June 10, 2019

MEMORANDUM FOR: ALL POTENTIAL APPLICANTS

FROM: Mark Stivers, Acting Deputy Director
Division of Financial Assistance

SUBJECT: Amended Notice of Funding Availability
California Emergency Solutions and Housing Program

In August 2018 and March 2019, the California Department of Housing and Community Development (HCD) announced the availability of approximately $53 million and $29 million, respectively, for the California Emergency Solutions and Housing (CESH) Program.

With this memorandum, HCD hereby announces the following update to the CESH Notices of Funding Availability (NOFAs):

Subrecipient award requirements:
The requirement for the issuance of subrecipient awards by Administrative Entities (AEs) has been extended to issuing awards to subrecipients within 24 months of the AE award letter date from HCD, instead of 12 months.

- Section II.G. on page seven of the 2018 CESH NOFA has been revised as follows:

The AE must issue award letters to any subrecipients within 24 months of an award letter from HCD.

- Section II.E.4. on page six of the 2019 CESH NOFA has been revised as follows:

The local program or project selection (subrecipient) process is not required to be completed before HCD issues an award letter. However, the AE must issue award letters to any subrecipients within 24 months of the date of an award letter from HCD.

If you have questions, contact Connie Mallavia, NOFA Manager, at (916) 263-2711 or Connie.Mallavia@hcd.ca.gov.
California Emergency Solutions and Housing

2019 Notice of Funding Availability

State of California
Governor Gavin Newsom

Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency

Ben Metcalf, Director
California Department of Housing and Community Development

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833
Telephone: (916) 263-2771
Website: http://www.hcd.ca.gov/grants-funding/active-funding/cesh.shtml
CESH Program email: CESH@hcd.ca.gov

March 21, 2019
Amended April 8, 2019, and June 10, 2019
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CALIFORNIA EMERGENCY SOLUTIONS AND HOUSING PROGRAM
NOTICE OF FUNDING AVAILABILITY

I. Overview

A. Notice of Funding Availability (NOFA)

The California Department of Housing and Community Development (HCD) is announcing the availability of approximately $29 million in funding to assist persons experiencing or at risk of homelessness through the California Emergency Solutions and Housing Program (CESH program).

Administrative Entities (AEs) may request funding for eligible activities relating to homelessness within specified Continuum of Care (CoC) service areas as such terms are defined in Health and Safety Code\(^1\) (HSC), Section 50490 by submitting an application. An AE may contract with a sub-recipient that the AE determines is qualified to carry out the eligible activities. Appendix A of this NOFA lists the funding amount for which each AE is eligible to apply, which is determined by a formula described in Section II.C.

This NOFA outlines application, documentation, reporting requirements and deadlines for AEs. AEs are responsible for administering CESH program funds in collaboration with their local CoC for their respective CoC service area.

This is the second of two NOFAs for the CESH program and is funded from a portion of the third and fourth quarters of revenue deposited in the Building Homes and Jobs Act Trust Fund (Fund) created by the Building Homes and Jobs Act (Chapter 364, Statutes of 2017). Any funds not distributed after the second round of awards shall revert to HCD to be used for the Multifamily Housing Program (HSC, Part 2 of Division 31 Chapter 6.7, commencing with Section 50675).

B. Tentative program timeline

<p>| | |</p>
<table>
<thead>
<tr>
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<tr>
<td>NOFA release</td>
<td>March 21, 2019</td>
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<tr>
<td>Application due date</td>
<td>June 28, 2019</td>
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<tr>
<td>Award announcements</td>
<td>August / September 2019</td>
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<td>Standard agreements mailed</td>
<td>October / November 2019</td>
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C. Authorizing legislation

SB 850 enacted the CESH program (Chapter 48, Section 4, Statutes of 2018). The program operates under the requirements of HSC, Part 2 of Division 31 Chapter 2.8, commencing with Section 50490 and including Sections 50490.1, 50490.2, 50490.3, 50490.4, and 50490.5.

\(^1\) All further statutory references are to the Health and Safety Code unless otherwise indicated.
Section 50490.1, subdivision (b) gives HCD the right to carry out the CESH program through the issuance of one or more NOFAs not subject to the rulemaking provisions of the Administrative Procedure Act.

This NOFA governs the administration of funding from the Fund (created by Section 50470, subdivision (a)(1)) appropriated by item 2240-101-3317 in the Budget Act of 2018) and made available under the CESH program.

Capitalized terms not otherwise defined in this NOFA shall have the meanings set forth in Section 50490.

II. Program requirements

A. Eligible applicants

To be eligible, an applicant must:
1) Be an AE, as defined below; and
2) Provide documentation in the application that the applicant is designated by the CoC to administer CESH program funds.

An AE is one of the following:
1) A unit of general-purpose local government.
2) A nonprofit organization that has previously administered U.S. Department of Housing and Urban Development (HUD) CoC funds as the collaborative application per 24 Code of Federal Regulations (CFR) part 578.3; or
3) A unified funding agency as defined in 24 CFR part 578.3. (Section 50490, subdivision (a)(1)-(3)).

B. Eligible activities

Allocated funds must be used to carry out one or more of the eligible activities identified in Section 50490.4, subdivision (a) and described below, within the relevant CoC service area.

1) Rental assistance, housing relocation, and stabilization services to ensure housing affordability to individuals experiencing homelessness or who are at risk of homelessness. Rental assistance provided pursuant to this paragraph shall not exceed 48 months for each assisted household, and rent payments shall not exceed two times the current HUD fair market rent for the local area, as determined pursuant to 24 CFR part 888.

2) Operating subsidies in the form of 15-year capitalized operating reserves for new and existing affordable permanent housing units for homeless individuals and/or families.

3) Flexible housing subsidy funds for local programs that establish or support the provision of rental subsidies in permanent housing to assist homeless individuals and families. Funds used for purposes of this paragraph may support rental
assistance, bridge subsidies to property owners waiting for approval from another permanent rental subsidy source, vacancy payments, or project-based rent or operating reserves.

Rental assistance provided from flexible housing subsidy funds shall not exceed 48 months for each assisted household, and rent payments shall not exceed two times the current HUD fair market rent for the local area, as determined pursuant to 24 CFR Part 888. Operating subsidies from flexible housing subsidy funds shall be in the form of 15-year capitalized operating reserves for new or existing affordable permanent housing units for homeless individuals and/or families.

4) **Operating support for emergency housing interventions**, including, but not limited to, the following:

   a) Navigation centers that provide temporary room and board, and case managers who work to connect homeless individuals and families to income, public benefits, health services, permanent housing, or other shelter.
   
   b) Street outreach services to connect unsheltered homeless individuals and families to temporary or permanent housing.
   
   c) Shelter diversion, including, but not limited to, homelessness prevention activities such those described in 24 CFR Part 576.103, and other necessary service integration activities such as those described in 24 CFR Part 576.105, to connect individuals and families to alternate housing arrangements, services, and financial assistance.

   An AE shall not use more than 40 percent of any funds allocated in a fiscal year for operating support for emergency housing interventions.

5) **Systems support** for activities necessary to maintain a comprehensive homeless services and housing delivery system, including Coordinated Entry System (CES) data, and Homeless Management Information System (HMIS) reporting, and homelessness planning activities. This activity could include training and data collection activities, as well as activities to expand CES access to populations with special needs, such as homeless youth, provided that such activities are necessary to maintain a comprehensive homelessness services and housing delivery system.

6) Develop or update a **CES**, if the CoC does not have a system in place that meets the applicable HUD requirements, as set forth in Section II.E.3.b of this NOFA. Eligible CES costs do not include capital development activities, including, but not limited to, real property acquisition, construction, or rehabilitation activities.

7) Development of a **plan** addressing actions to be taken within the CoC service area if no such plan exists. If an applicant requests funding to develop a plan, the applicant shall submit the developed plan to HCD prior to the expiration of the contract executed with HCD.
NOTE: Except in the case of a program or project specifically targeting homelessness prevention activities as a part of shelter diversion activities, as described in Section II.B.4.c of this NOFA, an AE that is allocated CESH program funds shall prioritize assistance to homeless individuals and families over assistance to individuals and families at risk of homelessness.

An AE may contract with a subrecipient if the AE determines that the subrecipient is qualified to carry out the eligible activities with the allocated funds. Subrecipients shall include a unit of local government, a private non-profit, or a for-profit organization. To meet the experience requirements of Section II.E.2.b, an AE may contract with an administrative partner within the CoC service area, including a unit of local government, a private nonprofit, or a for-profit organization that has experience administering an activity for which the AE is applying.

C. Funding activity limits

An AE is eligible for a funding amount within the funding activity limits. The funding activity limits are listed in Appendix A and determined by a formula pursuant to Section 50490.2, subdivision (a). This formula includes the following components:

1) 2017 Point-in-Time count.

2) Number of extremely low-income households in rental housing that pay more than 50 percent of household income on rent.

3) Percentage of households below the federal poverty line.

The AE will be responsible for setting any minimum and maximum grant amounts, since they will be evaluating subrecipient applications and managing those contracts.

An AE shall not use more than 40 percent of any funds allocated in a fiscal year for operating support for emergency housing interventions as described in Section II.B.4 [Section 50490.4, subdivision (f)].

In addition, if the CoC does not have a functioning CES and HMIS that meet the applicable HUD requirements as set forth in Section II.E.3. of this NOFA, a minimum of 20 percent of the allocation to the CoC service area will be used to implement or update its systems to comply with such requirements [Section 50490.3, subdivision (a)(3)(B)].

There is no matching contribution requirement for activities funded with CESH program funds. However, CESH program funds may be used for the one-to-one match of federal ESG funds as long as they are for the same approved activity.

D. Program administrative and activity costs

The AE within a CoC service area that receives an allocation for a CoC service area shall not use more than 5 percent of that allocation for administrative costs related to the planning and execution of eligible activities.
For purposes of this subdivision, staff and overhead costs directly related to carrying out the eligible activities described in Section II.B are “activity costs”, and not subject to the cap on “administrative costs.” An AE may share any funds available for administrative costs with subrecipients [Section 50490.2, subdivision (b)] or administrative partners [Section 50490.3, subdivision (a)], but are not required to share funds available for administrative costs.

E. Application requirements

An application submitted in response to this NOFA shall meet the minimum requirements listed below [Section 50490.3]. An application must:

1) Request an allocation listed in Appendix A to carry out one or more of the eligible activities described in Section II.B. Any activities must be carried out within the relevant CoC service area.

2) Document that the applicant is an AE designated in writing by the CoC to administer CESH program funds and meets one of the following criteria:

   a) Prior experience administering the eligible activities described in the application, or
   b) Partnered with one or more local governments or other entities within the relevant CoC service area that have the necessary prior experience to administer the requested funds.

3a) Document that a minimum of 20 percent of the allocated funds will be used to implement or update its systems to comply with the applicable HUD requirements (CPD Notice 17-01).

   —Or—

3b) Include documentation certifying in the application that the CoC service area has systems that meet the following HUD requirements:

   CES - The required aspects of coordinated entry from the following documents as identified in the HUD Coordinated Entry Process Self-Assessment:
   - HUD Notice CPD-17-01
   - HUD Notice CPD-16-11
   - Coordinated Entry Policy Brief (2015)
   - 24 CFR 578.7(a)(8)
   - 24 CFR 576.400(d)
   - 24 CFR 5.105(a)(2) and 5.106(b)

   Homeless Management Information System (HMIS) – The required aspects from CFR:
   - 24 CFR 576
   - 24 CFR 578.3
4) Describe or provide documentation of the local program or project selection process anticipated to be used to allocate available funds to subrecipients qualified to carry out the eligible activities. The applicant’s proposed program or project selection process shall meet the following criteria:

   a) Be performed in collaboration with the CoC.
   b) Avoid conflicts of interest in program or project selection.
   c) Be easily accessible to the public.

The local program or project selection (subrecipient) process is not required to be completed before HCD issues an award letter. However, the AE must issue award letters to any subrecipients within 24 months of the date of an award letter from HCD.

5) Identify anticipated estimated amounts to be used for the specific eligible activities described in the application.

6) Identify numerical goals and performance measures established by the applicant, in collaboration with the relevant CoC, to be used to evaluate success in implementing eligible activities described in the application for the 5-year term of the agreement with HCD. If using funds for activities other than system wide, or for administrative capacity building, such as improving CES functionality, goals must be greater than zero.

7) Evaluate the following project or system performance measures based on HMIS data from the CoC service area:

   a) Number of homeless persons served.
   b) Number of unsheltered homeless persons served.
   c) Average length of time spent as homeless before entry into the program or project.
   d) Number of homeless persons exiting the program or project to permanent housing.
   e) Number of persons that return to homelessness after exiting the program or project.
   f) Number of persons at risk of homelessness served.

8) Include the most current plan addressing actions to be taken within the CoC service area to address homelessness or requesting funding to develop a plan pursuant to Section II.B.7. If an AE has a current homelessness plan in draft form, and has secured funding for the completion of the plan, the AE may include that draft plan and evidence of funding commitments secured as part of the application, instead of requesting funding to develop a plan pursuant to Section II.B.7.

NOTE: A shelter crisis declaration on the part of an AE or subrecipient is not required as a condition of award.
F. Reporting requirements

An AE that receives funds pursuant to this NOFA must submit a completed annual report each year by July 31 for the term of the contract with HCD that reports all activities from the previous fiscal year (7/1 – 6/30) on a form issued by HCD.

The first report will be due on July 31, 2020 and will report all activities from the date of initial fund disbursement through June 30, 2019, in addition to reporting all activities from the 7/1/19 – 6/30/20 fiscal year. Each AE will, at a minimum, report:

1) The AE’s program or project selection process performed in collaboration with the CoC.

2) Amounts awarded to subrecipients, with the activity(ies) identified.

3) Projected performance measures.

4) Contract expenditures.

5) Expenditures and activities of any subrecipients for each year of the term of the contract with HCD until all funds awarded to a subrecipient have been expended.

6) Any program income received, such as interest earned from the CESH fund.

7) Progress on the following performance measures, and others established by the applicant, and described in the application to evaluate success implementing eligible activities:

   a. The number of homeless persons served.
   b. The number of unsheltered homeless persons served, and the average length of time spent as homeless before entry into the program or project.
   c. The number of homeless persons exiting the program or project to permanent housing.
   d. The number of persons that return to homelessness after exiting the program or project.
   e. The number of persons at risk of homelessness served.

HCD may request additional information, as needed, to meet other applicable reporting or audit requirements.

G. Additional requirements

An AE or subrecipient must provide all eligible activities in a manner consistent with the Housing First practices described in California Code of Regulations, Title 25, Section 8409, subdivision (b)(1)-(6). An AE or subrecipient allocated funds for eligible activities that provide permanent housing (as defined in Section 50490(k)) shall incorporate the core components of Housing First, as provided in Section 8255, subdivision (b) of the Welfare and Institutions Code. Housing First is an
evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Under the Housing First model, services offered are as needed and requested on a voluntary basis, and do not make housing contingent on participation in services.

An AE that is allocated funding under the CESH program for a program or project that is an eligible activity shall utilize a CES that meets the requirements of 24 CFR part 576.400(d) or 24 CFR part 578.7(a)(8) and related HUD requirements (unless otherwise exempted by federal rules). If an AE does not meet said requirements, it must document in the application that 20 percent of the allocation to the CoC service area will be dedicated to implement or update its systems to comply with the applicable requirements.

HCD will distribute funds allocated to an AE pursuant to this NOFA by executing a contract with that AE that shall be for a term of five years per Section 50490.5(a). The contract term will commence on the date of execution. The AE may request a disbursement of up to 40 percent of total awarded contract funds at one time. After initial disbursement, the AE must demonstrate, prior to each subsequent disbursement request, using forms provided by HCD, that at least 80 percent of funds previously disbursed have been expended by the AE or otherwise awarded to eligible subrecipients. Administrative costs shall not exceed 5 percent of each disbursement.

An AE that receives funds under the CESH program is responsible for ensuring that the expenditure of those funds is consistent with the requirements of the CESH program and for the eligible activities described in Section II.B. The AE shall monitor the activities and expenditures of any subrecipients annually, at a minimum, to ensure that those activities and expenditures comply with this NOFA and Health and Safety Code, Part 2 of Division 31 Chapter 2.8, (commencing with Section 50490). The deadline for expenditures under the contract is 90 calendar days prior to the expiration of the contract.

Any income received from funded activities by an AE or subrecipient (program income) must be reported in the annual report form described in Section II.F, and expended consistent with the requirements of the CESH program for the eligible activities described in Section II.B.

HCD may monitor the expenditures and activities of the AE as HCD deems necessary to ensure compliance with program requirements, and request the repayment of funds from an AE, or pursue any other remedies available to it by law, for failure to comply with program requirements. Any funds not expended for eligible activities described in Section II.B prior to the expenditure deadline under the contract shall revert and must be remitted to HCD.
III. Application submission and review procedures

Applications must be submitted on the Excel forms provided by HCD. Do not modify the application forms. Applications that do not meet the filing deadline will not be eligible for funding. The CESH program application forms are available to download at HCD's website.

A. Application submission process

Applications must be received by 5:00 p.m. Pacific Standard Time on Friday, June 28, 2019. To be eligible, an applicant must submit a complete, signed original application and an electronic copy on CD or USB flash drive.

HCD will only accept applications through a postal carrier service that provides date stamp verification confirming delivery to HCD’s office, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. Please contact HCD if delivery is not completed by fault of the carrier service. No facsimiles, late applications, incomplete applications, application revisions, electronically submitted, or walk-in application packages will be accepted.

The delivery address is:

California Department of Housing and Community Development  
Division of Financial Assistance, NOFA Section  
California Emergency Solutions and Housing Program  
2020 West El Camino Ave, Suite 500  
Sacramento, CA  95833

Applications that do not meet the filing deadline requirements will not be eligible for funding.

The application forms are available on HCD’s website (http://www.hcd.ca.gov/grants-funding/active-funding/cesh.shtml). It is the applicant’s responsibility to ensure that the application is clear, complete, and accurate. After the application deadline, HCD staff may request clarifying information and/or inquire as to where in the application specific information is located. However, missing and/or forgotten application information or documentation may cause the application not to pass threshold. Those applicants that are notified they did not pass threshold will have the opportunity to appeal. See Section IV below: No applicant may appeal HCD’s evaluation of another applicant’s application.

B. Application webinar

HCD conducted an application webinar on March 26, 2019.

Please sign up at the following link for webinar sign-up instructions: http://www.hcd.ca.gov/grants-funding/active-funding/cesh.shtml
IV. **Appeals**

A. **Basis of appeals**

1. Upon receipt of HCD’s notice that an application has been determined to be incomplete or failed threshold, applicants may appeal such decision(s) to HCD pursuant to this Section.

2. No applicant shall have the right to appeal a decision of HCD relating to another applicant’s eligibility, award, denial of award, or any other matter related thereto.

3. Prior program NOFAs. The appeal process provided herein applies solely to decisions of HCD made in this program NOFA and does not apply to any decisions made with respect to any previously issued NOFAs or decisions to be made pursuant to future program NOFAs.

B. **Appeal process and deadlines.**

1. Process. In order to file an appeal, by the deadline set forth in Section 2, below, an applicant must submit a written appeal to HCD which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be accepted if this information would result in an advantage to an applicant. Once the written appeal is submitted to HCD, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to HCD either via email at CESHNOFA@hcd.ca.gov or at the following address:

   California Department of Housing and Community Development  
   Attn: CESH Program Staff Appeals  
   2020 W. El Camino Avenue, Suite 570  
   Sacramento, California 95833

   HCD will accept appeals through a carrier service that provides date stamp verification of delivery, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. Deliveries must be received during HCD weekday (non-state holiday) business hours of 9:00 a.m. to 5:00 p.m. Pacific Standard Time. Emails to the email address listed above will be accepted as long as the email time stamp is prior to the appeal deadline.

2. Filing Deadline. Appeals must be received by HCD no later than (5) five business days from the date of HCD’s award letters representing HCD’s decision made in response to the application.

C. **Decision**

Any request to amend HCD’s decision shall be reviewed for compliance with the March 21, 2019 NOFA and Application for Funding, and any subsequent clarifying
documents, such as the program’s responses to “Frequently Asked Questions.” It is HCD’s intent to render its decision in writing within fifteen (15) business days of receipt of the applicant’s written appeal. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of HCD with respect to the appeal.

D. **Effectiveness**

In the event the statute, regulation, and/or guidelines governing this program contain an existing process for appealing decisions of HCD with respect to NOFA awards made under such programs, then this Section shall be inapplicable, and all appeals shall be governed by such existing authority.

E. **Award announcements and contracts**

HCD anticipates issuing award letters in August / September 2019. HCD will issue all award letters after final approval from the Internal Loan Committee (ILC).

V. **Other terms and conditions**

A. **Right to modify or suspend**

HCD reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including, without limitation, the amount of funds available hereunder. If such an action occurs, HCD will notify all interested parties via listserv, and will post the revisions to the HCD website. Please be sure and subscribe at the listserv link.

B. **Disclosure of application**

Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act (Chapter 1473, Statutes of 1968). As such, any materials provided will be disclosed to any person making a request under this Act. HCD cautions applicants to use discretion in providing information not specifically requested, including, but not limited to, bank account numbers, personal phone numbers, and home addresses. By providing this information to HCD, the applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

C. **Conflicts**

In the event of any conflict between the terms of this NOFA and either applicable state or federal law or regulation, the terms of the applicable state or federal law or regulation shall control.
# APPENDICES

## Appendix A: CESH Program Formula Allocation

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<tr>
<th>CoC Number</th>
<th>CoC Name</th>
<th>2019 CESH Formula Allocations</th>
<th>Allowable Grant Admin.</th>
<th>2019 CESH Funding Net Admin</th>
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<td>Napa City &amp; County CoC</td>
<td>$217,519</td>
<td>$10,876</td>
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<td>Oakland/Alameda County CoC</td>
<td>$911,814</td>
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<td>21</td>
<td>Oxnard/San Buenaventura/Ventura County CoC</td>
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<td>23</td>
<td>Redding/Shasta, Siskiyou, Lassen, Plumas, Del Norte, Modoc, Sierra Counties CoC</td>
<td>$513,096</td>
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