

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

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Sacramento, CA 95833  
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[www.hcd.ca.gov](http://www.hcd.ca.gov)



May 18, 2018

**MEMORANDUM FOR:** All potential applicants

**FROM:** Lisa Bates, Deputy Director  
Division of Financial Assistance

**SUBJECT:** **Notice of Funding Availability – Round 4  
\$75 Million for the Veterans Housing and  
Homelessness Prevention Program**

The California Department of Housing and Community Development (HCD) is pleased to announce the availability of approximately \$75 million in funding for the Veterans Housing and Homelessness Prevention (VHHP) Program. The VHHP Program provides loans for the development of affordable multifamily rental housing containing permanent supportive housing units, and affordable housing units, for veterans and their families.

A complete original application and two electronic copies on CD or flash drive with all applicable information must be received by HCD no later than **5:00 p.m. Pacific Standard Time on Monday, July 9, 2018**, delivered by a mail carrier service such as U.S. Postal Service, UPS, FedEx, or other carrier services that provide date stamp verification of delivery. Personal deliveries will not be accepted. No facsimiles, late applications, incomplete applications, application revisions, electronically transmitted, or walk-in application packages will be accepted. Applications must be mailed to the following address:

**Veterans Housing and Homelessness Prevention Program**  
Department of Housing and Community Development  
Division of Financial Assistance, NOFA Unit  
2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833

**Any applications received after 5:00 p.m. Pacific Standard Time on July 9, 2018, will not be accepted.**

The VHHP Program application form, workshop details, and guidelines are posted on HCD's website at <http://www.hcd.ca.gov/grants-funding/nofas.shtml>. Questions may be directed to the VHHP Program staff at (916) 263-2707 or via email to [hcdvets@hcd.ca.gov](mailto:hcdvets@hcd.ca.gov). Additional program information may be obtained on the VHHP Program website at <http://www.hcd.ca.gov/grants-funding/active-funding/vhhp.shtml>.

Attachment

# VETERANS HOUSING AND HOMELESSNESS PREVENTION PROGRAM

## Notice of Funding Availability - ROUND 4 **Amended**

Veterans Housing and Homelessness Prevention Program



**State of California  
Governor Edmund G. Brown Jr.**

**Alexis Podesta, Secretary  
Business, Consumer Services and Housing Agency**

**Ben Metcalf, Director  
Department of Housing and Community Development**

2020 W. El Camino Avenue, Suite 500, Sacramento, CA 95833

Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov/grants-funding/nofas.shtml>

Veterans Housing and Homelessness Prevention email address: [hcdvets@hcd.ca.gov](mailto:hcdvets@hcd.ca.gov)

May 9, 2018

**Amended: May 18, 2018**

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# VETERANS HOUSING AND HOMELESSNESS PREVENTION PROGRAM

## NOTICE OF FUNDING AVAILABILITY– ROUND 4

### I. Overview

#### A. Notice of Funding Availability (NOFA)

The Department of Housing and Community Development (HCD), in collaboration with the California Housing Finance Agency (CalHFA) and California Department of Veterans Affairs (CalVet), is announcing the availability of approximately \$75 million for the development of affordable multifamily rental housing. The rental housing will contain permanent supportive housing units and affordable housing units for Veterans and their families under the Veterans Housing and Homeless Prevention (VHHP) Program. Funding for this NOFA is provided pursuant to Chapter 727, Statutes of 2013 and Proposition 41 (2014). More information about this funding opportunity is available on HCD's website at <http://www.hcd.ca.gov/grants-funding/active-funding/vhhp.shtml>.

“Veteran” means any person who served in the active military, naval, or air service of the United States, or as a member of the National Guard who was called to and released from active duty or active service, for a period of not less than ninety consecutive days or was discharged from the service due to a service-connected disability within that ninety-day period. This includes all veterans regardless of discharge status.

#### B. Timeline

<b>NOFA Release</b>	<b>May 9, 2018</b>
<b>Application Due Date</b>	<b>July 9, 2018</b>
<b>Award Announcements</b>	<b>November 15, 2018</b>

#### C. What is New in the NOFA

The VHHP Program Round 4 Guideline changes listed below fall into two categories: (1) program improvements; and (2) clarifications, clean-up and technical changes. The program improvements change focus on two areas: ensuring the VHHP Program is responsive to and meets the needs of veterans, and leveling the playing field to allow projects serving veterans in rural areas to be more competitive. The clarification, clean-up and technical changes bring the VHHP Program Guidelines into alignment with the new Uniform Multifamily Regulations (UMRs) (Section 106 and 107) and provide additional clarity to improve program delivery. The following is a summary of significant changes and does not include all minor or clarifying changes.

## **Section 101, Definitions**

- Section 101(d): Added definition of Coordinated Entry System
- Section 101(l): Added definition of Housing First

## **Section 102, Threshold Requirements**

- Section 102(c): Increased required number of units reserved for veterans.
- Section 102(d)(1)(C) and (D): Added language addressing Sponsor requirements for agreements with Lead Service Providers, and requirements regarding changes to the status of the Lead Service Provider or Supportive Services Plan.
- Section 102(j): Strengthened threshold requirements regarding reasonable accessibility and proximity to employment opportunities for veterans.
- Section 102(k): Strengthened threshold requirement for site control by Sponsors.
- Section 102(q)(1) and (2): Clarified the prohibition of stacking of multiple funding sources on a single VHHP Program Assisted Unit and clarified the exception to the prohibition, respectively.

## **Section 108, Use of Operating Cash Flow**

- Aligned allowances for use of operating cash flow with the 2017 UMRs. (note the exception; there are no changes to the allowances for supportive service coordination and case management costs paid as operating expenses, with the exception of the annual increases since 2015).

## **Section 110(d)(1), (d)(2), and (d)(3), Application Process**

- Increased minimum Overall Application point scores, as well as Supportive Services Plan and Readiness to Proceed scores.

## **Section 111, Application Selection Criteria:**

- Section 111(c), Supportive Services Plan: Increased maximum points.
- Section 111(f), Readiness to Proceed: Increased maximum points and weighted criteria.
- Section 111(h), Location Efficiency and Access to Destinations: Added this section to incentivize proximity to amenities for veterans.

### **Section 115(b)(2)(A), Supportive Services:**

- Added language requiring the Sponsor to fully implement the Supportive Services Plan and the supportive services be available for use by tenant at the time of occupancy.

### **D. Authorizing Legislation**

The administration of VHHP Program is governed by the VHHP Program Guidelines (Guidelines or Round 4 Guidelines), dated April 20, 2018, as may be amended from time to time. These Guidelines establish terms, conditions, and procedures for funds awarded under VHHP Program as interpreted by the Veterans Housing and Homeless Prevention Act (Act) and as set forth in Military and Veteran's Code Division 4 Chapter 6, Article 3.2, commencing with Section 997.001 and including Sections 987.005, 987.007, 987.008.

The Round 4 Guidelines also interpret Chapter 44, Statutes of 2016 (AB 1622) pertaining to the \$10 million set-aside for Transitional Housing and Emergency Shelters. However, these provisions apply only if funding by the Legislature is set aside in the 2018-2019 fiscal year for these types of projects.

Round 4 Guidelines are available on HCD's website at <http://www.hcd.ca.gov/grants-funding/nofas.shtml>

## **II. Program Requirements**

### **A. Eligible Project Sponsor**

A Sponsor is the applicant for the award and the borrowing entity that HCD relies upon for experience and capacity, and which controls the project during development and occupancy. In a project with multiple layers of ownership, the Sponsor cannot have more than one entity between itself and the borrowing entity. Sponsors and borrowers may be for-profit or not-for-profit entities. Any public agency or private entity capable of entering into a contract is eligible to apply, provided they meet the threshold requirements in Section 102 of the Guidelines.

### **B. Eligible Uses**

All Program funds shall be used for the development costs, as found in CCR Section 7304 (a) and (b) of the Multifamily Housing Program regulations, and to refinance loans used to cover such costs.

### **C. Program Funding Amounts and Terms**

Under this NOFA, the maximum loan per project is \$10 million. Maximum per-unit loan amounts will be computed as shown in Section 103 of the Guidelines, with the exception of projects that may be funded under the Chapter 44 Transitional Housing and Emergency Shelter set-aside. As of the NOFA publication date, there is no approved set-aside funding for Transitional Housing for 2018-2019.

VHHP Program funds are provided as post-construction permanent loans. Program loans shall have an initial term of fifty-five years or longer to match the period of affordability restrictions under the Low-Income Housing Tax Credit Program. Permanent loans shall be secured by the project's real property and improvements, which may be subject only to liens, encumbrances, and other matters of record approved by HCD, and which are consistent with 25 CCR Section 8316 of the UMRs.

### **D. Program Threshold Requirements**

To be eligible to receive funding, projects must meet the requirements of Section 102 of the Guidelines.

- 1) Projects must involve new construction or substantial acquisition/rehabilitation of an Affordable Rental Housing Development or conversion of an existing structure into one of these housing types. Projects shall restrict occupancy for at least 45 percent (45%) of Assisted Units to Extremely Low-Income Veterans, with rents not exceeding 30 percent (30%) of the 30 percent (30%) Area Median Income (AMI) limit, calculated in accordance with Tax Credit Allocation Committee (TCAC) regulations and procedures (i.e., TCAC's 30 percent (30%) AMI Rent limit) pursuant to Section 102(b) of the Guidelines.
- 2) Projects must restrict either 25 percent (25%) of total units in the projects or 10 units (5 units for rural projects) to veterans, whichever is greater, pursuant to Section 102(c). These units can be restricted under the VHHP Program or another public agency program.
- 3) Pursuant to Section 102(d) of the Guidelines, for projects with Supportive Housing, additional requirements concerning the Lead Service Provider experience including comprehensive case management, adherence to Housing First property management (Section 112), tenant selection practices (Section 113), rental agreements and grievance procedures (Section 114), and the supportive service requirements (Section 115), are required.
- 4) The VHHP Program regulatory agreement will not restrict more than half of the total project units to households that qualify as either Chronically Homeless or Homeless with a Disability in projects greater than 20 units pursuant to Section 102(d)(4) of the Guidelines. This limitation does not preclude any other funding sources from restricting additional units to persons with disabilities and exceeding more than half of total project units restricted by the combined funding sources to persons with disabilities.

- 5) Additional threshold requirements pertaining to all projects types are contained in Section 102 (e) through (r) of the Guidelines.

## **E. Occupancy Requirements**

Occupancy requirements and restrictions for units designated as Supportive Housing are detailed in Section 104 of the Guidelines, and shall apply for the full term of the Program loan.

Occupancy of all Assisted Units shall be restricted to households including one or more Veterans with incomes at move-in not exceeding the limits approved by HCD and specified in the Program regulatory agreement. At least 45 percent (45%) of total Assisted Units within a Project must be restricted to Veterans with extremely low income pursuant to Section 102(b). The maximum income limits at move-in may not exceed 60 percent of AMI pursuant to Section 104(a).

## **F. Rent and Income Limits**

Assisted Unit rent and tenant incomes will be restricted in accordance with the rent and income limits proposed by the project Sponsor in their VHHP Program application and with rents generally not exceeding 30 percent (30%) of the applicable income limit. Current income limits are posted on the HCD website at <http://www.hcd.ca.gov/grants-funding/income-limits/index.shtml>. Funding will be available for income limits up to 60 percent (60%) AMI.

## **G. Housing First Practices**

The VHHP Program is a Housing First program. Housing First is an evidence-based model designed to permanently house an individual and make available optional supportive services to help them remain stably housed. Housing First means that housing is made available with very low barriers to entry, applicants are not rejected due to poor credit, financial history, lack of rental history, criminal convictions unrelated to tenancy, or behaviors that indicate a lack of housing readiness. In VHHP Program projects, supportive services providers shall also utilize Housing First principles and offer services as needed and/or requested on a voluntary basis. Housing shall not be contingent upon participation in services.

Applicants will certify and document adherence to Housing First practices in the application, property management plan, and supportive services plan. Adherence to Housing First practices shall be subject to periodic compliance monitoring. See Section 112, Housing First Practices, for further requirements.



## **H. Tenant Selection**

Sponsors shall select tenants in accordance with the provisions of 25 CCR Section 8305, as set forth in Section 113 of the Guidelines. Tenant selection procedures, as referred to in Section 8305(a)(4)(A), includes priority status under a local Coordinate Entry System (CES) developed pursuant to the 24 Code of Federal Regulations 578.7(a)(8). Supportive Housing projects shall prioritize highly vulnerable households referred by the local CES. If local systems are not in place, VHHP Program developments shall coordinate with outreach and shelter programs serving vulnerable populations experiencing homelessness.

Applicants for VHHP Program assisted units shall not be rejected based on the type of military discharge. Please see Section 113 of the Guidelines for further requirements.

## **I. Supportive Services and Property Management Requirements**

All VHHP Program projects shall be designed to provide affordable housing occupants with access to an array of services and amenities delivered both on and off-site and through community or veteran-specific services. Service Provider experience and service plan requirements (included in both threshold and scoring evaluations) differ for projects depending on the targeted veteran population and the type of units developed. Section 111(c) of the Guidelines detail the scoring for supportive Service Providers and plans.

As part of the VHHP Program application, Sponsors must identify their Service Provider and submit a Supportive Services Plan that meets the requirements of Section 115. The Supportive Services Plan must identify the parties responsible for Homeless Management Information System (HMIS) and other reporting, which must be reflected in the required agreements and commitment letters.

## **J. Geographic Distribution**

Geographic targeting of VHHP Program funds is designed to encourage the development of veteran housing in regions with high concentrations of California's most vulnerable veterans. Section 110(f) of the Guidelines delineates specific regional targets.

If there are applications from the identified regions in Section 110(f)(2) that meet all Program eligibility requirements and score above the minimum required point score, awards may be adjusted to meet the geographic distribution objectives set forth in Section 110(f)(2).

## K. Miscellaneous Requirements

The VHHP Program projects must adhere to the requirements in Section 109, that five percent (5%) of the construction costs be awarded to Disabled Veteran Business Enterprise (DVBE) contractors. Sponsors must make a good faith effort to hire veterans for development, construction, and related jobs associated with the project. Sponsors are encouraged to contact CalVet for assistance locating DVBE at [VHHP@CalVet.ca.gov](mailto:VHHP@CalVet.ca.gov), or search for DVBE companies at the following suggested link: <https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>.

Sponsors are required to submit a DVBE Utilization Plan describing all outreach methods used to recruit and hire DVBEs. A plan administrator, responsible for implementing the utilization plan and ensuring the five percent (5%) requirement is met, must be identified.

For more information on the DVBE Utilization Plan and other requirements, see Section 109 of the Guidelines.

## III. Application Submission and Review Procedures

### A. Application Process

The Universal Application (UA) and Supplemental Application must be submitted on forms provided or approved by HCD. Application forms must not be modified.

### B. Application Packaging and Submittal

A complete original application and two electronic copies on CD or flash drive with all applicable information must be received by HCD no later than **5:00 p.m. Pacific Standard Time on Monday, July 9, 2018** delivered by a mail carrier service such as U.S. Postal Service, UPS, FedEx, or other carrier services that provide date stamp verification of delivery. Personal deliveries will not be accepted.

HCD will only accept applications through a postal carrier service such as U.S. Postal Service, UPS, Fed Ex or other carrier services that provide date stamp verification confirming delivery to HCD's office at:

**Veterans Housing and Homelessness Prevention Program  
Division of Financial Assistance  
Department of Housing and Community Development  
2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833**

No facsimiles, late applications, incomplete applications, application revisions, electronically transmitted, or walk-in application packages will be accepted. Applications must meet all eligibility requirements upon submission. Applications having material internal inconsistencies will not be rated and ranked. The VHHP Program application form and guidelines are posted on HCD's website at <http://www.hcd.ca.gov/grants->

[funding/nofas.shtml](#). Questions may be directed to the VHHP Program at (916) 263-2707 or via email to [hcdvets@hcd.ca.gov](mailto:hcdvets@hcd.ca.gov).

### C. 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, HCD may disclose any materials provided by the applicant to any person making a request under this Act. The Department cautions applicants to use discretion in providing information not specifically requested, including but not limited to, bank account numbers, personal phone numbers and home addresses. By providing this information to HCD, the applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

### D. Application Workshops

HCD and CalVet will host workshops in May. Applicants can locate instructions for attending these workshops on the VHHP Program website at [www.hcd.ca.gov](http://www.hcd.ca.gov).

#### VHHP Program Application Workshop Schedule

Date	Location	Time
May 15, 2018	Point Loma Library 3701 Voltaire Street San Diego, CA 92107	1:00 p.m. – 4:00 p.m.
May 16, 2018	City Hall 20 Civic Center Plaza Santa Ana, CA 92701	10:00 a.m. – 1:00 p.m.
May 18, 2018	VHHP Application Workshop Webinar	9:30 a.m. – 12:30 p.m.
May 23, 2018	Elihu Harris State Building 1516 Clay Street Oakland, CA 94612	10:00 a.m. – 1:00 p.m.
May 24, 2018	HCD 2020 W. El Camino Avenue Conference Room 402 Sacramento, CA 95833	10:00 a.m. – 1:00 p.m.

**E. HCD AND CALVET REQUEST ADVANCE REGISTRATION FOR THE WORKSHOPS.** Space is limited and will be reserved on a first-come basis. To ensure a spot, register early but no later than 24 hours before the workshop. To register, please visit HCD's website at <http://www.hcd.ca.gov/grants-funding/active-funding/vhhp.shtml>. Printed materials will not be provided at the Workshop but will be made available for download and printing from HCD's website or via e-mail by request.

**F. Application Scoring**

To be considered for a funding award, each project must receive a minimum overall application score for the applicable project type pursuant to Section 110(c) and (d)(1) of the Guidelines. The project must also meet minimum score requirements in the Supportive Services Plan, Readiness to Proceed, and Leverage of Rental or Operating Subsidies scoring categories, pursuant to Sections 110(d)(2), (d)(3), and (d)(4).

**G. Application Selection Criteria**

The criteria that will be used to score projects are described in Section 111, and is summarized on the following page.

<b>Scoring Category</b>	<b>Max. Points w/SH Units</b>	<b>Max. Points All Other Projects</b>	<b>Comments</b>
Development Team Experience	33	15	Only Supportive Housing (SH) will be scored on Lead Service Provider experience for an additional 18 points.
Supportive Housing Units	25	0	Only SH projects will be scored in this category, to receive any points in this category a minimum of twenty-five percent (25%) of VHHP Program Assisted Units must be restricted as SH.
Supportive Services Plan or Resident Services Coordination Plan	22	10	To ensure a minimum level of service quality, projects must receive a minimum point score of <b>15</b> points for Supportive Services Plans and 7 points for Resident Services Coordination Plans.
Leverage of Development Funding	15	15	
Leverage of Rental or Operating Subsidies	20	20	Projects without rental subsidy contracts or operating subsidy reserves will be allowed to garner points if they can deliver the same rents as projects with these contracts or reserves. Projects are required to receive a minimum point score of 4 points in this category.
Readiness to Proceed	25	25	To ensure a minimum level of project readiness, projects are required to receive a minimum score of <b>13</b> points in this category.
Confirmation of Local Need	5	5	
Location Efficiency and Access to Destinations	5	5	To promote proximity to amenities, projects can obtain additional points if development sites meet the criteria as set forth in Section 111(h) of the Guidelines.
<b>Total Maximum Points</b>	<b>150</b>	<b>95</b>	

In the event of a point score tie, the following tiebreakers will be used:

1. Percentage of Assisted Units restricted as Supportive Housing for Chronically Homeless Veterans;
2. Readiness score;
3. Percentage of Assisted Units with two or more bedrooms with an occupancy preference for households with children;
4. Supportive Services Plan point score; and
5. Leveraging of state subsidy funds with other resources.

#### **IV. Appeals**

##### **A. Basis of Appeals.**

1. Upon receipt of HCD's notice that an application has been determined to be incomplete, fail threshold, or have a reduction to the preliminary point score, applicants under this NOFA 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, point score, 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 lodge an appeal, applicants must submit to HCD by the deadline set forth in subsection (b) below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the applicant must provide a detailed reference to the area(s) of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be accepted if this information would result in a competitive advantage to an applicant. Once the written appeal is submitted to HCD, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to the Department either via email at [hcdvets@hcd.ca.gov](mailto:hcdvets@hcd.ca.gov) or at the following address:

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

The Department will accept appeals through a carrier service such as the U.S. Postal Service, UPS, Fed Ex, or other carrier services that provide date stamp

verification of delivery. Deliveries must be received during HCD weekday (non-State holiday) business hours of 9:00 a.m. to 5:00 p.m. Pacific Time. Emails to the email address listed above will be accepted so long as the email time stamp is prior to the appeal deadline.

2. Filing Deadline: Appeals must be received by HCD no later than five (5) business days from the date of HCD's eligibility, threshold review, or preliminary point score determination letters, representing HCD's decision made in response to the application.

### **C. Decision.**

1. Any request to amend HCD's decision shall be reviewed for compliance with Chapter 727, Statutes of 2013 and Proposition 41 (2014), the VHHP Program Guidelines, Round 4, May 9, 2018 and UMRs, "Application for Funding", and any subsequent clarifying documents such as the VHHP Program's responses to "Frequently Asked Questions". It is the Department'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.**

1. In the event that the statute 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.

## **V. Award Announcements and Contracts**

### **A. Award Announcements**

HCD anticipates issuing award letters by November 15, 2018, after final approval from the Internal Loan Committee (ILC).

### **B. Contracts**

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

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

## VI. Other Terms and Conditions

### A. Same-Sex Restricted Projects

In order to best address the needs of veterans, some applicants may want to propose housing where all adult occupants are restricted to be of the same sex. Yet, under state and federal fair housing and civil rights laws (collectively “FH laws”) any such restriction, without an adequate legal justification, would likely constitute impermissible facial discrimination. Although there remains considerable legal uncertainty as to what the basis for such a legal justification would be, HCD, in order to best serve the needs of our Veterans, is willing to consider awards to same-sex-restricted projects, provided the project application can meet the jurisprudential test set forth in *Community House, Inc. v. City of Boise*, 490 F.3d 1041, 1050 (9th Cir. 2007). In order to demonstrate that a proposed same-sex-restricted project will meet this FH law standard, each proponent of such a project must submit, along with its other application materials, a project-specific legal opinion letter with supporting materials documenting how it satisfies FH laws as described below (Opinion). No scoring advantage will accrue to same-sex-restricted projects.

The Opinion must be authored and executed under penalty of perjury by a licensed member of the California State Bar. The Opinion must demonstrate that the applicant has considered the legal requirements of FH laws as applied to the relevant facts of its proposed project. It must demonstrate how the proposed same-sex-restriction, despite being facially discriminatory, is still permissible under FH law.

The Opinion must describe the population to be housed and its gender or sex-related special condition (Condition) that requires, and therefore justifies, housing in a same-sex setting. Each such description must be supported by project-specific medical, psychiatric, or psychological support referenced by and attached to the Opinion (Professional Documentation). The Opinion, taken together with the Professional Documentation, must explain how and why a same-sex-restriction is both necessary and still the least restrictive means by which to properly and holistically address or treat the Condition(s) presented by the inhabitants of that particular housing development. The Professional Documentation must be authored and executed under penalty of perjury by a licensed member of the California Board of Behavioral Sciences, or a physician licensed by the Medical Board of California.

Lastly, the Opinion must also describe the means by which the applicant will initially and individually screen and continue to document, with tenant-specific Professional Documentation, each tenant condition(s) justifying her or his need for same-sex-restricted housing.