Statutes of 2020\)](#), which amends [H.S.C. §50517.5](#). AB 434 requires the Department to harmonize the Joe Serna, Jr. Farmworker Housing Grant Program (the “Serna Program”) with the CalHome Program in the following four respects: (1) Serna Program funds are to be made available at the same time as CalHome Program funds; (2) Serna Program applications are to be rated and ranked in a manner consistent with CalHome Program applications; (3) Serna Program funds are to be administered consistent with the CalHome Program, and; (4) Serna Program Loan terms are to be consistent with CalHome Program Loan terms to the greatest extent possible.
- (c) These Guidelines establish terms, conditions and procedures for the Award and disbursement of funds allocated to the CalHome Program pursuant to [H.S.C. §54006\(g\)](#).
- (d) These Guidelines apply only to funds made available through H.S.C. §54006(g) and do not apply to funds made available to the CalHome Program authorized by [Chapter 6 \(commencing with §50650\)](#) prior to the adoption of [H.S.C. §54006\(g\)](#).
- (e) The requirements set forth in these Guidelines are subject to AB 1010 (Stats.2019, c. 660), which is set forth in H.S.C. §50406, subdivision (p). Accordingly, and pursuant to H.S.C. §50406, subdivision (p), (a) where the provisions of tribal law, tribal governance, tribal charter, or difference in Tribal Entity or legal structure would cause a violation or not satisfy the requirements of these Guidelines, said requirements may be modified as necessary to ensure program compatibility; and (b) where provisions of tribal law, tribal governance, tribal charter, or difference in Tribal Entity legal structure or agency create minor inconsistencies (as determined by the Director of the Department or a duly authorized designee thereof) with the requirements set forth in these Guidelines, the Department may waive said requirements, as deemed necessary, to avoid an unnecessary administrative burden. Matters set forth or otherwise provided for in these Guidelines that may be modified or waived include, without limitation, threshold requirements and any other matters set forth in H.S.C. §50406,

subdivision (p)(2). **Please note that AB 1010 does not automatically operate to obviate, or otherwise modify, any provision(s) of these Guidelines.** To the extent that a Tribal Entity applicant believes that AB 1010 is applicable to such Tribal Entity, their Application, the Project to which their Application relates, or any number of them, it is recommended that such Tribal Entity applicant submit an **AB 1010 waiver request** to the Department **before applications are due** under the applicable NOFA to ensure that the Department has adequate time to review such waiver request and render a decision granting, or rejecting, same.

NOTE: Authority cited: [§50406\(n\)](#), [50406\(p\)](#), [50650.2](#), [50650.7](#), and [54014, H.S.C.](#).
Reference: [50650.3](#), [50650.4](#), [50650.5](#), [50650.7](#), and [H.S.C. §54006\(g\)](#).

Section 101. Definitions

In addition to the definitions found in [Chapter 2 \(commencing with §50050\), of Part 1 of Division 31, H.S.C.](#), the definitions in the Definitions Appendix of these Guidelines shall apply to this subchapter.

In the event of a conflict, the definitions in the Definitions Appendix of these Guidelines shall prevail for the purposes of these Guidelines and application. The defined terms will be capitalized as they appear in the guideline text. References to sections herein refer to sections of these Guidelines unless otherwise noted.

ARTICLE II. GENERAL PROGRAM REQUIREMENTS

Section 200. Eligible Applicants

To be eligible to apply for funding, the Applicant shall be a Local Public Entity, Local Public Agency, Tribal Entity, or Nonprofit Corporation. Appendix B of these Guidelines contains more details on tribal eligibility.

- (a) Geographic restrictions
 - (1) A Local Public Entity shall only be eligible to apply for an Award of CalHome Program funds for a Local Program or project located within its jurisdictional boundaries. A Locality may hire Nonprofit and for-profit consultants located and/or registered within or outside its jurisdictional boundaries, including other counties within the state. Out-of-county consultants are obliged to fulfill the same experience requirements as the in-county entities. Localities may establish a consortium (provided there is a legally binding agreement between the parties) with a single administrator. One Locality shall apply on behalf of other entities in a consortium and may serve all jurisdictions.

- (2) A Nonprofit Corporation shall only be eligible to apply for an Award of CalHome Program funds for a program or project if it has developed a project or operated a housing program in California within the past two years or if the Nonprofit Corporation has an existing 523 Self-Help Technical Assistance Grant Agreement with the United States Department of Agriculture (USDA).
- (b) Stability and capacity
- (1) To be eligible for funding, the Applicant shall demonstrate to the Department's satisfaction that it has sufficient organizational stability and capacity to carry out the activity for which it is requesting funds.
 - (2) In order to demonstrate organizational stability, the Applicant shall have been operating as a housing Developer or housing program administrator for a minimum of two years prior to the date of application. A Locality may subcontract with an Administrative Subcontractor to qualify toward the organizational stability and experience requirement. In the event an Administrative Subcontractor cannot fulfill the term of their legally binding agreement, a HOSN Recipient must secure a new Administrative Subcontractor and provide HCD a new legally binding agreement within 90 days of when the previous Administrative Subcontractor ended their legally binding agreement. The new Administrative Subcontractor is obliged to fulfill the same experience requirements as the previous Administrative Subcontractor. The Recipient is required to submit this new legally binding agreement and experience documentation to HCD for approval. If an Applicant does not have a legally binding agreement in place and approved by HCD, within 90 days of losing their Administrative Subcontractor, their HOSN awarded funds will be disencumbered.
 - (3) A Nonprofit Corporation must be a corporation whose exempt purposes for the two years prior to the date of application have included the activity for which it is applying.
 - (4) A Nonprofit Corporation shall also demonstrate financial stability to the Department's satisfaction through audited financial statements submitted for Department review as part of its application for funding.
 - (5) An Applicant shall also meet the additional stability and capacity requirements set forth in these Guidelines for the specific activity for which it is applying.
 - (6) To the extent necessary to address a presidential declaration of disaster or emergency, or a "state of emergency" or a "local

emergency” declared by the Governor under GC §8571, the Department may alter or waive state-required criteria set forth in this subsection (b), to the extent otherwise allowed by law.

- (c) Reporting requirements
 - (1) Recipients shall submit outstanding reports from previous CalHome Program Grants to the Department by the application date (as specified in the NOFA). Failure to submit the reports by the application date will make the Recipients ineligible for a CalHome Program Award.

NOTE: Authority cited: [§50406\(n\)](#), [50650.2, H.S.C.](#) and [50650.7, H.S.C.](#), Reference: [50650.3](#), [50650.4](#), [50650.5](#), and [50650.7, H.S.C.](#)

Section 201. Eligible Activities

Eligible Activities are:

- (a) Homeownership Development Project Loans
 - (1) The Department may make construction period Loans to eligible Applicants for development of Homeownership Development Projects, including Program eligible Housing Developments that include ADUs or JADUs, or make permanent Loans for Mutual Housing and limited equity housing cooperatives.
 - (2) Proposed development projects shall be ineligible to receive funding if Construction Work has begun or will begin prior to the date that the Department makes an Award of program funds. “Construction Work” includes grading; site preparation (with the exception of demolition or clearing of property); or site improvements intended for public dedication.
- (b) Self Help Technical Assistance
- (c) Mortgage Assistance
- (d) Owner-Occupied Rehabilitation
- (e) Shared Housing
- (f) Accessory Dwelling Units/Junior Accessory Dwelling Units

Section 202. Eligible and Ineligible Uses of Funds

- (a) Eligible uses of funds for specific activities are set forth in the Guideline provisions that directly address each activity.

- (b) CalHome Program funds shall not be used for any of the following costs that may be incurred in the Local Program or the project:
- (1) Refinancing of existing Loans with CalHome Program funds, except CalHome Program funds may be used for site acquisition bridge Loans with a term of 36 months or less on Homeownership Development Projects.
 - (2) Costs associated with the Rehabilitation or repair of property owned by a Mobilehome Park owner.
 - (3) Offsite improvements (improvements outside the boundaries of the subdivision or individual parcels for scattered site development).
 - (4) Unit construction costs, except in Owner-Occupied Rehabilitation or ADU/JADU Local Programs. Construction Period Expenses for development of new Homeownership Development Projects are permitted; such Construction Period Expenses do not include unit construction costs.
 - (5) Recurring Loan closing costs.
 - (6) Payoff of all or any portion of a Borrower's consumer debt, liens, or judgments.
 - (7) Self-Help Technical Assistance Grant funds may not be used to pay for purchase of land, materials, tools, and construction equipment or for any costs of construction.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\), H.S.C.](#)

Section 203. Eligible Households

To be eligible to receive the benefits of CalHome Program funding, an individual Household shall:

- (a) Be a Lower-Income Household, when considering the Annual Income of all Household residents 18 years old or older. When calculating income eligibility, Applicants shall refer to Chapter 3 of the Income Calculation and Determination Guide for Federal Programs. For Tribal Entity Applicants, calculating income eligibility shall be determined in accordance with 25 U.S.C. §4103. For Shared Housing Match services, where the provider is Elderly, the income of non-occupying children who are on title will not be counted;
- (b) Be a Moderate-Income Household that is a victim of a disaster, when considering the Annual Income of all Household residents 18 years old or older. When calculating income eligibility, Applicants shall refer to

Chapter 3 of the Income Calculation and Determination Guide for Federal Programs. For Shared Housing Match services, where the provider is Elderly, the income of non-occupying children who are on title will not be counted;

- (c) Include as Borrowers on the CalHome Program promissory note all persons who will be or are on title to the property; and
- (d) Either:
 - (1) In the case of a Rehabilitation Loan or if receiving Shared Housing Match services, be an owner-occupant and intend to continue occupying the home as a principal place of residence; or
 - (2) In the case of a Mortgage Assistance Loan or if receiving Self-Help Technical Assistance services, be a First-Time Homebuyer and intend to occupy the home as a principal place of residence.

Residents of an ADU or a JADU shall not be considered as part of the Household receiving CalHome Program funding for purposes of this section. If the Borrower will occupy an ADU or a JADU, then the residents of the primary unit shall not be considered as part of the Household receiving CalHome Program funding for purposes of this section.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#), Reference: [50650\(c\)](#) and [50650.3, H.S.C.](#)

Section 204. Local Program/Project Administration

- (a) The Recipient shall implement the Local Program or project and be responsible for the following activities:
 - (1) Marketing the Local Program or project;
 - (2) Determination of a Household's income-eligibility pursuant to the income requirements of §203 of these Guidelines;
 - (3) Where applicable, based on the nature of the Local Program or project, compliance with the following requirements:
 - (A) §205 Homebuyer Education requirements;
 - (B) §206 Loan servicing requirements;
 - (C) §207 Reuse Account requirements;
 - (D) §401.3 Self-Help Technical Assistance Administration requirements;

- (E) §402.3 Mortgage Assistance administration requirements;
 - (F) §402.4 Mortgage Assistance underwriting requirements;
 - (G) §403.3 Owner-Occupied Rehabilitation administration requirements;
 - (H) §403.4 Owner-Occupied Rehabilitation underwriting and construction requirements;
 - (I) §404.3 Shared Housing Program administration requirements;
 - (J) §405.4 ADU/JADU underwriting and construction requirements;
 - (K) §405.3 ADU/JADU Program administration requirements.
- (4) For Mortgage Assistance or Owner-Occupied Rehabilitation Loans, disbursing funds on behalf of Borrowers at time of property acquisition or during Rehabilitation;
 - (5) Maintaining complete and accurate records of all CalHome Program Loan disbursements and repayments to ensure adherence to proper accounting procedures for the CalHome Program Loans, which may be verified by the Department and may be subject to a fiscal and programmatic audit;
 - (6) Complying with reporting requirements pursuant to §602; and
 - (7) Complying with all other Locality and/or Nonprofit Corporation requirements as set forth in these Guidelines and all applicable federal and state regulations.
- (b) The Recipient shall adopt a written nondiscrimination 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 federal or state 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. Notwithstanding the foregoing, a Tribal Entity

Recipient may implement a preference for Tribal Households in connection with any Eligible Activities undertaken within Indian Country in accordance with applicable law.

- (c) To the extent applicable and unless preempted by federal law, the Recipient shall comply with all applicable state and federal laws, rules, guidelines, and regulations that pertain to nondiscrimination and fair housing. Such laws include, without limitation, the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.); the Americans with Disabilities Act of 1990; the Fair Housing Act; the Fair Housing Amendments Act of 1988; the California Fair Employment and Housing Act; the Unruh Civil Rights Act; Government Code §11135; §504 of the Rehabilitation Act of 1973; and all regulations promulgated pursuant to those statutes.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#), [50650.4](#) and [50650.7, H.S.C.](#)

Section 205. Homebuyer Education Requirements

- (a) Homebuyer Education shall be provided to all homebuyers receiving a CalHome Program Mortgage Assistance Loan and to all Self-Help Construction participants being assisted under a CalHome Program Self-Help Technical Assistance Grant. For each home purchase completed by an assisted Household, the CalHome Program shall provide a Grant of up to a maximum amount as published in the latest NOFA per assisted Household toward the cost of the Homebuyer Education, provided the following conditions are met:
 - (1) Homebuyer Education curriculum shall be pre-approved by the Department and, at a minimum, shall include the following topics:
 - (A) Preparing for Homeownership;
 - (B) Available financing and credit analysis;
 - (C) Loan closing and homebuyer responsibilities;
 - (D) Home maintenance and Loan servicing.
 - (2) A certificate of successful completion of Homebuyer Education shall be issued to each prospective homeowner and a copy submitted to the Department.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3](#), [50650.3\(b\)](#), [H.S.C.](#)

Section 206. Loan Servicing Requirements

- (a) Recipients shall develop and employ a Loan servicing plan that has been submitted to and approved by the Department as addressing the following topics:
 - (1) Process for monitoring the requirement of owner-occupancy
 - (2) Annual review of hazard and flood insurance
 - (3) Timely payment of property taxes and assessments, except in the case of Eligible Activities located on land held in trust by the Bureau of Indian Affairs or land subject to a restriction by the United States against alienation
 - (4) Accounting for repayment of CalHome Program Loans
 - (5) Properly calculating payoffs
 - (6) Processing payoff demands
 - (7) Reconveyance of deeds of trust
 - (8) Collection of CalHome Program notes in default or foreclosure
- (b) If Loan servicing will be performed under a legally binding agreement with a third party, that third party must be in the business of performing Loan servicing; and
- (c) Recipients shall be required to enter into a long-term Monitoring Agreement with the Department allowing Department monitoring of Loan servicing for compliance with these Guidelines.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#), [50650.4](#) and [50650.7, H.S.C.](#)

Section 207. Reuse Account Requirements

- (a) CalHome Program Recipients shall develop and employ a Reuse Account plan that has been submitted to and approved by the Department as addressing the following topics:
 - (1) Description of a tracking system to ensure the reuse of funds for Eligible Activities including:
 - (A) Loans to individual homeowners and homebuyers,
 - (B) Homebuyer Education and

- (C) Eligible administrative costs.
- (b) All repayments of CalHome Loan principal and any CalHome Program Loan interest (i.e., program income) shall be deposited into a separately maintained Reuse Account.
- (c) Any interest earned on deposited CalHome reuse funds must accrue to the CalHome Program identified funds and be reused for CalHome Program purposes.
- (d) Funds in the Reuse Account shall only be used by the Recipient for CalHome Program Eligible Activities which are subject to these Guidelines.
- (e) Recipients shall be required to enter into a long-term Monitoring Agreement with the Department allowing the Department monitoring of Reuse Accounts for compliance with these Guidelines.

Section 208. Threshold Requirements

Applications will not be considered for funding unless the application is received by the deadline as stated in the NOFA and demonstrates compliance with all CalHome Program Statutes and Guidelines, including the following conditions:

- (a) The Applicant meets geographic restrictions per CalHome Guidelines (Guidelines §200, subd. (a))
- (b) The Applicant is an eligible Local Public Entity, Local Public Agency, Tribal Entity, or Nonprofit Corporation (Guidelines §200). For purposes of these Guidelines, a Local Public Entity or Locality is defined to include a Tribal Entity. Pursuant to Health & Safety Code §50091, a Nonprofit Corporation shall include a Tribally Designated Housing Entity as further defined therein.
- (c) The Applicant has complied with reporting requirements (Guidelines § 200, subd. (c))
- (d) The activity is eligible (Guidelines §201)
- (e) The proposed use of funds is eligible (Guidelines §202)
- (f) The Applicant meets the eligibility requirements for the activity or activities for which they are applying:

- (1) First-Time Homebuyer Mortgage Assistance (Guidelines §402.1)
- (2) Owner-Occupied Rehabilitation Assistance (Guidelines §403.1)
- (3) Technical Assistance for Self-Help Housing Projects (Guidelines §401.1)
- (4) Technical Assistance for Shared Housing Programs (Guidelines §404.1)
- (5) ADU/JADU Assistance (Guidelines §405.1)
- (6) Homeownership Development Project Loans (Guidelines §400.1)
- (g) The application is complete (Guidelines §501)
- (h) The application shall be on the Department forms and cannot be altered or modified by the Applicant
- (i) The Applicant does not have any unresolved audit findings for prior Department or federally funded housing or community development projects or programs (Guidelines §501)
- (j) The Applicant has no pending lawsuits that would impede the implementation of the program (Guidelines §501)

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\) and 50650.3\(d\), H.S.C.](#)

ARTICLE III. HOMEOWNERSHIP/HOMEBUYER LOAN REQUIREMENTS

Section 300. Maximum Homeowner/Homebuyer Loan amounts

- (a) CalHome Program Loans to individual Borrowers shall not exceed the amount published in the current NOFA or, when considered with other available financing and assistance, the minimum amount necessary:
 - (1) In the case of First-Time Homebuyer Mortgage Assistance, to ensure Affordable monthly Housing Costs as defined by the first Mortgage Lender.
 - (2) In the case of Owner-Occupant Rehabilitation, to fund eligible Rehabilitation costs only, in accordance with program requirements.

- (3) In the case of ADU/JADU assistance, to fund eligible costs only, in accordance with program requirements.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3](#), [50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

Section 301. Maximum Homeowner/Homebuyer Loan terms

- (a) CalHome Program Loans shall be secured by the property or leasehold interest, as applicable.
- (b) The lien securing repayment of the CalHome Program Loan shall be subject only to liens, encumbrances and other matters of record reviewed and approved by the Recipient responsible for underwriting the CalHome Program Loan.
- (c) Homeowner/homebuyer CalHome Program Loans shall have the following terms and conditions:
 - (1) Principal and interest payments shall be deferred for the term of the CalHome Program Loan.
 - (2) Loans shall be repayable upon sale or transfer of the property, when the property ceases to be Owner-Occupied, or upon the CalHome Program Loan maturity date. However, if it is determined by the Recipient that repayment of the CalHome Program Loan at the maturity date causes a hardship to the Borrower, the Recipient has two other options. They are:
 - (A) Amending the note and deed of trust or other security instrument(s) to defer repayment of the amount due at Loan maturity, that is, the original principal and the accrued interest, for up to an additional 30 years (at 0 percent additional interest), or
 - (B) Converting the debt at Loan maturity, that is, the original principal balance and any accrued interest, to an amortized Loan, repayable in 15 years at 0 percent additional interest.
 - (3) Loans are not assumable by any other party(ies);
 - (4) The term for First-Time Homebuyer Mortgage Assistance CalHome Program Loans shall be 30 years with the following exception: when USDA, Rural Housing Service (RHS) 502 Mortgage Loans are in first lien position, the term shall be the term of the 502 Mortgage (30 to 38 years).

- (5) The term for Owner-Occupied Rehabilitation CalHome Program Loans shall be a maximum of 30 years as determined by the Recipient; and
 - (6) A Borrower may pay the CalHome Program Loan amount, in part or in whole, at any time without penalty.
- (d) All CalHome Program assistance to individual Households shall be made in the form of a Loan. Recipients may make CalHome Program Loans bearing simple interest up to 3 percent per annum and may allow forgiveness of all or a portion of the accrued interest as part of its Local Program design. Loan principal shall not be forgiven, except as allowed by statute. In lieu of making Loans bearing a fixed rate of interest, Recipients may instead charge contingent deferred interest in the form of shared net appreciation as set forth in subsection (e).
- (e) Shared net appreciation is allowed, only as follows:
- (1) Gross appreciation is calculated by subtracting the original sales price from the current sales price or the current appraised value if the Loan accelerating event is other than sale of the property.
 - (2) Net appreciation is calculated by subtracting the seller's applicable closing costs, seller's cash contribution in the original purchase transaction, the value of seller's sweat equity, if applicable, and the documented value of capital improvements from the gross appreciation amount;
 - (3) The Recipient may only claim repayment of the principal, interest, and a portion of the net appreciation. That maximum portion of the net appreciation which may be claimed by the Recipient is equal to the percentage of the value of the residence financed by the CalHome Program Loan. That is, if the Loan equals 20 percent of the initial value of the residence, a maximum of 20 percent of the appreciation may be charged by the Recipient.
- (f) In any Loan transaction where there is no other public subsidy or public resale restriction, the Borrower cannot be restricted from selling the home at its fair market value at any time.
- (g) CalHome Program assistance that is provided to assist in the Rehabilitation or replacement of existing Mobilehomes located in a Mobilehome Park or Manufactured Home community and not permanently affixed to a foundation may be provided in the form of a forgivable Loan. If Tribal Entities intend for lands located in Indian Country, or other real property held in fee by such Tribal Entities, to be considered a Mobilehome Park for the purposes of this section, such tribal lands or real property must satisfy the legal and programmatic

requirements of a Mobilehome Park per [H.S.C. §18214](#). Tribal Entity applicants can submit their application with this information to the Department and it will be evaluated on an individual basis. It is recommended Tribal Entity applicants submit an AB 1010 waiver request before applications are due under the applicable NOFA to ensure said lands can be considered a Mobilehome Park.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

Section 302. Homeowner/Homebuyer Loan-to-Value Limits

- (a) The Loan-to-Value Ratio for a Mortgage Assistance CalHome Program Loan, when combined with all other indebtedness to be secured by the property, shall not exceed 100 percent of the sales price plus a maximum of up to 5 percent of the sales price to cover actual closing costs.
- (b) The Loan-to-Value Ratio for an Owner-Occupied Rehabilitation CalHome Program Loan, when combined with all other indebtedness secured by the property, shall not exceed 105 percent of the After-Rehabilitation Value estimated pursuant to §403.4.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

ARTICLE IV. PROGRAM REQUIREMENTS

Section 400 Homeownership Development Project Loan

Section 400.1 Eligible Applicant

In addition to the requirements of §200, to be eligible to apply for a Homeownership Development Project Loan, an Applicant shall have successfully developed a minimum of two similar projects within the last four years, and the Applicant shall have staff that will be committed to the proposed project that possess the knowledge, skills, and ability to perform the tasks required in a Homeownership Development Project. If the Applicant will use a portion of a Homeownership Development Project Loan to provide Mortgage Assistance to qualified First-Time Homebuyers, the Applicant or its Administrative Subcontractor shall also have successfully administered a homebuyer program for a minimum of two years within the four years immediately preceding the application.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

Section 400.2 Eligible Costs

CalHome Program funds in support of a Homeownership Development Project shall be used only for the following costs:

- (a) Purchase of real property;
- (b) Building permits and state and local fees;
- (c) Predevelopment Costs directly related to eligible Homeownership Development Projects, including ADUs and JADUs;
- (d) Onsite Improvements related to eligible Homeownership Development Projects (within the boundaries of the subdivision or individual parcels for scattered site developments). Onsite Improvements do not include construction of housing units;
- (e) Construction Period Expenses, which do not include unit construction costs;
- (f) Escrow, title insurance, recording and other related costs;
- (g) Costs for items intended to assure the completion of construction, such as contractor bond premiums;
- (h) Environmental hazard reports, surveys, and investigations;
- (i) Payoff of bridge Loan financing for site acquisition which has a term of 36 months or less; and
- (j) Attorney fees directly associated with activities related to units funded by the CalHome Program.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#)

Section 400.3 Site Control

To be eligible to apply for a Homeownership Development Project Loan, the Applicant shall have site control of the proposed project property through the application Award date listed in the NOFA, as evidenced by one of the following:

- (a) Fee simple title;
- (b) An enforceable option to purchase, which shall extend, or may be extended, for a minimum of 120 days beyond the deadline for application submittal;
- (c) A disposition and development agreement with a public agency;

- (d) A sales contract, or other enforceable agreement for the acquisition of the property;
- (e) A leasehold interest, or an enforceable option to lease. The option to lease shall extend for a minimum of 120 days beyond the deadline for application submittal. The leasehold term must be for a minimum of 40 years. The leasehold must have provisions that enable the lessee(s) to make improvements on and encumber the property for a term sufficient to secure the CalHome Program lien; or
- (f) Other forms of site control that give the Department equivalent assurance that the project will be able to proceed without inordinate delay. For example, site control as evidenced, in the case of a Tribal Entity and a Homeownership Development Project located on land held in trust by the BIA or land subject to a restriction by the United States against alienation, by a title status report (TSR) issued by the BIA and other documentation as may be required demonstrating site control satisfactory to the Department. An uncertified title status report issued by the BIA will be acceptable to the Department while the Tribal Entity Applicant's application is pending provided a certified title status report, title opinion letter issued for the benefit of the Department or other documentation is provided before award disbursement.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#)

Section 400.4 Maximum Homeownership Development Project Loan Amount

The maximum Homeownership Development Project Loan amount shall be published in the current NOFA.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 400.5 Homeownership Development Project Loan Terms

- (a) All CalHome Homeownership Development Project Loans shall be secured by the project real property and improvements, subject only to liens, encumbrances and other matters of record which have been reviewed and approved by the Department on a case-by-case basis. For clarity, in the case of a Tribal Entity and a Homeownership Development Project located on land held in trust by the BIA or land subject to a restriction by the United States against alienation, a CalHome Homeownership Development Project Loan may be secured by (i) a Declaration of Restrictive Covenants, (ii) lien against the leasehold property interest, or (iii) other mechanism acceptable to the Department.

- (b) The Homeownership Development Project Loan term shall end no later than the date specified in the Standard Agreement.
- (c) Principal and interest payments shall be deferred for the term of the Homeownership Development Project Loan.
- (d) Homeownership Development Project Loans shall be repayable at permanent closings of the individual homebuyer CalHome Program Loans or at the Homeownership Development Project Loan maturity date, whichever occurs first. The portion of the Homeownership Development Project Loan that is used to provide Mortgage Assistance to qualified First-Time Homebuyers will be converted to a Grant to the Recipient and the provisions of §402 of these Guidelines, including the provisions of §402.2(d) regarding administrative costs, shall apply to that Grant. The balance of the Homeownership Development Project Loan will be repaid to the Department.
- (e) Homeownership Development Project Loans shall bear interest at the rate of 6 percent simple interest per annum. The Department may forgive accrued interest on a pro rata basis to the extent that the number of Lower-Income Households and disaster-affected Moderate-Income Households originally proposed to be served have been served upon completion of the project.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

Section 400.6 Homeownership Development Project Loan-to-Value Limits

Loan-to-Value limits include all liens recorded or to be recorded on the project property.

- (a) When Homeownership Development Project Loan funds are used for the purchase of unimproved real property, the Loan-to-Value Ratio shall not exceed 100 percent of the unimproved appraised value.
- (b) When Homeownership Development Project Loan funds are used for the purchase of improved real property, the Loan-to-Value Ratio shall not exceed 100 percent of the improved appraised value.
- (c) When Homeownership Development Project Loan funds are used for predevelopment or site improvement costs, the Loan-to-Value Ratio shall not exceed 100 percent of the appraised land value, plus predevelopment and/or site improvements costs.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 400.7 Homeownership Development Project Requirements

- (a) Prior to disbursement of Homeownership Development Project Loan proceeds:
 - (1) The Developer Borrower shall be the sole owner of the Homeownership Development Project site (when CalHome Program funds are being used for site acquisition, the Developer Borrower shall be the sole owner of the Homeownership Development Project site upon close of purchase escrow). In the case of a Tribal Entity that is a Developer Borrower and a Homeownership Development Project located on land held in trust by the Bureau of Indian Affairs or land subject to a restriction by the United States against alienation, the Tribal Entity Developer Borrower shall be either the legal beneficiary of said trust, or benefitted by said restriction against alienation, respectively.
 - (2) The Developer Borrower shall have a firm financing commitment(s) for all costs to complete the Homeownership Development Project.
 - (3) The Department shall have approved a final construction budget that ensures that the estimated sales price of the homes to be constructed:
 - (i) Does not exceed the limits established in the NOFA; and
 - (ii) Can reasonably be expected to be Affordable to eligible buyers; and
 - (4) The Developer Borrower shall have met all other Department conditions for disbursement as stated in the Standard Agreement required by §600(a).
- (b) A home assisted with a Homeownership Development Project Loan shall not be sold at a price that exceeds its appraised value.
- (c) Occupancy restrictions on all properties shall be imposed and enforced in a manner which does not violate state or federal fair housing laws.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 401 Self-Help Technical Assistance Project

Section 401.1 Eligible Applicant

In addition to meeting the requirements of §200 of these Guidelines, to be eligible to apply for CalHome Program assistance for a Self-Help Technical Assistance project, the Applicant shall meet the criteria set forth in the California Code of Regulations (CCR),

Title 25, Division 1, Chapter 7, Subchapter 6.5, Article 1, §7532 “Eligible Sponsors”, and have successfully completed a minimum of two Self-Help Construction projects within the four years immediately preceding the application.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#), [50650.4](#) and [50650.7, H.S.C.](#)

Section 401.2 Eligible Costs

CalHome Program funds in support of a Self-Help Technical Assistance project shall be used only for the following costs:

- (a) Costs for assistance, training, and supervision on Self-Help Construction activities and techniques.
- (b) Homebuyer Education, which will be reimbursed in the form of a Grant from the Department to the Recipient in an amount not to exceed the maximum published in the current NOFA.
- (c) Costs of assistance provided in project development which include, but are not limited to, the preparation of contracts for professional services, application for project funding, packaging Households’ applications for assistance, preparation of subdivision maps, review of engineering plans and specifications for construction and Rehabilitation projects, and compliance with appropriate requirements of funding agencies and local government.
- (d) Administrative costs of providing Technical Assistance for the project funded by the Department including, but not limited to, wages, salaries and fringe benefits of clerical and management personnel, and payment for rent, utilities, communications, printing, and travel expenses.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\), H.S.C.](#)

Section 401.3 Self-Help Technical Assistance Administrative Requirements

- (a) The Recipient shall develop and employ Self-Help Technical Assistance Program Guidelines submitted to and approved by the Department as addressing the following topics:
 - (1) Program Marketing
 - (2) Recruitment of homebuyers and selection criteria
 - (3) Income limits for participation and income determination procedures
 - (4) Criteria for homebuyer participation in the program including:

- (A) Residency requirements
 - (B) Credit requirements
 - (C) Process of providing reasonable accommodations to Persons With a Disability
- (5) List of activities to be performed by Self-Help participants
 - (6) Construction training plan
 - (7) Homeownership training plan
- (b) A home assisted with Self-Help Technical Assistance shall not be sold at a price that exceeds its appraised value.
 - (c) Prior to the disbursement of an advance, not to exceed 25 percent of the total Grant amount, the Recipient must submit a certification that the Recipient does not have available funds to initiate the project.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\), H.S.C.](#)

Section 402 Mortgage Assistance Program

Section 402.1 Eligible Applicant

In addition to the requirements of §200, to be eligible to apply for CalHome Program funding for a Mortgage Assistance program, the Applicant or its Administrative Subcontractor shall have successfully administered a homebuyer program for a minimum of two years within the four years immediately preceding the application.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.4, H.S.C.](#)

Section 402.2 Eligible Costs

CalHome Program funds in support of a Mortgage Assistance program shall be used only for the following costs:

- (a) Mortgage Assistance for permanent financing of:
 - (1) A dwelling unit, which may include an ADU or a JADU, ready for occupancy; or
 - (2) A unit, which may include an ADU or a JADU, acquired by a Loan such as a HUD FHA 203(k) Loan. This includes Mortgage Assistance for Self-Help Construction housing, except that CalHome Program permanent financing may be disbursed at time

of lot purchase where the Self-Help Construction housing is being financed under the USDA-RHS 502 program.

- (b) Homebuyer Education, which will be reimbursed in the form of a Grant from the Department to the Recipient in an amount not to exceed the maximum published in the current NOFA.
- (c) Non-recurring Loan closing costs.
- (d) Administrative costs for the Mortgage Assistance program funded by the Department including, but not limited to, wages, salaries, and fringe benefits of program, clerical, and management personnel, and payment for rent, utilities, communications, printing, and travel expenses. Administrative costs for any given year shall not exceed 10 percent of the total of CalHome Mortgage Assistance disbursements (advances or reimbursements) received that year plus any CalHome program income from a CalHome-funded Mortgage Assistance program deposited in the Reuse Account that year. Administrative costs must be justified for the type and complexity of the Activity, and the Recipient must maintain records to satisfactorily document these charges.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#)

Section 402.3 Administrative Requirements

The Recipient of CalHome Program funds to operate a local Mortgage Assistance program shall be responsible for the following activities:

- (a) Providing information and assistance to First-Time Homebuyers on obtaining the maximum amount of first Mortgage financing pursuant to the underwriting requirements in §402.4(a)(3)(A).
- (b) Reviewing CalHome Program required appraisals for property eligibility under value limits established pursuant to §402.4(b)(3). The appraised value shall not exceed these limits.
- (c) In the case of acquisition of existing housing, the Recipient shall be responsible for inspection of properties to be purchased or a review of Uniform Residential Appraisal Reports, including the valuation conditions, to ensure that they conform to the requirements of State Housing Law (California H.S.C., §17910 et seq.).
- (d) If the unit type is a Manufactured Home in a Mobilehome Park, ensuring that the Mobilehome Park has a valid Permit to Operate or conditional Permit to Operate.
- (e) Ensuring completion by each assisted Household of a Homebuyer

Education class that meets the requirements of §205; and

- (f) Originating, underwriting, packaging, and closing CalHome Program Loans in accordance with program requirements.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 402.4 Underwriting Requirements.

- (a) CalHome Program Recipients shall develop and employ Mortgage Assistance Program Underwriting Guidelines that have been submitted to and approved by the Department as addressing the following underwriting topics:
 - (1) Establish Front- and Back-End Ratios used to qualify the Borrower;
 - (2) What criteria will be used to determine the credit worthiness of the Borrower;
 - (3) Requirements for the first Mortgage:
 - (A) Borrower shall obtain the maximum first lien Mortgage Loan with a term and interest rate from a Mortgage Lender consistent with Affordable Housing Costs as defined in each program's Guidelines.
 - (4) Mortgage Loans shall not include provisions for negative amortization, principal increases, balloon payments, or deferred interest.
 - (5) Financing subordinate to the CalHome Program Loan:
 - (A) Fees and/or charges for subordinate financing shall be reasonable Loan origination fees for first Mortgage financing as determined by the Department to be consistent with industry standards.
 - (B) There must not be a balloon payment due before the maturity date of the CalHome Program Loan.
 - (C) All subordinate financing provided shall defer principal and interest payments for the term of the CalHome Program Loan.
- (b) Prior to close of escrow, the Recipient shall ensure that an appraisal has been obtained which meets the following requirements:

- (1) The appraisal shall be prepared by a state-licensed, residential property appraiser. In the case of land held in trust by the BIA or subject to a restriction by the United States against alienation, the appraisal shall take into consideration the unique circumstances surrounding said real property;
 - (2) The appraisal shall use the sales of comparable properties approach to determine value; and
 - (3) Maximum appraised home values at time of purchase or upon completion of acquisition/Rehabilitation work shall not exceed the appraised value limit established by the Department and published in the NOFA.
- (c) Cash out of escrow to Borrowers is limited to the amount deposited into escrow by the Borrowers and not needed for any lender-required minimum down payment.
 - (d) Recipients must obtain title insurance in the amount of the CalHome Program Loan at close of escrow.
 - (e) Fire insurance (and flood insurance where applicable) requirements are as follows:
 - (1) Recipient must require Borrowers to maintain insurance on the property in an amount at least equal to the replacement value of the improvements; and
 - (2) Recipient must be named as additional loss payee on the policy.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 403 Owner-Occupied Rehabilitation

Section 403.1 Eligible Applicant

In addition to the requirements of §200, to be eligible to apply for CalHome Program assistance for an Owner-Occupied Rehabilitation Program, the Applicant or its Administrative Subcontractor shall have successfully administered a local Owner-Occupied Rehabilitation Program for a minimum of two years within the four years immediately preceding the application.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.4](#) and [50650.7, H.S.C.](#)

Section 403.2 Eligible Costs

CalHome Program funds in support of an Owner-Occupied Rehabilitation program shall be used only for the following costs:

- (a) Cost of Rehabilitation of the property, as defined in Appendix A.
- (b) Cost of building permits and other related government fees.
- (c) Cost of an appraisal, and of architectural, engineering, and other consultant services that are directly related to the Rehabilitation of the property.
- (d) Non-recurring Loan closing costs.
- (e) Replacement cost of a Manufactured Home not on a permanent foundation up to the maximum amount published in the current NOFA in the case where it has been determined by the Recipient it is infeasible to rehabilitate the home.
- (f) Transport costs for purchase of Manufactured Homes.
- (g) Installation costs for Manufactured Homes.
- (h) Administrative costs for the Owner-Occupied Rehabilitation program funded by the Department including, but not limited to, wages, salaries and fringe benefits of program, clerical, and management personnel, and payment for rent, utilities, communications, printing, and travel expenses. Administrative costs for any given year shall not exceed 20 percent of the total of CalHome Owner-Occupied Rehabilitation disbursements (advances or reimbursements) received that year plus any CalHome program income from a CalHome funded Owner-Occupied Rehabilitation program deposited in the Reuse Account that year. Administrative costs must be justified for the type and complexity of the Activity, and the Recipient must maintain records to satisfactorily document these charges.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 403.3 Administrative Requirements

The Recipient of CalHome Program funds for the operation of a local Owner-Occupied Rehabilitation Program shall be responsible for the following activities:

- (a) Reviewing CalHome Program required After-Rehabilitation appraisals for property eligibility under value limits established in the current published NOFA;

- (b) Originating, underwriting, packaging, and closing CalHome Program Loans in accordance with program requirements; and
- (c) Completion of Rehabilitation construction requirements pursuant to the Owner- Occupied Rehabilitation Program Guidelines required by §403.4 (a).

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

Section 403.4 Owner-Occupied Underwriting and Construction Requirements

- (a) CalHome Program Recipients shall develop and employ Owner-Occupied Rehabilitation Program Guidelines submitted to and approved by the Department as addressing the following topics:
 - (1) Owner-Occupied Rehabilitation underwriting guidelines, including Borrower credit requirements; and
 - (2) Rehabilitation construction requirements.
- (b) Prior to commencement of Rehabilitation work, an appraisal shall be obtained with the following requirements:
 - (1) The appraisal may be prepared by Recipient's staff using the sales of comparable properties approach to determine value. If comparable sales are not available, the appraisal shall be prepared by a state- licensed residential property appraiser. In the case of land held in trust by the BIA or subject to a restriction by the United States against alienation, the appraisal shall take into consideration the unique circumstances surrounding said real property;
 - (2) The appraisal shall take into consideration the estimated value of the Rehabilitation work to be completed on the property and shall include the pre-rehabilitated value and the After-Rehabilitation Value; and
 - (3) An appraisal is not required in the case of Rehabilitation work on a Manufactured Home that is not on a permanent foundation; an appraisal is required in the case of Rehabilitation work on a Manufactured Home that is on a permanent foundation.
- (c) Any cash out of escrow to Borrowers is prohibited.
- (d) Recipients must obtain title insurance in the amount of the CalHome Program Loan at close of escrow.

- (e) Fire insurance (and flood insurance where applicable) requirements are as follows:
- (1) Recipient must require Borrowers to maintain insurance on the property in an amount at least equal to the replacement value of the improvements; and
 - (2) Recipient must be named as additional loss payee on the policy.
 - (3) The Department may, at its sole discretion, waive these requirements for loan recipients who also receive funds from the ReCover California Owner-Occupied Rehabilitation and Reconstruction Program (www.hcd.ca.gov/recoverca) and who are in compliance with that program's insurance requirements.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 404 Shared Housing Programs

Section 404.1 Eligible Applicant

In addition to the requirements of §200, to be eligible to apply for CalHome Program assistance for a Shared Housing program, the Applicant or its Administrative Subcontractor shall have successfully administered a Shared Housing program for renters or homeowners for a minimum of two years immediately preceding the application.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#), Reference: [50650.3\(b\)](#), [50650.4](#) and [50650.7, H.S.C.](#)

Section 404.2 Eligible Costs

CalHome Program Shared Housing Technical Assistance funds shall be used only for the following costs:

- (a) Indirect costs of administering a Shared Housing Local Program, including the costs of providing information and referrals; outreach/marketing costs; program evaluation; and CalHome Program reporting requirements; and/or
- (b) Costs of direct services, including Shared Housing Matching, documentation of match efforts, and match follow-up services.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#), Reference: [50650.3\(b\), H.S.C.](#)

Section 404.3 Administration Requirements.

- (a) A Shared Housing Technical Assistance Local Program shall, at a minimum, include the following features:
- (1) Information regarding services available and procedures and program requirements, which shall be provided to all individuals requesting assistance;
 - (2) Outreach and marketing activities shall be conducted to reach both potential Homeowner Providers and potential Seekers and provide information about the availability, purpose, and requirements of Shared Housing Match services;
 - (3) Program evaluations shall be obtained from clients (Homeowner Providers and Seekers) by the Shared Housing Technical Services provider to be used as a basis for assessment and improvement of services provided to clients;
 - (4) All services required to effect a Shared Housing Match between a Low- Income qualified Homeowner Provider and a Seeker, which must include, at minimum, intake forms/applications, face-to-face interviews between Homeowner Providers/Seekers and Shared Housing agency staff, reference checks, and income determinations to determine Homeowner Provider eligibility;
 - (5) Documentation of a minimum 10 percent reduction in Housing Costs (or increased income) for Homeowner Providers, except in instances where a Homeowner Provider is age 60 or over or is a Person With a Disability and the Seeker (renter) will be providing services to the Homeowner Provider. In cases that do not meet this requirement, the Recipient shall provide written justification; and
 - (6) Match follow-up services to determine Match satisfaction and to help clients maintain a successful Shared Housing Match.
- (b) A Seeker may not be matched to a Homeowner Provider who rents out more than two rooms in their home.
- (c) The aggregate annual CalHome Program reimbursement cannot exceed 50 percent of the Locality's or Nonprofit Corporation's annual budget for their Shared Housing Match Local Program.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3\(b\)](#) and [50650.7, H.S.C.](#)

Section 405 ADU/JADU Programs

Section 405.1 Eligible Applicant

In addition to the requirements of §200, to be eligible to apply for CalHome Program assistance for an ADU/JADU Program, the Applicant or its Administrative Subcontractor shall have successfully administered a local Owner-Occupied Rehabilitation Program, new construction development involving multiple Homeownership units (including single-family subdivisions), or an ADU/JADU Program for a minimum of two years within the four years immediately preceding the application.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3](#), [50650.4](#) and [50650.7, H.S.C.](#)

Section 405.2 Eligible Costs

CalHome Program funds in support of an ADU/JADU Program shall be used only for the following costs:

- (a) Cost of construction, reconstruction, repair, conversion, or rehabilitation.
- (b) Cost of structural modifications to the existing home necessary to accommodate an ADU or a JADU.
- (c) Cost of building permits and other related government fees, including all fees necessary to build and occupy an ADU or a JADU.
- (d) Cost of an appraisal, and of architectural, engineering, and other consultant services that are directly related to the construction.
- (e) Non-recurring Loan closing costs.
- (f) Administrative costs for the ADU/JADU program funded by the Department including, but not limited to, wages, salaries and fringe benefits of program, clerical, and management personnel, and payment for rent, utilities, communications, printing, and travel expenses. Administrative costs for any given year shall not exceed 20 percent of the total of CalHome ADU/JADU disbursements (advances or reimbursements) received that year plus any CalHome program income from a CalHome-funded ADU/JADU program deposited in the Reuse Account that year. Administrative costs must be justified for the type and complexity of the Activity, in the sole and exclusive discretion of the Department, and the Recipient must maintain records which satisfactorily document these charges.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3](#), and [50650.7, H.S.C.](#)

Section 405.3 ADU/JADU Programs Administration Requirements.

The Recipient of CalHome Program funds for the operation of a local ADU/JADU Program shall be responsible for the following activities:

- (a) Originating, underwriting, packaging, and closing CalHome Program Loans in accordance with program requirements; and
- (b) Completion of construction requirements pursuant to the ADU/JADU Program Guidelines required by §405.4(a).

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

Section 405.4 ADU/JADU Programs Underwriting and Construction Requirements

- (a) Recipients shall develop and employ ADU/JADU Program Guidelines submitted to and approved by the Department as addressing the following topics:
 - (1) ADU and/or JADU underwriting guidelines, including Borrower credit requirements;
 - (2) ADU and/or JADU construction requirements; and
 - (3) ADU and/or JADU site standards required by local jurisdictions.
- (b) Recipients must obtain title insurance in the amount of the CalHome Program Loan at close of escrow.
- (c) Fire insurance (and flood insurance where applicable) requirements are as follows:
 - (1) Recipient must require Borrowers to maintain insurance on the property in an amount at least equal to the replacement value of the improvements; and
 - (2) Recipient must be named as additional loss payee on the policy.
 - (3) The Department may, at its sole discretion, waive these requirements for loan recipients who also receive funds from the ReCover California Owner-Occupied Rehabilitation and Reconstruction Program (www.hcd.ca.gov/recoverca) and who are in compliance with that program's insurance requirements.
- (d) Recipients shall set a minimum tenancy of 30 days and shall not use this program for short-term rentals.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: [50650.3, 50650.3\(b\), H.S.C.](#) and [50650.7, H.S.C.](#)

ARTICLE V. APPLICATION PROCEDURES

Section 500. Application Process

- (a) The Department shall periodically issue a NOFA that specifies, among other things, the amount of funds available, the minimum/maximum application amount, the minimum/maximum activity amount, minimum/maximum amount per Assisted Unit, the Maximum Sales Price/Value Limit, minimum number of units per Homeownership Development Project, application requirements, the activities eligible for funding, the number of activities that may be applied for in one application, the allocation of rating points, the deadline for submittal of applications, and the schedule for rating and ranking applications and awarding funds.
- (b) In order to implement goals and purposes of the CalHome Program, the Department may adopt measures to direct funding Awards to designated Local Program types or project types including, but not limited to Local Programs or projects that: are utilizing self-help labor; are utilizing Volunteer Labor; involve a Construction Skills Training Program; contribute toward Community Revitalization; are located in Rural Areas or other areas to achieve a reasonable geographic distribution of funding, to the extent feasible; or are located in a geographic area subject to a presidential declaration of disaster or emergency, or a “state of emergency”, or a “local emergency”, as those terms are defined in GC §8558. Such measures may include, but are not limited to:
 - (1) Issuing a separate NOFA for designated Local Program or project types;
 - (2) Awarding bonus points to designated Local Program or project types within a particular NOFA;
 - (3) Reserving a portion of funds in the NOFA for designated Local Program or project types; and/or
 - (4) Notwithstanding anything in these Guidelines to the contrary, a separate NOFA issued pursuant to this subsection may establish an over-the-counter application process, meaning the Department continuously accepts and rates applications until the funding available under the NOFA is exhausted. At a minimum, a separate NOFA shall include a description of the application process and funding conditions, shall require compliance with paragraph (a) of this Section, and shall establish minimum funding threshold criteria consistent with these Guidelines.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: 50650.2, H.S.C. and [50650.3, H.S.C.](#)

Section 501. Application Requirements

Application shall be made in a format provided by the Department. The Department shall request the following information:

- (a) Applicant identification information including: name, address, telephone number, contact person and, for Nonprofit Corporations, corporate governing documents and financial information (e.g., articles and by laws, certificate of good standing from the California Secretary of State, confirmation of 501(c)(3) status, audited financial statements), and list of legislative representatives for the area where the program or project will be undertaken.
- (b) Authorizing resolutions of the Applicant's governing board shall be provided, and must be approved by the Department, prior to issuance of a Standard Agreement. Authorizing resolutions do not need to be provided as part of the application.
- (c) Documentation evidencing that the Applicant: has the authority to undertake the activities applied for; that it meets the eligibility requirements; that it does not have any unresolved Department audit findings nor pending lawsuits; that if the application is for a construction project, Construction Work has not yet begun; and that it agrees to comply with all program requirements.
- (d) Project or program description including amount applied for, number of units or Households to be assisted, income levels of Households to be assisted, description of prior experience with the type of program or project applied for, geographic location of the activities, financing sources and uses, and description of any contributed labor.
- (e) For Homeownership Development Projects, the description of the project also shall include: a description of how the Applicant has site control; to the extent applicable, the status of all local government approvals; availability of on and off site improvements and utilities; soil condition and environmental conditions; project costs; unit description in terms of size, number of bedrooms; per unit construction cost; estimated sales price and sources of financing; estimated monthly Housing Costs of purchasers; and description of the Homebuyer Education program.
- (f) A description of how the Applicant will comply with the requirements for Local Program/project administration set forth in §204 applicable to the program or project being applied for.
- (g) For Homeownership Development Projects, a market analysis that summarizes the local area market data that demonstrates the need for the development of additional affordable housing matching the proposed project. Include details of the

targeted households and their willingness and ability to pay the proposed housing costs. Data cited in the market study should be current (within the past three years).

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) Reference: and [50650.7, H.S.C.](#)

Section 502. Selection Process

- (a) For applications that pass threshold reviews, those applications will be rated and ranked according to the rating criteria set forth in the NOFA and application.
- (b) For those eligible applications received in an over-the-counter NOFA process, individual Projects will be evaluated for funding on a first-come, first-served basis as set out in NOFA.
- (c) Tiebreaker criteria and methodology will be specified in the NOFA.
- (d) Applications shall be evaluated on the criteria identified in the NOFA.
- (e) Once an Activity is awarded Department funds, the Recipient's acceptance of these Department funds is acknowledging the Activity as submitted and approved by the Department is the activity that is to be funded. Any modification of the Activity, without written approval from the Department, would deem that Award null and void, as the awarded Project is no longer feasible as originally submitted and approved and because the awarded funds are unable to be assumed or assigned.

Section 503. Appeals Process

- (a) If the Applicant is subject to negative points assessment, HCD shall notify the Applicant in writing within the point score letter and will provide an opportunity to appeal negative points assessment, or any disagreed points assessment, pursuant to the appeals process as set forth in the NOFA. Disqualifying threshold determinations shall also follow a similar process, which shall be set forth in greater detail in the NOFA. For reference, all such appeals must be received by HCD no later than five (5) business days from the date of HCD's threshold review, or initial score letters, as applicable, representing HCD's decision made in response to the application. Any request to appeal HCD's decision regarding an application shall be reviewed for compliance with the Guidelines and the NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of HCD.

Article VI. Program Operations

Section 600. Legal Documents

- (a) Upon the Award of funds, the Department shall enter into a Standard Agreement with the Recipient constituting a conditional commitment of funds. This contract shall require the parties to comply with the requirements and provisions of these Guidelines. The Standard Agreement shall encumber state monies in an amount sufficient to fund the approved Local Program or project, subject to limits established in the NOFA and consistent with the application. The Standard Agreement shall contain, but not be limited to, the following as appropriate for the activity.
- (1) A description of the approved Local Program or project and the permitted uses of CalHome Program funds.
 - (2) Provisions governing the amount, terms, and conditions of the Department's development Loan or Grant to Recipient.
 - (3) For Homeownership Development Projects, provisions governing the Construction Work and, as applicable, the acquisition of the project site, and the disbursement of Loan proceeds.
 - (4) For Self-Help Technical Assistance projects, a budget, and a timetable for completion of the project.
 - (5) Requirements for the execution, and where appropriate, the recordation of the agreements and documents required under the CalHome Program.
 - (6) For a Local Program or project, the Recipient's responsibilities for operation of the Local Program or completion of the project, including, but not limited to, number of units to be assisted, marketing, CalHome Program Loan processing and funding, construction monitoring and disbursement, report submissions, file documentation.
 - (7) For a Homeownership Development Project, the Recipient's responsibilities for the development of the project, including, but not limited to, number of units to be assisted, marketing, processing of individual homebuyer CalHome Program Loans, expiration date, report submissions, file documentation.
 - (8) Manner, timing, and conditions for disbursement of CalHome Program or Project funds to Recipients.
 - (9) Provisions relating to the placement on or in the vicinity of the

Homeownership Development Project site, a sign indicating that the Department has provided financing for the Project. The Department may also arrange for publicity of the Department CalHome Program Homeownership Development Loan in its sole discretion.

- (10) Remedies available to the Department in the event of a violation, breach, or default of the Standard Agreement.
 - (11) Requirements that the Recipient permit the Department or its designated agents and employees the right to inspect the Project or Local Program and all books, records and documents maintained by the Recipient in connection with the Local Program or Self-Help Technical Assistance Project Grant or Homeownership Development Project Loan or Local Program individual CalHome Program Loans.
 - (12) Special conditions imposed on a case-by-case basis as part of Department approval of the Local Program or Project.
 - (13) Terms and conditions required by federal or state law.
 - (14) Other provisions necessary to ensure compliance with the requirements of the CalHome Program.
- (b) Prior to the disbursement of funds, the Department shall enter into a 20-year Monitoring Agreement with the Recipient requiring the parties to comply with the requirements and provisions of §207 regarding a Reuse Account established pursuant to the CalHome Program legislation. The Monitoring Agreement shall contain, but not be limited to, the following:
- (1) Requirements regarding the establishment of a Reuse Account for the deposit of CalHome Program Loan repayments, including interest and principal, and the requirements for disbursement of funds from the Reuse Account.
 - (2) The plan for servicing of the CalHome Program Loans as prepared by the Recipient and reviewed and approved by the Department.
 - (3) The plan for the reuse of CalHome Program funds.
 - (4) Requirements for submittal of an annual report.
 - (5) Remedies available to the Department in the event of a violation, breach, or default of the Monitoring Agreement.
 - (6) Requirements that the Recipient permit the Department or its designated agents and employees the right to inspect the Local

Program or Project and all books, records and documents maintained by the Recipient in connection with the Reuse Account and long-term Loan servicing.

- (7) Other provisions necessary to ensure compliance with the requirements of the CalHome Program.
- (c) All homeowner/homebuyer CalHome Program Loans originated by a Recipient shall be evidenced by the following documents and provisions:
- (1) A promissory note evidencing the CalHome Program Loan, payable to the Recipient in the principal amount of the CalHome Program Loan and stating the terms and rate of interest of the CalHome Program Loan consistent with the requirements of the CalHome Program. The Recipient is prohibited from assigning their beneficial interest under the note. The note shall be secured by a deed of trust, or other appropriate security instrument acceptable to the Department, on the homeowner/ homebuyer property naming the Recipient as beneficiary. This deed of trust or other appropriate security instrument shall be recorded and shall secure the Recipient's financial interest in the Project.
 - (2) In the case of homeowner Rehabilitation CalHome Program Loans, a Loan agreement between the homeowner and the Recipient governing the Rehabilitation and the CalHome Program Loan terms. The terms of any other financing provided by the Recipient should also be included.
- (d) Homeownership Development Project Loan legal documents shall include, but not be limited to:
- (1) A promissory note evidencing the Loan, payable to the Department in the principal amount of the Loan and stating the terms of the Loan consistent with the requirements of the CalHome Program. The note shall be secured by a deed of trust on the Project property naming the Department as beneficiary. This deed of trust shall be recorded junior only to such liens, encumbrances and other matters of record approved by the Department and shall secure the Department's financial interest in the Project and the performance of the Developer Borrower's program obligations. In the case of a Tribal Entity and a Project located on land held in trust by the BIA or land subject to a restriction by the United States against alienation, the note may be secured by the following wherein the Department shall be named as a beneficiary in each security instrument (i) a Declaration of Restrictive Covenants, (ii) lien against the leasehold property interest, or (iii) other mechanism acceptable to the Department.

- (2) A development agreement between the Department and the Developer Borrower, for not less than the term of the Homeownership Development Project Loan, which sets forth the obligations of the parties regarding standards and conditions which control development of the subject property.
- (e) Self-Help Technical Assistance Grant legal documents shall include, but not be limited to, an agreement between the Recipient and Self-Help participants which clearly sets forth what is expected of each party, and which clearly shows what work is expected of the participating Household.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#), [50650.3\(b\)](#), [50650.4](#) and [50650.7, H.S.C.](#)

Section 601. Disbursement of Loan and Grant Funds

- a) CalHome Program funds shall be disbursed on an advance basis or a reimbursement basis. Advances may include, but are not limited to:
- (1) Homeownership Development Project Loan disbursements;
 - (2) Advances of up to 25 percent of the Award for Self-Help and Shared Housing Technical Assistance.
 - (3) Advances of up to 25 percent of the Award for Owner-Occupied Rehabilitation Programs or ADU/JADU Programs up to the amount of the Recipient's anticipated volume of closed Loans for the following 60 days; or
 - (4) Advances of up to 25 percent of the Award for escrow for Mortgage Assistance Loans.
- b) Details of the process for disbursements are as follows:
- (1) CalHome Program funds shall not be obligated to a Recipient prior to the date a Standard Agreement is executed by both the Recipient and the Department. CalHome Program funds may be released only after the Standard Agreement is fully executed and the Department has reviewed and approved the following Recipient submissions:
 - A. Loan servicing plan.
 - B. Recipient's applicable Program Guidelines.
 - C. Loan document templates.

- D. Reuse Agreement with verification of established Reuse Account.
- E. Fully executed 20-year Monitoring Agreement, and;
- F. If Recipient contracts with a third party for any item(s) listed under §601(b)(1), then Recipient shall also submit the legally binding agreement with such third party, together with any and all exhibits, addenda, and amendments thereto, to the Department for review and approval.

2. CalHome Program funds may be requested as either a reimbursement or as an advance. All Recipients shall reconcile advances within ninety (90) days of receipt of funds from HCD. Documentation showing at least two-thirds of the funds previously released for program activities were expended shall be submitted to the Department before another advance request will be processed. Recipients shall also be up to date on all submissions of quarterly performance reports before another advance request will be processed.

c) Advances that are not used within 180 days of the receipt of funds shall be returned to the Department.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#), Reference: [50650.3\(b\), H.S.C.](#), [50650.4](#) and [50650.7, H.S.C.](#)

Section 602. Reporting Requirements

- (a) During the term of the Standard Agreement, and no later than 30 days after the end of each calendar quarter, the Recipient shall submit to the Department a performance report which shall address the following topics;
 - (1) Description of current status of program activity, including number of units assisted,
 - (2) Description of activities to be undertaken in the next reporting period,
 - (3) Description of problems or delays encountered in program implementation, and course of action taken to address them,
 - (4) Description of actions taken to meet program expenditure deadlines,
 - (5) Summary of program fiscal status, including:

- (A) Award amount
 - (B) Funds drawn
 - (C) Remaining balance
- (b) During the term of the Standard Agreement and Monitoring Agreement, no later than 30 days after June 30 of each year, the Recipient shall submit to the Department an annual performance report which shall address the following topics:
- (1) Number of units assisted with CalHome Program Loans by program activity type,
 - (2) Amount of CalHome Program funds spent on CalHome Program Eligible Activities by category,
 - (3) Summary of fiscal status for the reporting period, including
 - (A) Award amount,
 - (B) Funds drawn as of June 30, and
 - (C) Remaining balance.
- (c) At any time during the term of the Standard Agreement or the Monitoring Agreement, the Department may perform or cause to be performed an independent financial audit of any and all phases of the Recipient's Local Program, Self-Help Technical Assistance Project or Homeownership Development Project. At the Department's request, the Recipient shall provide, at its own expense, a financial audit prepared by a certified public accountant.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#), H.S.C., [50650.7, H.S.C.](#), and [50650.7, H.S.C.](#)

Section 603. Performance Goals

- (a) For all Local Program activities:
 - (1) 100 percent of funds shall be expended within 36 months of the date the Standard Agreement is executed by the Department. If this goal is not met:
 - (A) The remaining unused funds may be disencumbered by the Department; and

- (B) If less than 95 percent of the funds are expended at the end of the 36th month, the Recipient's next application for funding under the CalHome Program may receive a penalty deduction in the total points awarded pursuant to the current NOFA.
- (b) For Homeownership Development Projects:
 - (1) The Recipient shall draw down CalHome Program funds or begin onsite construction within 22 months from the date the Standard Agreement is executed by the Department. If this goal is not met, the Department may disencumber all funds and cancel the Department commitment to the Project; and
 - (2) Unit construction must be completed and CalHome Program Mortgage Assistance Loans closed within 60 months from the date the Standard Agreement is executed by the Department. If the projected number of Assisted Units has not been achieved by the end of the 60th month, the Recipient's next application for funding under the CalHome Program may receive a penalty deduction in the total points awarded pursuant to the current NOFA.
- (c) For Self-Help Technical Assistance Grants:
 - (1) The Recipient shall begin onsite construction within 12 months from the date of the Award of funds by the Department. If this goal is not met, the Department may disencumber all funds and cancel the Department commitment to the Project; and
 - (2) Unit construction shall be completed within 36 months of the date the Standard Agreement is executed by the Department. If this goal is not met, then:
 - (A) The remaining unused funds may be disencumbered by the Department; and
 - (B) If the projected number of Assisted Units has not been completed by the end of the 36th month, the Recipient's next application for funding under the CalHome Program may receive a penalty deduction in the total points awarded pursuant to the current NOFA.
- (d) The Department may exercise its reasonable discretion to disencumber funds discussed under this provision or to grant an extension of time; provided however that any extensions are in all events subject to any and all applicable encumbrances, deadlines, and limitations, including but not limited to H.S.C. 54006(g).

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) and [50650.7, H.S.C.](#)

Section 604. Defaults and Loan Cancellations

- (a) Funding commitments may be canceled by the Department under any of the following conditions:
 - (1) The objectives and requirements of the CalHome Program cannot be met;
 - (2) Implementation of the Local Program or Project cannot proceed in a timely fashion in accordance with the timeframes established in the Standard Agreement; or
 - (3) Funding conditions have not been fulfilled within required time periods.

- (b) In the event of a breach or violation by the Recipient of any of the provisions of the Standard Agreement, the development agreement, the Homeownership Development Project Loan promissory note, or the Homeownership Development Project Loan deed of trust or other security interest, or any other agreement pertaining to the Homeownership Development Project, the Department may give written notice to the Sponsor to cure the breach or violation within a period of not less than 15 days. If the breach or violation is not cured to the satisfaction of the Department within the specified time period, the Department, at its option, may declare a default under the relevant document and may seek legal remedies for the default, including the following:
 - (1) The Department may accelerate all amounts, including outstanding principal and interest, due under the Loan and demand immediate repayment thereof. Upon a failure to repay such accelerated amount in full, the Department may proceed with a foreclosure in accordance with the provisions of the deed of trust and state law regarding foreclosures. In the case of a Tribal Entity and a Project located on land held in trust by the BIA or land subject to a restriction by the United States against alienation, the Department may exercise its beneficiary rights under the security instrument described under §600(d)(1).
 - (2) The Department may seek, in a court of competent jurisdiction, an order for specific performance of the defaulted obligation or the appointment of a receiver to complete the Project in accordance with CalHome Program requirements; and
 - (3) The Department may seek such other remedies as may be available under the relevant agreement or any law.

- (c) Upon receipt of a notice of intent to cancel the commitment from the Department, the Recipient shall have the right to appeal to the Director.

NOTE: Authority cited: [§50406\(n\)](#) and [50650.2, H.S.C.](#) and [50650.3\(b\)](#), and [50650.7, H.S.C.](#)

APPENDIX A- DEFINITIONS

This appendix includes combined definitions for both Homeownership Super NOFA Guidelines and replaces former Guidelines definitions. Definitions specific to a particular set of program Guidelines are identified by the color coding noted below:

General across both Programs - Black

Serna specific Guidelines Definitions - Green

CalHome specific Guidelines definitions - Blue

AB 434- Assembly Bill No. 434, Chapter 192, Statutes of 2020.

Accessory Dwelling Unit (ADU)- Shall have the same meaning as defined by [paragraph \(4\) of subdivision \(j\)\(1\) of Government Code \(GC\) §65852.2](#).

Activity- An eligible use of Program funds that can be either a Project or a Local Program.

Administrative Subcontractor- Any entity or individual which contracts with the Program Recipient to provide any portion of administrative services to the Local Program Activity. Individuals or groups that are acting in the capacity of developer or owner of a Project shall not act as Administrative Subcontractor for the Activity.

ADU/JADU Program- Funds are provided to a Locality or Nonprofit Corporation to administer a Program to fund the construction, reconstruction, repair, or Rehabilitation of ADUs or Junior Accessory Dwelling Units (JADUs). The Eligible Household is allowed, if assisted through a CalHome Program ADU/JADU Program, to rent or lease an ADU or a JADU unit.

Affordable- As it relates to housing costs, this means that the housing obligation can be paid by the person or Household, along with all other financial responsibilities, without endangering the financial stability of the Household.

After-Rehabilitation Value- The appraised value of the property including completed Rehabilitation work.

Agricultural Employment- Employed in the cultivation and tillage of the soil; the production, cultivation, growing and harvesting of any agricultural or horticultural commodities; the raising of livestock, bees, furbearing animals, or poultry; dairying, forestry, and lumbering operations; and any work on a farm as incident to or in conjunction with such farming operations, including the delivery and preparation of commodities for market or storage. Agricultural Employment also includes work done by any person who works on or off the farm in the processing of any agricultural commodity until it is shipped for distribution, whether or not such person is encompassed within the definition specified in [subdivision \(b\) of §1140.4 of the Labor Code](#).

Agricultural Household- An Agricultural Worker or workers and other persons who reside or will reside with an Agricultural Worker in an Assisted Unit.

Agricultural Worker- An individual who derives, or prior to retirement or disability derived, a substantial portion of his/her income from Agricultural Employment.

Annual Income- All income as defined in [24 Code of Federal Regulations \(CFR\), Part 5, §5.609](#) (see Income Calculation and Determination Guide for Federal Programs, Chapter 1, Chapter 2, and Chapter 3). ADU or JADU related income will be exempt from the Annual Income calculation.

Applicant- The Local Public Entity(ies) and/or Nonprofit(s) applying to the Department for the Program funding. Such Local Public Entity(ies) and/or Nonprofit(s) may also be the Sponsor, defined in these Guidelines. Upon receiving an Award of funds, the Applicant or co-Applicants will, both individually and collectively, be referred to as the “Recipient” in the Department’s legal documents relative to an Award of a Grant, or as “Sponsor” in the Department’s legal documents relative to an Award of a Loan. For the purpose of designated Program Guidelines, an Applicant or co-Applicant that only receives an Award of Grant funding will, both individually and collectively, be referred to as the “Recipient.”

Assisted Housing Unit (Unit)- A housing Unit that is subject to Program occupancy restrictions as a result of financial assistance provided under the Program. [Assisted Units shall also include Units occupied by a Seeker successfully matched to a Homeowner Provider under a Shared Housing Local Program or a Household provided with Self-Help Technical Assistance in a Project funded pursuant to this subchapter.](#)

Award- A commitment of money in the form of a Program Grant or a Loan that is made by the Department to an Applicant.

Back-End Ratio- The ratio between monthly Household income and monthly Housing Costs plus all payments on long-term installment debt.

Borrower- A homebuyer(s) or existing homeowner(s) who has or will receive a Program Loan made from the Department funded Local Program. This person(s) will sign the promissory note and is or will be the homeowner of the property being financed.

Community Revitalization- A Program or Project will be considered to contribute towards Community Revitalization if all Units to be assisted with Program funds are, or will be, located within a federal Promise Zone or a Choice Neighborhood Initiative Area or an Opportunity Zone.

Construction Skills Training Program- An existing program that trains youth 16 to 24 years old in construction skills.

Construction Period Expenses- Carrying costs during construction, including insurance, construction financing fees and interest, taxes, and any other expenses necessary to hold the property while the eligible Homeownership Development Project, including ADUs and JADUs, is under construction. Construction Period Expenses do not include unit construction costs.

Construction Work - means grading; site preparation (with the exception of demolition or clearing of property); and/or site improvements intended for public dedication.

Department or HCD- The California Department of Housing and Community Development.

Developer- locality or Nonprofit Corporation that owns the Project land, obtains the Project financing, and develops the Homeownership Development Project.

Developer Borrower- Developer who receives a Program Loan for the development of a Project involving Homeownership Units.

Elderly- The same as defined in [H.S.C., §50067](#).

Eligible Household- A Lower or Very Low-Income Household at or below Moderate-Income Household that is a victim of a disaster as defined in [H.S.C., §50650.3](#) that is:

- (a) A First-Time Homebuyer;
- (b) An existing owner-occupant of property in need of Rehabilitation, including construction, repair, reconstruction, or rehabilitation of an ADU or a JADU;
- (c) [A homeowner participant in a Shared Housing Local Program; or](#)
- (d) A First-Time Homebuyer participant in a Self-Help Construction Project.

The Eligible Household shall occupy, or intend to occupy, the property as their principal residence and shall not lease or rent the property ([except in the case of a Homeowner Provider assisted through a CalHome Shared Housing Program in renting a room in their home to a Seeker, or in the case of an owner-occupant assisted through a CalHome Program ADU/JADU Program in renting an ADU or a JADU Unit](#)).

First-Time Homebuyer- A Borrower(s) who has not owned a home during the three-year period before the purchase of a home with Program assistance, except that the following individual or individuals may not be excluded from consideration as a First-Time Homebuyer under this definition:

- (a) A displaced homemaker who, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse. A displaced homemaker is an adult who has not within the preceding two years worked on a fulltime basis as a member of the labor force for a consecutive 12-month period and who has been unemployed or underemployed, experienced difficulty in obtaining or upgrading employment, and worked primarily without remuneration to care for his or her home and family;
- (b) A single parent who, while married, owned a home with his or her spouse or resided in a home owned by the spouse. A single parent is an individual who is unmarried or legally separated from a spouse and has one or more minor children for whom the individual has custody or joint custody, or is pregnant; or
- (c) An individual or individuals who owns or owned, as a principal residence during the

three-year period before the purchase of a home with Program assistance, a dwelling Unit whose structure is:

- (1) Not permanently affixed to a permanent foundation in accordance with local or state regulations; or
- (2) Not in compliance with state, local, or model building codes and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure.

Foundation System An assembly of materials designed and engineered by an architect or engineer to resist the imposition of external forces once a Manufactured Home or Mobilehome is installed upon it. This includes a design to withstand vertical and lateral forces due to dead load, roof and floor live loads, wind, and seismic loads in accordance with the California Residential Code.

Front-End Ratio- The ratio between monthly Household income and monthly Housing Costs, including first Mortgage, principal, interest, taxes, and insurance.

Grant- An Award of funds made from the Department to eligible Localities or Nonprofit Corporations to operate Local Programs or to provide Self-Help Technical Assistance to a Project. In the case of a Homeownership Development Project Loan, the portion of that Loan which is used to provide Mortgage Assistance to qualified First-Time Homebuyers is converted to a Grant.

Grant Agreement- The written agreement between the Department and the developer of an ownership Housing Project ensuring compliance with construction, financial and Program obligations.

Homebuyer Education- A specific course of instruction to educate First-Time Homebuyers regarding various aspects of purchasing and maintaining a home.

Homeownership-

- (a) For Mortgage Assistance: fee simple title on real property or a leasehold interest on real property that enables the lessee to make improvements on and encumber the property and has a term sufficient to secure the Program Loan or ownership of a Manufactured Housing Unit located on a rented space in a Mobilehome Park.
- (b) Owner-Occupied Rehabilitation: fee simple title on real property; or a leasehold interest that enables the lessee to make improvements on and encumber the property and has a term sufficient to secure the Program Loan; or ownership of a Manufactured Housing Unit located on a rented space in a Mobilehome Park.
- (c) A share interest in a limited equity housing cooperative.
- (d) [An interest in a Mutual Housing Project.](#)

Homeownership Development Project- New construction, rehabilitation, or adaptive reuse on a site, including single-family subdivisions, multifamily Homeownership Projects such as

condominium developments, or scattered sites, that is under common ownership, development financing and construction.

Homeownership Development Project Loan (“Project Loan”)- Development loan to the Recipient to be used for purchase of real property, Onsite Improvements, predevelopment costs, and Construction Period Expenses. Onsite Improvements do not include construction of housing units. Construction Period Expenses do not include unit construction costs. A portion of the Project Loan may be used to provide Mortgage Assistance to qualified First-Time Homebuyers once the homes are built; that portion of the Project Loan is converted to a Grant. Any remaining Project Loan amount not used for Mortgage Assistance is repayable to the Department.

Homeowner Provider- A Low-Income person(s) currently residing in a home they own and occupy as a principal place of residence who desires to find a tenant to share their residence.

Household- One or more persons occupying the same housing Unit.

Housing Cost- Pursuant to [Title 25, California Administrative Code, §6920](#), the Housing Cost of a person or family purchasing a housing Unit shall include all of the following associated with that housing Unit:

- (a) Principal and interest on a Mortgage Loan, including any Rehabilitation Loans, and any Loan insurance fees associated therewith.
- (b) Property taxes and assessments.
- (c) Fire and casualty insurance covering replacement value of property improvements.
- (d) Property maintenance and repairs.
- (e) A reasonable allowance for utilities, including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels. Utilities does not include telephone service. Such an allowance shall take into consideration the cost of an adequate level of service.
- (f) Homeowner association fees.
- (g) Space rent if the housing Unit is situated on rented land.

Housing development- A residential housing development that receives assistance from the Program and includes Assisted Housing Units.

HUD- The U.S. Department of Housing and Urban Development.

Indian Country-

- (a) All land located in “Indian Country” as defined by 18 U.S. Code (USC) 1151.
- (b) All land within the limits of a Rancheria under the jurisdiction of the United States Government.

- (c) All land held in trust by the United States for an Indian Tribe or individual; and
- (d) All land held by an Indian Tribe or individual subject to a restriction by the United States against alienation.

Junior Accessory Dwelling Unit (JADU)- In compliance with [GC §65852.22](#), a residential living area contained within a proposed or existing Single-Family residence that is no more than 500 square feet in size. JADUs can include additions to an existing structure of no more than 150 square feet. JADUs shall include independent provisions for living, sleeping, eating, and cooking (area meeting the definition of Efficiency Kitchen but not a standard Kitchen), and shared or separate sanitation facilities with the main dwelling unit. See also Accessory Dwelling Unit.

Loan- The same meaning as defined in [H.S.C., §50076.6](#).

Loan-to-Value Ratio- The ratio between the amount of all indebtedness liened, or to be liened, against a property and the appraised value of the property securing the liens.

Limited Liability Company- a Limited Liability company where all the members are nonprofit public benefit corporations. Limited Liability Company eligibility requirements are specified in §200.1 of the Serna Guidelines.

Limited Partnership- A Limited Partnership as defined in [§171.5 of the Corporations Code](#) and in which all of the general partners are either Nonprofit public benefit corporations, Limited Liability Companies, or a combination of Nonprofit public benefit corporations and Limited Liability Companies. Limited Partnership eligibility requirements are specified in §200.1 of the Serna Guidelines.

Local Public Entity or Locality- Any county, city, city and county, Tribal Entity, a community redevelopment agency, or successor agency organized pursuant to [Part 1 \(commencing with §33000\) of Division 24](#), or housing authority organized pursuant to [Part 2 \(commencing with §34200\) of Division 24](#), and any instrumentality thereof, which is authorized to engage in or assist in the development or operation of housing for persons and families of Low-Income. It also includes two or more Local Public Entities acting jointly.

Local Program- Either a First Time Homebuyer Mortgage Assistance, Owner-Occupied Rehabilitation, Self-Help Technical Assistance, Serna Acquisition of Manufactured Housing Activity, CalHome ADU/JADU, or CalHome Shared Housing Program operated by a Local Public Entity or Nonprofit Corporation.

Lower-Income or Low-Income- The same meaning as defined in [§50079.5 of the H.S.C.](#) or another definition if one is provided in a given NOFA for Program funding. In the case of Eligible Activities located within Indian Country, lower-income or low-income shall be determined in accordance with 25 U.S.C. §4103.

Manufactured Home Community- The same meaning as Mobilehome Park as defined in [H.S.C. §18214](#).

Manufactured Housing or Manufactured Home- Pursuant to [H.S.C. §18007](#), means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following). A Manufactured Home can be in a rental Mobilehome Park, on leased land, or on property owned by the occupant. In these Guidelines, with respect to Manufactured Housing not installed on a permanent foundation, terms that typically apply to conventionally constructed housing or to Loans secured by real property shall be given the appropriate analogous meaning used in the Manufactured Housing industry. For example, rather than holding fee title to the property, a Manufactured Homeowner is listed as the registered owner on the certificate of title issued by the Department.

Maximum Sales Price/Value Limit- The maximum allowable sales price, or the maximum After-Rehabilitation Value of a home assisted with a Program Loan.

Mobilehome- Pursuant to [H.S.C. §18008](#) means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Mobilehome” includes any structure that meets all the requirements of this paragraph and complies with the state standards for Mobilehomes in effect at the time of construction. “Mobilehome” does not include a commercial modular, as defined in [H.S.C. §18001.8](#), factory-built housing, as defined in H.S.C. §19971, a Manufactured Home, as defined in [H.S.C. §18007](#), a multifamily Manufactured Home, as defined in [H.S.C. §18008.7](#), or a recreational vehicle, as defined in [H.S.C. §18010](#).

Notwithstanding any other provision of law, if a codified provision of state law uses the term “Mobilehome,” and it clearly appears from the context that the term “Mobilehome” should apply only to Mobilehomes, as defined under subdivision (a), the codified provision shall apply only to those Mobilehomes. If any codified provision of state law, by its context, requires that the term applies to Mobilehomes or Manufactured Homes without regard to the date of construction, the codified provision shall apply to both Mobilehomes, as defined under subdivision (a), and Manufactured Homes, as defined under [H.S.C. §18007](#).

Mobilehome Park- The same as defined in [H.S.C. §18214](#).

Moderate-Income Household- The same as defined in [H.S.C., §50093](#), or another definition if one is provided in a given NOFA for CalHome funding.

Monitoring Agreement- The contract entered into between the Department and a Recipient that allows for the long-term monitoring of Award for compliance with Program Guidelines.

Mortgage- A deed of trust which is used to secure a lien on real property or, in the case of Manufactured Housing, a security instrument sufficient to legally perfect a security interest in the home.

Mortgage Assistance- Permanent financing used towards homebuyer costs, up to a maximum limit as specified in the current NOFA.

Mortgage Assistance Program- Shall consist of providing Mortgage Assistance Loans to households at or below 80 percent of AMI [or to households below 120 percent of AMI who were victims of a disaster \(in compliance with Health and Safety Code, §50650, subdivision a\(3\)\).](#)

Multifamily Housing- A structure or facility established primarily to provide housing that provides four or more living Units, in which ultimately Agricultural Households hold title to individual Units.

Mutual Housing- A multi-Unit Homeownership Development that allows each resident a vested financial interest that has a determinable market value, is divisible and gives the owner an exclusive right to occupy a designated Unit for an indefinite period.

NOFA- Notice of Funding Availability issued by the Department to announce that funds are available and that applications for that funding may be submitted.

Nonprofit- The same as "Nonprofit Corporation" defined in [H.S.C. §50091.](#)

Onsite Improvements- encompasses the term "site improvements", as that term is used in *California Health & Safety Code* §50650.3(c)(1) and elsewhere in these Guidelines, and means improvements related to eligible Homeownership Development Projects where such improvements are: (a) located within the boundaries of the subdivision (or individual parcels for scattered site developments), and; (b) are intended for public dedication. Examples of Onsite Improvements include streets, sidewalks, utility connections, sewer lines, water lines, and flood and drainage systems, which are located within the boundaries of the subdivision (or individual parcels for scattered site developments), and intended for public dedication, but in all cases the term Onsite Improvements does not include unit construction.

Owner-Occupied- Real estate in which the person who owns the property also uses the home as their primary residence.

Owner-Occupied Rehabilitation Program- Owner-Occupied Rehabilitation Assistance (OOR) shall consist of loans to households at or below 80 percent of AMI or at or below 120 percent of AMI for households who were victims of disaster. Manufactured Housing is eligible, including replacement of a manufactured home pursuant to Guidelines §7733, subdivision (e), whether located in Mobilehome Park or elsewhere. The repair, full reconstruction, or the addition of an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) is also eligible.

Permanent Foundation – Pursuant to [H.S.C. §18551\(a\)](#), a Manufactured Home shall be considered on a permanent foundation when the Manufactured Home is installed on a Foundation System as a fixture or improvement to the underlying real property, and the Manufactured Home attachment as a fixture or improvement to the underlying real

property is inspected, approved by a building official, and the HCD form 433A is recorded with the county where the land is located.

Permit to Operate –A “Permit to Operate” a mobilehome issued by the Mobilehome Parks Program of the Division of Codes and Standards of the California Department of Housing and Community Development.

Person With a Disability- An individual with a physical or mental impairment that limits one or more major life activities as defined by the California Fair Employment and Housing Act (FEHA) and other disability rights statutes ([GC §12955.3](#), [GC §12926\(m\)](#), and [GC §12926\(j\)](#)).

Predevelopment Costs- The costs directly related to Program eligible housing development, including ADUs and JADUs. Predevelopment Costs may include, but are not limited to, the costs of, or the costs associated with, land purchase or options to buy land; professional services such as architectural, engineering, or legal services; permit or application fees; bonding; site preparation; related water or sewer development; or material expenses.

Principal- Employees of the Applicant who are in a position responsible for the oversight and management of development activities.

Program– in the CalHome Guidelines, the term ‘Program’ is defined as the CalHome Program.

Program- in the Serna Guidelines, the term ‘Program’ is defined as the Joe Serna, Jr. Farmworker Housing Grant Program.

Project- An eligible Activity that is a specific, singular endeavor to deliver a tangible output, such as a housing development, as opposed to a Program, which is a combination of activities and is delivered as a single package, such as a Mortgage Assistance Program.

Recipient- An eligible Applicant that has applied or has received approval for an Award of funds from the fund. The term "Recipient" shall include successors in interest and assignees of a Recipient.

Reconstruction - The rebuilding of a structure on the same site in substantially the same manner. Reconstruction is a form of Rehabilitation. The number of dwelling units on a site may not be increased but the number of rooms per unit may be increased or decreased.

Rehabilitation- In addition to the definition from [H.S.C. §50096](#) and [§50097](#), it can also have the following meanings:

- (a) Repairs and improvements to a Manufactured Home necessary to correct any condition causing the home to be substandard.
- (b) Installation of a permanent foundation on a Manufactured Home that is Owner-Occupied as a principal place of residence, such that the Manufactured Home is assessed as real property and valued in the same manner as a conventional home.
- (c) Reconstruction.

- (d) Construction, repair, reconstruction, or Rehabilitation of an ADU or a JADU.
- (e) Conversion of an existing space to add an ADU or a JADU.
- (f) Room additions to prevent overcrowding.
- (g) Repairs and improvements which are necessary to meet any locally adopted standards used in local Rehabilitation; and
- (h) Modifications, alterations, and additions necessary to improve accessibility and usability for persons with disabilities who reside in or regularly visit them.

Rehabilitation includes costs incurred for implementing resiliency mitigation measures identified in the Hazard Mitigation Plan or the Safely Element of the General Plan adopted by the jurisdiction in which the Program will be offered.

Rehabilitation does not include replacement of personal property.

Reuse Account- An account established pursuant to §207 of these Guidelines.

Rural Area- The same as defined in [H.S.C. §50199.21](#).

RD or Rural Development- The United States Department of Agriculture acting through the Rural Housing Service, formerly known as the Farmers Home Administration.

Seeker- A person who desires to be placed as a tenant in a home that is Owner-Occupied.

Self-Help Construction- Owner building as defined in [H.S.C., §50692](#) and may include Mutual Self-Help Housing as defined in [H.S.C., §50692\(b\)](#).

Self-Help Technical Assistance- Conducting and administering a Project of technical or supervisory assistance, which will aid Eligible Households in carrying out owner-builder housing efforts.

Shared Housing- A Local Program designed to preserve Homeownership by matching a Homeowner Provider with a Seeker.

Shared Housing Match- A Seeker who has been successfully placed as a tenant into the residence of a Homeowner Provider.

Shared Housing Technical Assistance- The provision of services required to match a Homeowner Provider with a Seeker.

Single-Family Housing- A residence with one to four dwelling Units in which ultimately Agricultural Households hold title to individual Units.

Standard Agreement- The contract entered into between the Department and a Recipient pursuant to §600 of these Guidelines.

Sponsor- *This term is only applicable for Homeownership Development Project Loans. A*

Sponsor is an entity who constructs, develops, rehabilitates, purchases, or owns a housing development that is or will be subject to legally enforceable restrictive covenants that require the housing development to provide, at least in part, Affordable housing.

TCAC/HCD Opportunity Area Map- The map or maps approved periodically by the California Tax Credit Allocation Committee (TCAC) as the TCAC/HCD Opportunity Area Map.

Tribal Entity- Any of the following:

- (a) An Indian Tribe as defined under [United States Code \(USC\) §4103\(13\)\(B\) of Title 25](#).
- (b) A Tribally Designated Housing Entity under [25 USC §4103\(22\)](#).
- (c) An Applicant that:
 - (1) is an Indian Tribe listed in the Bureau of Indian Affairs Office of Federal Acknowledgment Petitioner List, pursuant to [CFR §83.1 et. seq. of Title 25](#) or an Indian Tribe located in California that is on the contact list maintained by the State of California Native American Heritage Commission for the purposes of consultation pursuant to GC §65352.3; and
 - (2) has organized a separate legal entity, either a non-profit or for-profit entity, in compliance with CCR tit. 25, §8301(s) and it is demonstrated to the satisfaction of the Department that the separate legal entity is controlled by the Tribal Entity Applicant.

Tribal Households or Tribal Household - means a household that includes at least one (1) member of either of the following: an Indian Tribe as defined under 25 USC §4103(13)(B) or a non-federally recognized tribe that meets the requirements of a Tribal Entity, as defined herein.

Very Low-Income Household- The same as defined in [§50105 of the H.S.C.](#) or another definition if one is provided in a given NOFA for CalHome funding.

Volunteer Labor- Skilled or unskilled construction labor provided without remuneration.

APPENDIX B- Tribal Eligibility

A **Tribal Entity** may qualify for CalHome Program funds if their **Project** meets the following requirements:

(a) Projects are located on one of the following lands:

- (1) Located in **Indian Country** or on fee land within the State of California

AND;

(b) The Applicant meets the following conditions of Award funding to the extent applicable, and, subject to any modifications or waivers as provided for in H.S.C. §50406, subdivision (p) (Assembly Bill 1010 (Chapter 660, Statutes of 2019) that shall be set forth in a Standard Agreement. It is noted that these same conditions do not need to be satisfied initially to engage in the competitive Award process:

- (1) **BIA Approval.** To the extent required by applicable law, the Bureau of Indian Affairs (BIA) has approved the Applicant's execution and recordation (as applicable) of all Department-required documents that are subject to 25 CFR Part 152 or 25 CFR Part 162, prior to award disbursement.
- (2) **Personal and Subject Matter Jurisdiction.** Personal and subject matter jurisdiction in regard to the Standard Agreement, Project, or any matters arising from either of them is in a court of competent jurisdiction and the Department has received any legal instruments or waivers, all duly approved and executed, as are or may be legally necessary and effective to provide for such personal and subject matter jurisdiction in said court.
- (3) **Title Insurance.** The Department has received title insurance for the property underlying the Project that is satisfactory to the Department. Notwithstanding the foregoing sentence, upon a showing of good cause, for Applicants unable to provide a conventional title insurance policy satisfactory to the Department, this condition may be satisfied by a TSR issued by the BIA Land Title and Records Office or pursuant to a title opinion letter issued for the benefit of the Department but paid for by the Applicant. An uncertified title status report issued by the BIA will be acceptable to the Department while the Tribal Entity Applicant's application is pending, provided a certified title status report or title opinion letter must be provided before award disbursement.
- (4) **Recordation Requirements.** Where recordation of instruments is a condition of Award funding or otherwise required under or pursuant to the Standard Agreement, the subject instrument is recorded if recorded with the Land Titles and Records Office at the BIA or in the appropriate official records of the county in which the Project is located, as may be applicable.

- (5) Fee Security Required. For all Projects, except those located on trust or restricted lands within Indian Country, fee security shall be required, unless the terms allowing leasehold security are satisfied as set forth in Title 25 CCR 8316. If a Department Loan/Grant is recorded on fee land, then there must be a restriction preventing that land being put into trust until the Department Loan/Grant term is complete.
- (c) Minimum Requirements for Sovereign Immunity Waivers. Sovereign immunity waiver language shall be included in the Department Standard Agreement, and all Department regulatory and Loan or Grant agreements, all of which may be accomplished by incorporating by reference a separately executed sovereign immunity waiver instrument. The Applicant shall also provide or obtain a separate limited waiver of sovereign immunity instruments for both personal and subject matter jurisdictions which shall require, at a minimum, compliance with state construction standards and regulations or, with respect to tribal housing Projects in Indian Country, compliance with tribal construction standards and regulations that are at least as stringent as state construction standards and regulations, subject to the Department's review and satisfaction.