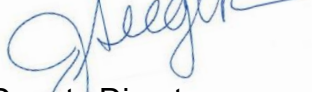


**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 670
Sacramento, CA 95833
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January 2, 2020

MEMORANDUM FOR: All Potential Applicant 

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

SUBJECT: **Multifamily Housing Program
January 2020 Notice of Funding Availability**

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$297 million in funds for the Multifamily Housing Program (MHP). This funding provides loans to individuals, public agencies, or private entities (including for-profit, limited profit, or nonprofit). The funds awarded under this NOFA will be allocated as permanent financing for affordable multifamily rental and transitional new construction, acquisition, rehabilitation, and conversion housing developments.

Application materials must be submitted electronically via the Financial Assistance Application Submittal Tool (FAAST) system. Only documents with wet signatures must be submitted in hard copy to the Department. Both electronic and hardcopy application submittals must be received by the Department no later than **5:00 p.m. Pacific Standard Time on Monday, March 2, 2020**. The Department will only accept hardcopy submittals through a postal carrier service such as U.S. Postal Service, UPS, FedEx, or other carrier services that provide date stamp verification confirming delivery to the Department's office. Please contact the Department if delivery is not completed by fault of the carrier service. The delivery address is:

California Department of Housing and Community Development
Division of Financial Assistance, NOFA Section
MULTIFAMILY HOUSING PROGRAM
2020 West El Camino Avenue, Suite 150
Sacramento, CA 95833

Personal deliveries will not be accepted. No facsimiles, incomplete applications, application revisions, electronically transmitted, or walk-in application packages will be accepted.

The MHP application forms, workshop details, and regulations are posted on the Department's [website](#). To receive information on workshops and other updates, please subscribe to our MHP [listserv](#). If you have any further questions, please contact MHP@hcd.ca.gov.

Attachment

MULTIFAMILY HOUSING PROGRAM
JANUARY 2020
NOTICE OF FUNDING AVAILABILITY



State of California
Gavin Newsom, Governor

Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency

Douglas R. McCauley, Acting Director
California Department of Housing and Community
Development

2020 West El Camino Avenue, Suite 150, Sacramento, CA 95833
Telephone: 916-263-2771

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

Email: MHP@hcd.ca.gov

January 2, 2020

Table of Contents

I. Overview.....	1
A. Notice of Funding Availability	1
B. Timeline.....	1
C. Authorizing Legislation	1
II. Program Requirements.....	2
A. Eligible Project	2
B. Eligible Applicants	3
C. Eligible Uses of Funds	3
D. Program Threshold Requirements	3
E. Program Funding Amounts and Terms	3
F. Application Review and Project Selection	5
III. Article XXXIV.....	9
IV. Relocation.....	10
V. Appeals.....	11
VI. Award Announcements and Contracts.....	12
A. Award Announcements	12
B. Contracts.....	12
VII. Application, Submission, and Workshops.....	12
A. Application Forms	12
B. Application Submittal.....	13
C. Application Workshops.....	13
D. Disclosure of Application	13
VIII. Other Terms and Conditions.....	13
A. Right to Modify or Suspend	13
B. Conflicts	14

I. Overview

A. Notice of Funding Availability

The California Department of Housing and Community Development (Department) is announcing the availability of approximately \$297 million in funding for the Multifamily Housing Program (MHP). Funding for this Notice of Funding Availability (NOFA) is provided by the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1). The funds awarded under this NOFA will be allocated as permanent financing for affordable multifamily rental and transitional new construction, acquisition, rehabilitation, and conversion housing developments.

B. Timeline

NOFA Release	January 2, 2020
Application Due Date	March 2, 2020
Award Announcements	June 2020

C. Authorizing Legislation

MHP was established by Chapter 637, Statutes of 1999 (SB 1121), which created Chapter 6.7 of Part 2 of Division 31 commencing with California Health & Safety Code (HSC) Section 50675, as amended.

Senate Bill 3 (SB 3) (Chapter 365, Statutes of 2017), which authorized the Veterans and Affordable Housing Bond Act of 2018 (SB 3) was adopted by voters on November 6, 2018, (Proposition 1) and authorizes the issuance of bonds in the amount of \$4 billion under the State General Obligation Bond Law. The intent of SB 3 is that \$2.85 billion of the bond proceeds be used to fund certain indicated programs administered by the Department. Specifically, SB 3 allows for the allocation of \$1.5 billion of the bond proceeds for MHP to assist the new construction, acquisition, rehabilitation, and preservation of permanent and transitional rental housing for lower-income households.

SB 3 also allows the Department to adopt Guidelines instead of regulations for MHP establishing requirements for administration of the program. The Department prepared and released Guidelines for MHP in June 2019 based on prior program implementation experience, research into several policy issues that have arisen over time, and stakeholder feedback.

Applications submitted under this NOFA are subject to the Guidelines, all applicable statutory requirements, and this NOFA. All section references in this NOFA refer to the Guidelines unless otherwise noted. The Guidelines and NOFA are available on the Department's [website](#).

II. **Program requirements**

The following is provided as a summary and is not to be considered a complete representation of the entirety of the eligibility, threshold, or other requirements, terms and conditions for MHP.

A. Eligible project

Projects must qualify as Rental Housing Developments (within the definition of the Uniform Multifamily Regulations (UMR) Section 8301). Additionally, projects must meet all eligibility requirements in Guidelines Section 7302.

As of the application submittal date, the rehabilitation or construction work, including demolition, must not have commenced, except as necessary to perform emergency repairs to existing structures or eliminate hazards or threats to health and safety per Guidelines Section 7302(c). Projects must meet the underwriting standards described in UMR Section 8310.

Projects proposing 9 percent federal low-income housing tax credits are not eligible, per Guidelines Section 7302(d), with some exceptions as specified thereunder.

Use of multiple Department funding sources

Use of multiple Department funding sources on the same Assisted Units (subsidy stacking) is prohibited per Guidelines Section 7302(h). "Department funding sources" shall mean loan or grant funds awarded for permanent funding of housing development costs under the following programs:

1. Supportive Housing Multifamily Housing Program
2. Multifamily Housing Program
3. Veterans Housing and Homelessness Prevention Program
4. No Place Like Home Program, including funds awarded either by the Department or an Alternative Process County
5. Affordable Housing and Sustainable Communities Program -- Affordable Housing Development loans, but not grants for Housing Related Infrastructure, Sustainable Transportation Infrastructure, Transportation Related amenities or Program Costs, all as defined in the AHSC program guidelines
6. Transit Oriented Development Program -- rental housing development loans, but not grants for infrastructure
7. Joe Serna, Jr., Farmworker Housing Grant Program

8. SB 2 Farmworker Housing Program
9. Housing for a Healthy California Program, including funds awarded either by the Department or a county
10. National Housing Trust Fund Program

Department funding sources do not include existing loans or grants under any Department funding source listed above that are at least 14 years old and will be assumed or recast as part of an acquisition and rehabilitation project.

B. Eligible Applicants

An Applicant must be an Eligible Sponsor pursuant to Guidelines Section 7303.

C. Eligible uses of funds

MHP funds shall be used only for approved eligible costs that are incurred on the project as set forth in Guidelines Section 7304.

D. Program threshold requirements

In addition to meeting the requirements of the Guidelines sections described above, a project is not eligible for an award unless it meets the requirements of Guidelines Section 7320(a). Further, Applicants must achieve the minimum eligibility threshold point scores in compliance with Guidelines Section 7320(b).

E. Program funding amounts and terms

1. Program funding award limit

The maximum amount of MHP funds available in accordance with this NOFA is approximately \$297 million, of which approximately 18.3 percent will be set aside for Senior Housing projects in accordance with Guidelines Section 7317(c)(2) & (3).

MHP's enabling statute requires it to "ensure a reasonable geographic distribution of funds," HSC Section 50675.7. To the extent possible, no less than approximately 45 percent of the total funds awarded under this NOFA will be awarded to projects in Southern California, 30 percent will be awarded to projects in Northern California, and 20 percent will be awarded to projects in Rural areas. In its sole discretion, the Department may determine the geographic distribution targets have been met based either on individual program funding components or on the amount of total funds made available under this NOFA.

For the purpose of geographic distribution:

- Southern California includes the counties of Kern, San Bernardino, San Luis Obispo and all counties to the south of these counties;
- Northern California includes all other counties of the state; and
- "Rural" is defined to be consistent with the definition used by the Tax Credit Allocation Committee (TCAC) for the tax credit program. A list of Rural areas, as well as the methodology to determine Rural or Non-Rural status, can be found on TCAC's website at <https://www.treasurer.ca.gov/ctcac/>.

Additionally, \$20 million of available funding will be set aside for a project(s) selected pursuant to Governor Gavin Newsom's [Executive Order N-06-19](#). As required in Executive Order N-06-19, HCD issued a Request for Proposals (RFP) in September 2019 for the first state-owned, excess site in Stockton, California. Pursuant to the RFP, a set-aside of up to \$20 million dollars was to be made available from the Multifamily Housing Program for the selected development entity for their proposed affordable housing development. The RFP was a public and competitive process open to participation by any qualified development entity.

2. Cost limitations

Limitations on development costs and developer fees are set forth in Guidelines Section 7305.

Whereas, the Department shares the interest in maximizing basis and access to 4 percent tax credits, it will approve a contribution of developer fee in the form of general partner equity, sponsor loan, or sponsor affiliate loan. If structured as a sponsor loan or sponsor affiliate loan, the loan shall be repayable solely from owner distributions remaining after the payment of residual receipts to the Department (non-priority payment from distributions).

For further clarification on the Department's interpretation of Section 8312 of the 2017 UMRs relating to developer fee limits, please reference the following memo: [2017 Uniform Multifamily Regulations \(UMR\) Developer Fee Limits and Capital Contributions](#).

3. Type and terms of loan

MHP loan type and terms are set forth in Guidelines Section 7306.

4. Maximum loan amounts

The maximum loan per MHP project under this NOFA shall be \$20 million, or the amount allowed under Guidelines Section 7307. Base loan limits are \$175,000 per Supportive Housing Unit, \$175,000 per Restricted Unit in a Large Family new construction project located in a "High Resource" or

“Highest Resource” area on the TCAC/HCD Opportunity Map, and \$150,000 per other Restricted Units.

5. Interest rate and loan repayments

Interest rate and MHP loan repayments are set forth in Guidelines Section 7308.

6. Appraisal and market study requirements

MHP appraisal and market study requirements are set forth in Guidelines Section 7309.

7. Rent standards

The Department shall establish rent limits for MHP Assisted Units in each Project in accordance with Guidelines Section 7312.

8. Use of operating income

Use of operating income requirements for MHP projects are set forth in Guidelines Section 7313.

F. Application review and project selection

The application review process consists of three phases: 1) initial threshold review; 2) rating and ranking; 3) and project feasibility review.

In the event of oversubscription, the Department may establish a preliminary point score and ranking pursuant to Guidelines Section 7320(b). Applications ranked below a fundable range as indicated by the preliminary ranking will not be subject to further review by the Department.

1) Initial threshold review

During the initial review, applications will be evaluated based solely upon the materials contained within the application to determine completeness and compliance with the following minimum requirements:

- a. Eligible Sponsor pursuant to Guidelines Section 7303;
- b. Eligible project pursuant to Guidelines Section 7302;
- c. Site control in the name of the Sponsor, or an entity controlled by the Sponsor, by any means set forth in UMR Section 8303. UMR Section 8303 notwithstanding, all forms of site control must be of sufficient duration to extend through the anticipated award date set forth in this NOFA (or at least June 30, 2020). Where site control is in the name of

another entity, documentation, which clearly demonstrates the Sponsor's control (i.e., the entity's organizational documents), is required;

- d. The application is complete pursuant to Guidelines Section 7318, including submission of all required documents and reports as set forth in the application checklist; and
- e. Applications for projects targeting Special Needs Populations, or including Supportive Housing units, must include an initial supportive services plan.

2) Rating and ranking

The Department shall rate and rank applications in accordance with Guidelines Section 7320(b). MHP funds will be allocated through a competitive process based on the merits of the application.

The following application point scoring will apply for this 2019 NOFA, Round 2:

Criterion	Max Pts.
Extent project serves the lowest income levels (Guidelines Section 7320(b)(1))	35
Extent to which the project addresses the most serious local housing needs (Guidelines Section 7320(b)(2))	10
Development and ownership experience of the Sponsor (Guidelines Section 7320(b)(3))	-50 to 20
Leverage of other funds (Guidelines Section 7320(b)(4))	20
Project readiness (Guidelines Section 7320(b)(5))	15
Adaptive reuse/infill/proximity to amenities/sustainable building methods (Guidelines Section 7320(b)(6))	15
Total maximum points	115

Minimum point score

Projects must receive a minimum point score of 90 points to be considered for a funding award.

Negative points

Five points will be deducted for each occurrence or event in the categories in Guidelines Section 7320(b)(3)(F)(i)-(vi), with a maximum deduction of 10 points per category and a maximum total deduction of 50 points. Events shall not result in the deduction of points if they have been fully resolved as

determined by, or to the satisfaction of, the Department as of the application due date, or the date awards are made, at the Department's discretion.

Whereas a hybrid project is generally dependent on approval of a competitive 9 percent tax credit application, five points will be subtracted from the Sponsor's project readiness scores for projects utilizing 4 percent low-income housing tax credits that will be part of an application to TCAC seeking hybrid tiebreaker incentives in accordance with Guidelines Section 7320(b)(5)(E).

Tiebreaker

In the event of tied point scores, the Department shall rank tied applications based on the lowest weighted average affordability of Restricted Units pursuant to Guidelines Section 7320(b)(7).

Bonus point

Applicants that submit complete Borrower organizational documents as requested in the Supplemental Application shall be awarded one bonus point.

3) Feasibility review

The highest scoring applications will be evaluated for financial feasibility in accordance with UMR Section 8310, the Guidelines, and this NOFA. The Department shall request any other information as set forth in the NOFA or application in order to determine project feasibility and compliance with program requirements. This shall include, but is not limited to, the following:

- a. The Sponsor's organizational documents;
- b. A market study prepared in accordance with TCAC requirements prepared or updated no earlier than 12 months prior to the application due date, which demonstrates a market for the non-Assisted Units and documents the anticipated need for the Assisted Units;
- c. An appraisal prepared or updated at the Sponsor's expense no earlier than 24 months prior to the application due date in accordance with Guidelines Section 7309(b);
- d. A preliminary title report;
- e. For new construction projects, a Phase I Environmental Site Assessment prepared or updated no earlier than 12 months prior to the application due date, and a Phase II environmental report if recommended by the Phase I;
- f. For rehabilitation projects, lead-based paint, mold, and asbestos reports;
- g. For projects serving homeless populations, include a letter from the local Coordinated Entry System (CES) or network homeless coordinator (or

similar official) describing the population to be served, affordability of the project rents, and how the project meets a high-priority local need (e.g., waitlists, Point-in-Time Count, and other statistical information).

- h. A supportive services plan will be required for all projects that include MHP assisted Supportive Housing (SH) or Special Need Populations (SNP) units. The minimum threshold requirements will be as follows:
 - 1) The tenant selection criteria and process shall be in accordance with applicable state and federal fair housing laws. For projects serving homeless populations, indicate how Sponsor/Applicant will be connected to CES and conform to Housing First practices.
 - 2) Projects must demonstrate integration of targeted disabled populations with the general public by:
 - a) Physically integrating Assisted Units restricted to disabled persons with other units to the maximum extent feasible, and subject to reasonable health and safety requirements, consistent with 24 CFR, Section 8.26.
 - b) In projects with more than 20 units, have no more than 49 percent of total units restricted to occupancy by persons with disabilities by “Department Funding Sources”, as defined in Section 7302(h). This limitation shall not be interpreted to preclude occupancy of any project units by persons with disabilities, or restrictions by other funding sources, including, but not limited to, TCAC that result in more than 49 percent of total project units being restricted to persons with disabilities. It shall also not apply to projects complying with alternative requirements for demonstrating Olmstead compliance adopted by counties and approved by the Department.
 - 3) A description of the services to be provided, who the provider will be, the provider’s relationship to Applicant, the type of agreement, and service location.
 - 4) A completed supportive service staff budget for the SH/SNP MHP Assisted Units. Staffing levels must be sufficient in order to meet the needs of the target population. Industry practice indicates a range of 10 to 15 tenant households per Full Time Equivalent (FTE) service staff person for a project serving a target population likely to need intensive services (i.e., homeless, dually diagnosed individuals). A project serving a less service-intensive target population could be staffed by a range of 15 to 25 tenant households per FTE.
 - 5) A services line item budget itemizing all expenses and listing the sources, amounts, and status (i.e., proposed or committed) of supportive service funds. Industry practice indicates a range from

\$5,000 to \$10,000 per household (depending upon the intensity of the needs of the target population).

- 6) A narrative description of a tenant engagement plan (i.e., a plan to elicit voluntary tenant participation in services). Any occupancy restrictions required by a public agency funding source will be subject to Department approval.
- 7) Commitments or letters of intent to provide operational funding for a minimum of 25 percent of the total service budget (excludes the project operating budget). This requirement may be waived where the lead service provider documents a history of securing supportive service funding similar to the total required in the project service budget.
- 8) A supportive services verification from a public or nonprofit funding or regulatory agency with oversight or monitoring responsibilities for the proposed supportive services for the proposed target population that verifies that:
 - a) The proposed services and staffing levels are adequate and appropriate to meet the needs of the target population(s); and
 - b) The Applicant or proposed service provider is a viable provider of the proposed support services.

III. Article XXXIV

All projects shall comply with Article XXXIV, Section 1 of the California Constitution, as clarified by the Public Housing Election Implementation Law (HSC Section 37000 - 37002). Article XXXIV documentation for loans underwritten by the Department shall be subject to review and approval by the Department prior to the announcement of award recommendations.

Article XXXIV requires local voter approval before any state public body can develop, construct, or acquire a low-rent housing project in any manner. However, the Public Housing Election Implementation Law (HSC Section 37000 – 37002) provides clarification as to when Article XXXIV is applicable. HSC Section 37001, for example, lists a number of project types that are not considered “low-rent housing projects.”

Applicants must submit documentation that shows the project’s compliance with or exemption from Article XXXIV. If a project is subject to Article XXXIV, the Department requires an allocation letter from the locality that shows that there is Article XXXIV authority for the project. A local government official with authority should prepare the allocation letter, and it should include the following:

- a. The name and date of the proposition, and the number of units that were approved;

- b. A copy of the referendum and a certified vote tally;
- c. The number of units that remain in the locality's "bank" of Article XXXIV authority (i.e., the number of units that are still available for allocation); and
- d. The number of units that the locality will commit to this project, including the manager unit.

If a project is statutorily exempt from Article XXXIV, the Department requires an Article XXXIV opinion letter from the Applicant's legal counsel. The Article XXXIV opinion letter must demonstrate that the Applicant has considered both the legal requirements of Article XXXIV and the relevant facts of the project (e.g., all funding provided by public bodies, including state, county, or city sources, the number of low-income restricted units, and the general content of any regulatory restrictions). Any conclusion that a project is exempt from Article XXXIV must be supported by facts and a specific legal theory for exemption that itself is supported by the Constitution, statute, and/or case law.

IV. Relocation

Both the Applicant and the Department must comply with applicable Relocation Law, which is detailed pursuant to Government Code Section 7260 et seq., the California Code of Regulations, title 25, Section 6000 et seq., and if federal law is applicable (depending on project financing), 49 CFR Part 24 of the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (the "URA") (collectively referred to herein forth as "Relocation" or "Relocation Law").

Relocation Law provides important protections and assistance for displaced persons and entities affected by the acquisition, rehabilitation, or demolition of real property for government funded projects. Relocation Law ensures that those displaced individuals and entities whose real property is acquired, or who move (even if temporarily), as a direct result of projects receiving government funds, are treated fairly and equitably and receive assistance in moving from the property they occupy. The Department seeks to ensure that displaced persons, which includes tenants, businesses and homeowners, do not suffer disproportionately as a result of programs designed for the benefit of the public as a whole.

At the NOFA application stage, it is too premature to conduct a detailed Relocation review. At this stage the Department only needs to confirm that Relocation is properly budgeted. Due to the importance of satisfying Relocation Law, the Applicant is encouraged to employ the services of a Relocation consultant to procure a good faith estimate of the potential Relocation cost, which may (or may not) necessitate a Relocation plan. The Department has found that the services of a professional Relocation consultant may save an Awardee money and time in the loan process.

The importance of satisfying Relocation cannot be understated. Failure to follow the Relocation requirements will result in the project not being funded by the

Department. Applicants cannot circumvent Relocation Law to avoid Relocation payment assistance by simply not renewing leases, which is not permissible under Relocation Law. At the construction loan close stage, the Department will notify all lenders that failure to satisfy Relocation, particularly the improper displacement of individuals or entities, could jeopardize Department funding.

V. Appeals

A. Basis of appeals

1. Upon receipt of the Department's notice that an application has been determined to be incomplete, ineligible, fail threshold review, or have a reduction to the initial point score, Applicants under this NOFA may appeal such decision(s) to the Department pursuant to this section.
2. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant's eligibility, point score, award, denial of award, or any other matter related thereto.
3. The appeal process provided herein applies solely to decisions of the Department 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: To file an appeal, Applicants must submit to the Department, by the deadline set forth 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 or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the written appeal is submitted to the Department, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to the Department at MHP@hcd.ca.gov according to the deadline set forth in Department review letters.
2. Filing Deadline: Appeals must be received by the Department no later than five (5) business days from the date of the Department's threshold review, or initial score letters, representing the Department's decision made in response to the application.

C. Decision

Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the Guidelines and this NOFA. All decisions

rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

VI. Award announcements and contracts

A. Award announcements

It is the Department's intent to announce awards in June 2020. Award recommendations will be posted on the MHP website.

B. Contracts

Successful Applicants (Awardee(s)) will enter into Standard Agreements with the Department. The Standard Agreement contains relevant terms and conditions for the funding of the award.

The Department has set a goal to deliver Standard Agreements to the Awardee(s) within 90 days following the date of the Award announcements. To facilitate efficient processing of Standard Agreements, Sponsors are strongly urged to submit organizational documents of the Borrower with their application. 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.

VII. Application, submission, and workshops

Applications must meet eligibility requirements for Sponsor, project and costs upon submission (See Program Requirements above for eligible Applicants, eligible Projects and eligible uses of funds). Modification of the application forms by the Applicant is prohibited. It is the Applicant's responsibility to ensure the application is clear, complete and accurate. After the application deadline, Department staff may request clarifying information, provided such information does not affect the competitive rating of the application. No information, whether written or oral, will be solicited or accepted if this information would result in a competitive advantage to an Applicant or a competitive disadvantage to other Applicants. No Applicant may appeal the evaluation of another Applicant's application.

A. Application forms

The following project applications must be submitted under this NOFA and will be funded on a competitive basis, as set forth in the Guidelines. Application forms and program Guidelines are available on the MHP website.

1. Universal application – This form contains information needed to evaluate project financial feasibility for affordable rental housing projects underwritten by the Department.
2. MHP Supplemental Application – This form contains information needed to evaluate application threshold compliance for projects underwritten by the Department.

B. Application submittal

Application materials must be submitted electronically via the Financial Assistance Application Submittal Tool (FAAST) system.

Electronic FAAST Submission - Requirements for uploading the Supplemental Application, Universal Application, and required supporting documentation, including naming conventions, are described in the Supplemental Application instructions page. Applicants must upload all application materials to the FAAST system no later than **5:00 p.m. Pacific Standard Time on Monday, March 2, 2020.**

Applications that do not meet the filing deadline requirements will not be eligible for funding. Applications must be on the Department's forms and cannot be altered or modified by the Applicant. Excel forms must be in Excel format, not a PDF document.

C. Application Workshops

The Department will conduct application workshops and pre-application consultations for the Round 2 application submission. MHP workshop details, and related program information, will be posted on the MHP website. Appointments are required for pre-application consultations. Appointment requests and workshop questions should be directed to: MHP@hcd.ca.gov. These in-person workshops will cover the NOFA and application. To register for a workshop, please sign up through Eventbrite.

D. 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 (Gov. Code Section 6250 et seq.). As such, any materials provided will be disclosable 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 volunteering such information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

VIII. Other Terms and Conditions

A. Right to Modify or Suspend

The Department 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, the Department will notify all interested parties and will post the revisions to the Department's

website. To receive updates, please subscribe to our MHP listserv. Please note that in the event this NOFA is amended, the Department will require new authorizing resolutions from successful Applicants, the Borrower, and all constituent entities thereof.

B. 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. Applicants are deemed to have fully read and understand all applicable state and federal laws, regulations and guidelines pertaining to MHP, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.