

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

2020 W. El Camino Avenue, Suite 670
Sacramento, CA 95833
(916) 263-2771
www.hcd.ca.gov



November 6, 2020

A handwritten signature in blue ink that reads "Jennifer Seeger".

MEMORANDUM FOR: All Potential Applicants

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

SUBJECT: Permanent Local Housing Allocation Program
Non-Entitlement Local Government Competitive
Notice of Funding Availability **Amended**

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Non-Entitlement Local Government Competitive Notice of Funding Availability for approximately \$15 million for the Permanent Local Housing Allocation (PLHA) program. This funding provides grants to Non-Entitled Local Governments in California to assist persons experiencing or At risk of homelessness, and investments that increase the supply of housing to households with incomes of 60 percent or less of area median income.

The Department must receive a complete application (for rental housing projects, this includes both the UAHCD2020 PLHA Universal Application and the PLHA Competitive Supplemental Application, plus all of the documents required by both of those forms) on a Universal Serial Bus (USB) flash drive no later than 5:00 P.M. Pacific Standard Time on November 30, 2020. The Department will only accept applications through a postal carrier service such as the U.S. Postal Service, UPS, FedEx, or other carrier services that provide date stamp verification of delivery. Applications shall be mailed to:

California Department of Housing and Community Development
Division of Financial Assistance, Program Design and Implementation
Permanent Local Housing Allocation Program
2020 West El Camino Avenue, Suite 150
Sacramento, CA 95833

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

The PLHA application, webinar details, and Guidelines are posted on the Department's [website](#). To receive information on webinars and other updates, please subscribe to the PLHA listserv. If you have any further questions, please contact CPLHA@hcd.ca.gov.

Attachment

**Permanent Local Housing Allocation
Program**

**Non-Entitlement Local Government
Competitive**

Notice of Funding Availability **Amended**



**Gavin Newsom, Governor
State of California**

**Lourdes M. Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, 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/plha.shtml>

Email: CPLHA@hcd.ca.gov

November 6, 2020

Table of Contents

| | | |
|------|---|----|
| I. | Overview..... | 1 |
| A. | Notice of Funding Availability..... | 1 |
| B. | Timeline | 1 |
| C. | Authorizing Legislation and Regulations..... | 1 |
| II. | Program requirements | 2 |
| A. | Eligible Applicants..... | 2 |
| B. | Eligible activities | 2 |
| C. | Funding limits..... | 3 |
| D. | Application review and project selection | 3 |
| III. | Application, submission, and workshops | 8 |
| A. | PLHA application | 8 |
| B. | Application submittal..... | 8 |
| C. | Application workshops | 9 |
| IV. | Appeals..... | 9 |
| A. | Basis of appeals | 9 |
| B. | Appeal process and deadlines..... | 9 |
| C. | Decisions | 10 |
| V. | Award announcements and contracts..... | 10 |
| A. | Award announcements | 10 |
| B. | Contracts | 10 |
| VI. | Other state requirements | 10 |
| A. | Administration, monitoring, and reporting requirements..... | 10 |
| B. | Article XXXIV | 10 |
| C. | Pet Friendly Housing Act of 2017 | 11 |
| D. | State Prevailing Wages | 11 |
| E. | Relocation..... | 12 |
| VII. | Other terms and conditions..... | 13 |
| A. | Right to modify or suspend..... | 13 |
| B. | Disclosure of application..... | 13 |
| C. | Conflicts | 14 |

**Permanent Local Housing Allocation
Non-Entitlement Local Government Competitive
Notice of Funding Availability**

I. Overview

A. Notice of Funding Availability

The California Department of Housing and Community Development (Department) is announcing the availability of approximately \$15 million in funding for the Permanent Local Housing Allocation (PLHA) program Non-Entitlement Local Government Competitive Notice of Funding Availability (NOFA). This NOFA is funded from moneys deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2019.

Funding for this NOFA is provided pursuant to Senate Bill (SB) 2 (Chapter 364, Statutes of 2017). SB 2 established the Fund and authorizes the Department to allocate 70 percent of moneys collected and deposited in the Fund, beginning in calendar year 2019, to Local Governments for eligible housing and homelessness activities. The intent of the bill is to provide a permanent, on-going source of funding to Local Governments for housing-related Projects and programs that assist in addressing the unmet housing needs of their local communities. The Non-Entitlement competitive grant program component prioritizes assistance to persons experiencing or At risk of homelessness and investments that increase the supply of housing to households with incomes of 60 percent or less of area median income.

This NOFA outlines threshold and application requirements for Non-Entitlement Local Governments as defined in Guidelines Section 101. Non-Entitlement Local Governments are governments in areas which are not metropolitan cities or part of an urban county as defined in Appendix A.

B. Timeline

| | |
|---------------------------------------|-------------------|
| Amended NOFA Release Date | November 6, 2020 |
| Application Submittal Deadline | November 30, 2020 |
| Award Announcement | March 2021 |

C. Authorizing Legislation and Regulations

SB 2 (Chapter 364, Statutes of 2017) established the PLHA program. The program operates under the requirements of Health and Safety Code (HSC), Part 2 of Division 31, Chapter 2.5 (commencing with Section 50470).

Section 50470 (b)(2)(B)(i) of the HSC authorizes the Department to allocate 70 percent of the moneys collected and deposited in the Fund, beginning in calendar year 2019, for the PLHA program.

Section 50470 (b)(2)(B)(i)(I) of the HSC requires the Department to allocate 90 percent of PLHA funds based on the federal Community Development Block Grant(CDBG) formula specified in 42 USC, Section 5306, except that the portion allocated to Non-Entitlement Local Governments is required to be distributed through a competitive grant program for Non-Entitlement Local Governments.

Section 50470 (d) authorizes the Department to adopt Guidelines to implement the PLHA program, not subject to the rulemaking provisions of the California Administrative Procedure Act.

This NOFA governs the administration of funding from the Fund (created by Section 50470, subdivision (a)(1) and appropriated by item 2240-103-3317 in the Budget Act of 2019) and made available under the PLHA program.

Capitalized terms not otherwise defined in this NOFA shall have the meanings set forth in Guidelines Section 101.

II. Program Requirements

The following is provided as a summary for the allocation of the Competitive PLHA funds to Non-Entitlement Local Governments and is not to be considered a complete representation of all program requirements, terms and conditions that will be further set forth in the Standard Agreement.

A. Eligible Applicants

An Applicant must be a Non-entitlement local government. A Non-Entitlement Local Government means a local government in an area which is not a metropolitan city or part of an urban county, a local government that, as of September 1, 2017, was an incorporated city with a population of less than 50,000 or a county with an unincorporated area population of less than 200,000 persons, which had not entered into a three-year Urban County Cooperation Agreement, or a local government that was not otherwise entitled to receive CDBG funds directly from United States Department of Housing and Urban Development (HUD). See Appendix A for a list of eligible Applicants for Non-Entitlement Local Government entities for fiscal year 2019-20.

For applications that include the development of a rental housing Project, the Sponsor must be a co-Applicant with the Non-Entitlement Local Government, pursuant to Guidelines Section 400.

B. Eligible Activities

Pursuant to Guidelines Section 401, eligible activities under this PLHA competitive NOFA are limited to the following and must take place within the jurisdiction of the Applicant local government:

1. Development of new multifamily rental housing that is Affordable to households at or below 60 percent of AMI or substantial rehabilitation of multifamily rental housing that will be Affordable to households at or below 60 percent of AMI, but which is not currently restricted as Affordable housing. In order to be eligible as

“substantial rehabilitation”, a Project must complete a minimum of \$40,000 per unit in hard construction costs; or

2. Assistance to persons who are experiencing or At risk of homelessness, including, but not limited to, through rapid rehousing, or rental assistance, supportive services and case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

Administrative expenses incurred to implement the Project or program Activity, up to a maximum of 5 percent of the grant amount.

C. Funding Limits

The maximum application amount, including administrative costs, for the development of new multifamily rental housing or substantial rehabilitation of a multifamily rental housing Project, or development of a navigation center is \$3 million. The minimum application amount shall be \$500,000.

The maximum application amount, including administrative costs, for assistance through program activities is \$1 million. The minimum application amount shall be \$500,000.

Administrative expenses may be incurred to implement the Project or program Activity, up to a maximum of five percent of the grant amount.

Accordingly, the total allocation amount will be distributed equally to the above eligible activities, based on scores relative to all other applications.

If there are insufficient eligible applications to utilize the allocation for one Activity, any unused funds will be used to fund any other eligible applications in the other Activity set forth in Section 401(a) of the Guidelines and this NOFA.

D. Application Review and Project Selection

The application review process consists of two phases: 1) threshold and 2) rating and ranking.

1. Threshold

An Applicant must submit a complete application and other documents by the deadline stated in this NOFA. Applications submitted in response to this NOFA must meet the threshold requirements set forth in Guidelines Section 402 in detail. Threshold requirements include:

- (a) Housing element compliance
- (b) The Applicant must submit to the Department the Annual Progress Report required by GC Section 65400 for the current or prior year by the application deadline date.
- (c) Submit by the deadline specified in the NOFA, on a form made available by the Department, a complete application which shall meet the following minimum requirements:
 - (1) Application requests a grant pursuant to Guidelines Section 100(b)(3) in order to carry out one of the eligible activities set forth in Section 401 of the Guidelines and this NOFA.
 - (2) Submission of the application is authorized by the governing board of the Applicant and by the developer co-Applicant, if any.
 - (3) Certification in the resolution that, if the local government proposes allocation of funds for any Activity to another entity, the selection process shall avoid conflicts of interest and shall be accessible to the public.
 - (4) Demonstration of readiness, including site control for development Projects, land use entitlements, environmental review commitments of other funding and resources required for Program activities, the timeline for the implementation of the activity, and a written plan describing how funds will be used, and guidelines for determining amount of funds to be provided, based on the selected activity.
 - (5) Underwriting requirements:
 - A. Uniform Multifamily Regulations (UMRs) Subchapter 19 of Title 25, Division 1, Chapter 7 (commencing with Section 8300), as amended from time to time, and the Multifamily Housing Program Guidelines (commencing with Section 7300), as amended from time to time, are hereby incorporated by reference into this subchapter and shall apply to rental housing Projects receiving assistance under the PLHA competitive allocation. In the event of a conflict between the provisions of Subchapter 19 and these Guidelines, the provisions of these Guidelines shall prevail.
 - (i) Section 8312(c) of the UMRs is hereby amended to read: (c) For Projects utilizing 4 percent tax credits, Developer Fee payments shall not exceed the amount that may be included in Project costs pursuant to 4 California Code of Regulations (CCR), Section 10327. In addition, the developer fee paid from development funding sources shall not exceed the following: (1) for acquisition and/or rehabilitation Projects, or adaptive reuse Projects, the lesser of the amount of developer fee in Project costs or \$2,000,000; and (2) for new construction Projects, the base limit shall be the lesser of the amount that may be included in Project costs or \$2,200,000. To arrive at the final limit on developer fee paid from development funding sources,

the base limit shall then be multiplied by a ratio that is the average of (i) the difference between (2) and the Project's high-cost ratio, as calculated pursuant to 4 CCR, Section 10317(i)(6) or successor language and (ii) 100 percent.

(ii) Section 8312(d) of the UMRs shall not apply.

(iii) Section 8314(a)(1)(A) of the UMRs is amended to read: (A) Approved deferred developer fee, pursuant to Section 8312, provided that the aggregate of the developer fee paid from sources and paid as deferred shall not exceed \$3,500,000.

B. Period of affordability: All assisted rental units shall be restricted for not less than 55 years.

C. All development Projects shall demonstrate fiscal integrity. The Department shall request any other information as set forth in this NOFA or application in order to determine fiscal integrity. This shall include, but is not limited to, the following:

- i The Sponsor's organizational documents;
- ii A market study prepared in accordance with California Tax Credit Allocation Committee 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;
- iii An appraisal prepared or updated at the Sponsor's expense no earlier than 24 months prior to the application due date.
- iv A preliminary title report;
- v 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;
- vi For rehabilitation Projects, lead-based paint, mold, and asbestos reports.

2. Rating and Ranking

Applications submitted within a competitive funding round shall be evaluated using the following criteria as set forth in Guidelines Section 403:

| Selection Criteria | Max Points | |
|---|------------|--|
| Priority Points – 25 points | | |
| <p>A. Population – 5 points</p> <p>(i) If the Applicant is a county that has a population of 200,000 or less within the unincorporated areas of the county, the Applicant shall receive all points.</p> <p>B. Prior Award – 5 points</p> <p>(i) If the Applicant did not receive an award based on the formula specified in 42 USC, Section 5306 in 2016, the Applicant shall receive all points.</p> | 25 | |
| And either C (i) or C (ii) or C (iii) below: | | |
| <p>C. Activity</p> <p>(i) Assistance for Homeless Persons through Program Activities – 15 points</p> <p>(a) Applications to assist persons experiencing or At risk of homelessness, including, but not limited to, through programs providing rapid rehousing, or rental assistance, or operating assistance to navigation centers shall receive all points.</p> | | |
| <p>or</p> <p>(ii) Assistance to Homeless Persons through development of Navigation Centers – 15 points</p> <p>(a) Applications for construction of navigation centers shall receive all points.</p> | | |
| <p>or</p> <p>(iii) Assistance for Homeless Persons through rental Projects – 15 points</p> <p>(a) Applications for the new construction, rehabilitation, or preservation of permanent or transitional rental housing in which all or at least 10 percent of the units are restricted to occupancy by tenants who are homeless or At risk of homelessness shall receive all points.</p> | | |
| Evaluation Criteria – 75 points | | |
| <p>A. Community Need – 30 points</p> <p>(i) Applicants will receive up to a maximum of 30 points based on the rate of households experiencing the most severe housing need according to the most recent HUD Comprehensive Housing Affordability Strategy (CHAS) dataset in the Applicant local government. Applicants will receive points in proportion to this percentage.</p> <ul style="list-style-type: none"> - 0% - 19% ~ 10 points - 20% - 35% ~ 20 points - 36% - 50% ~ 30 points | 75 | |
| <p>B. Applicant Administrative Experience – 15 points</p> <p>(i) Applicants with prior experience during the past five years administering local, state or federal affordable housing or community development programs or who have entered into a contract with an entity with prior experience during the past five years in the implementation of local, state, or federal affordable</p> | | |

| | |
|--|--|
| <p>housing or community development programs will receive up to 15 points.</p> <ul style="list-style-type: none"> - Applicants with experience administering three to five programs as described above ~ 5 points - Applicants with experience administering six to eight programs as described above ~ 10 points - Applicants with experience administering more than eight programs as described above ~ 15 points | |
| <p>C. Demonstrated Capacity – 30 points</p> <p>(i) Capacity points will be based on:</p> <p>(a) Sponsor experience in Affordable Rental Housing Development and ownership in the past five years (up to 30 points)</p> <ul style="list-style-type: none"> - Sponsor has completed and owns two Affordable Rental Housing Projects – 10 points - Sponsor has completed and owns four Affordable Rental Housing Projects – 20 points - Sponsor has completed and owns six Affordable Rental Housing Projects – 30 points <p style="text-align: center;">or</p> <p>(b) Navigation center development experience in the past five years (for development of these facilities) (up to 30 points).</p> <ul style="list-style-type: none"> - Applicant and/or co-Applicant has completed and operated one Navigation center – 10 points - Applicant and/or co-Applicant has completed and operated two Navigation centers – 20 points - Applicant and/or co-Applicant has completed and operated three Navigation centers – 30 points <p style="text-align: center;">or</p> <p>(c) Program Operator experience (for non-development Activities) in the past five years (up to 30 points)</p> <ul style="list-style-type: none"> - Program Operator has operated three programs of less than \$750,000 each – 10 points - Program Operator has operated six programs of between \$750,000 and \$1 million each – 20 points - Program Operator has operated nine programs of more than \$1 million each – 30 points | |

3. Tie Breaker

In the event of tied point scores and insufficient funding for both applications, the Department shall rank the tied applications as follows:

- (a) If one of the tied applications is for an Affordable Rental Housing Development and the other is for a program Activity or development of a navigation center, the Affordable Rental Housing Development application will be selected for funding;

- (b) If one of the tied applications is for a navigation center and the other is for a program Activity, the navigation center will be selected for funding;
- (c) If both of the tied applications are for Affordable Rental Housing Developments, the Project with the lowest weighted average affordability of Restricted Units will be selected;
- (d) If both of the tied applications are for navigation centers, the facility that provides overnight shelter to the greatest number of people will be selected; and
- (e) If both of the tied applications are for programs, the local government with the highest rate of households experiencing the most severe housing need according to the most recent HUD CHAS dataset will be selected.

4. Funding Award

Pursuant to Guidelines Section 401(a), the PLHA funds awarded to eligible Applicants must be used to carry out the eligible Activity for which the Applicant submitted the application.

An Applicant that receives an award of PLHA funds must comply with the deadline and funding requirements set forth in Guidelines Section 405.

III. 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. PLHA Application

The PLHA application must be submitted under this NOFA and will be funded on a competitive basis, as set forth in the Guidelines and this NOFA. The PLHA application and program Guidelines are available on the PLHA webpage

B. Application Submittal

The Department must receive a completed application (for rental housing projects, this includes both the UAHCD2020 PLHA Universal Application and the PLHA Competitive Supplemental Application, plus all of the documents required by both of those forms) on a Universal Serial Bus (USB) flash drive no later than 5:00 P.M. Pacific Standard Time on November 30, 2020. The Department will only accept applications through a postal carrier service such as the U.S. Postal Service, UPS, FedEx, or other carrier services that provide date stamp verification of delivery. Applications shall be mail to:

California Department of Housing and Community Development
Division of Financial Assistance, Program Design and Implementation
Permanent Local Housing Allocation Program
2020 West El Camino Avenue, Suite 150
Sacramento, CA 95833

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

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

Applicants are strongly encouraged to attend the PLHA webinar to gain information critical for preparing the application, which will be discussed during the webinar. PLHA webinar dates and times are located on the Department's [PLHA webpage](#). These webinars will cover the NOFA and application.

IV. 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 Director of 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 NOFA and does not apply to any decisions made with respect to any previously issued NOFAs or decisions to be made pursuant to future NOFAs.

B. Appeal Process and Deadlines

Process: To file an appeal, Applicants must submit to the Director of 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 Director of the Department, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to the Director of the Department at CPLHA@hcd.ca.gov according to the deadline set forth in Department review letters.

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. Decisions

Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the Guidelines and this NOFA. The Director's decision shall be final, binding, and conclusive, and shall constitute the final action of the Department.

V. Award Announcements and Contracts

A. Award Announcements

The Department intends to announce awards in March 2021. Award recommendations will be posted on the [PLHA webpage](#).

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 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.

VI. Other State Requirements

A. Administration, Monitoring, and Reporting Requirements

A recipient of PLHA funds must meet the administration and monitoring requirements set forth in Guidelines Sections 500 and 501, and reporting requirements in Section 503.

B. 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 demonstrates 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, which 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:

1. The name and date of the proposition and the number of units that were approved;
2. A copy of the referendum and a certified vote tally;
3. 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
4. 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.

C. Pet Friendly Housing Act of 2017

Housing funded through this program is subject to the Pet Friendly Housing Act of 2017 (HSC Section 50466). Each awardee will be required to submit a signed and dated certification that residents of the program-funded housing development will be authorized to own or otherwise maintain one or more common household pets as required by HSC Section 50466. Pursuant to this statute, “common household pet” means a domesticated animal, such as a dog or cat, commonly kept in the home for pleasure rather than for commercial purposes.

D. State Prevailing Wages

Program Funds awarded under this NOFA are subject to state prevailing wage law, as set forth in Labor Code Section 1720 et seq. and require the payment of prevailing wages unless the Project meets one of the exceptions of Labor Code Section 1720 (c), as determined by the Department of Industrial Relations (DIR). The DIR can be contacted via its website at <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm>. Applicants are urged to seek professional advice as to how to comply with state prevailing wage law.

E. Relocation

Both the Applicant and the Department must comply with applicable Relocation Law, 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 UMRs 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 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.

F. Accessibility and Non-Discrimination

All Projects or programs shall adhere to the accessibility requirements set forth in California Building Code Chapter 11A and 11B and the Americans with Disabilities Act, Title II. In addition, Projects or programs shall adhere to either the Uniform Federal Accessibility Standards (UFAS) standards, 24 C.F.R. Part 8, or HUD's modified version of the 2010 ADA Standards for Accessible Design (Alternative 2010 ADAS), HUD-2014-0042-0001, 79 F.R. 29671 (5/27/14) (commonly referred to as "the Alternative Standards" or "HUD Deeming Memo"). Accessible units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout the Project and be available in a sufficient range of sizes and amenities consistent with 24 CFR Section 8.26.

Recipients shall adopt a written non-discrimination policy requiring that no person shall, on the grounds of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, age, medical condition, genetic information, citizenship, primary language, immigration status (except where explicitly prohibited by federal law), arbitrary characteristics, and all other classes of individuals protected from discrimination under federal or state fair housing laws, individuals perceived to be a member of any of the preceding classes, or any individual or person associated with any of the preceding classes be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or Activity funded in whole or in part with program funds made available pursuant to this NOFA.

Recipients shall comply with the requirements contained in the Americans with Disabilities Act, the Fair Housing Amendments Act, the California Fair Employment and Housing Act, the Unruh Act, Government Code Section 11135, Section 504 of the Rehabilitation Act, and regulations promulgated pursuant to those statutes, including 24 C.F.R. Part 100, 24 C.F.R. Part 8, and 28 C.F.R. Part 35, in all of the Sponsor's activities.

VII. 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 PLHA listserv. Please note that in the event this NOFA is amended, the Department will require new authorizing resolutions from successful Applicants and all constituent entities thereof.

B. Disclosure of Application

Information provided in the application will become a public record and 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 disclosed 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 the Department, 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. Applicants are deemed to have fully read and understand all applicable state and federal laws, and Guidelines pertaining to PLHA, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

APPENDICES

Appendix A: Non-Entitlement Local Government Competitive Fiscal Year 2019-20.

| Eligible Applicants for Non-entitlement local government | | | | |
|--|------------------|----------------------|---------------------|-------------|
| Alpine County | Dixon | Lake County | Plymouth | Ukiah |
| Alturas | Dorris | Lakeport | Point Arena | Vernon |
| Amador City | Dos Palos | Lassen County | Portola | Wasco |
| Amador County | Dunsmuir | Lemoore | Rancho Mirage | Weed |
| American Canyon | El Centro | Lincoln | Red Bluff | Westmorland |
| Anderson | El Dorado County | Lindsay | Rio Dell | Wheatland |
| Angels | Etna | Live Oak | Rio Vista | Williams |
| Arcata | Eureka | Livingston | Riverbank | Willits |
| Artesia | Exeter | Loomis | San Benito County | Willows |
| Arvin | Farmersville | Los Banos | San Joaquin | Winters |
| Atwater | Ferndale | Loyalton | San Juan Bautista | Woodlake |
| Auburn | Firebaugh | Madera County | San Juan Capistrano | Yolo County |
| Avenal | Fort Bragg | Mammoth Lakes | Sand City | Yountville |
| Benicia | Fort Jones | Maricopa | Santa Cruz County | Yreka |
| Biggs | Fortuna | Marina | Scotts Valley | Yuba County |
| Bishop | Fowler | Mariposa County | Shasta County | |
| Blue Lake | Glenn County | Marysville | Shasta Lake | |
| Brawley | Grass Valley | McFarland | Sierra County | |
| Butte County | Greenfield | Mendocino County | Siskiyou County | |
| Calaveras County | Gridley | Merced County | Solano County | |
| Calexico | Grover Beach | Modoc County | Soledad | |
| Calimesa | Guadalupe | Mono County | Sonora | |
| Calipatria | Gustine | Montague | South Lake Tahoe | |
| Calistoga | Hidden Hills | Mount Shasta | St. Helena | |
| Capitola | Hollister | Napa County | Suisun City | |
| Carmel-by-the-Sea | Holtville | Nevada City | Susanville | |
| Chowchilla | Humboldt County | Nevada County | Sutter County | |
| Clearlake | Huron | Orange Cove | Sutter Creek | |
| Coalinga | Imperial | Orland | Taft | |
| Colfax | Imperial County | Oroville | Tehama | |
| Colusa | Indian Wells | Pacific Grove | Tehama County | |
| Colusa County | Industry | Palos Verdes Estates | Trinidad | |
| Corcoran | Inyo County | Parlier | Trinity County | |
| Corning | Ione | Pismo Beach | Truckee | |
| Crescent City | Jackson | Placer County | Tulare County | |
| Del Norte County | King City | Placerville | Tulelake | |
| Dinuba | Kings County | Plumas County | Tuolumne County | |