

## AUTHORIZING RESOLUTION

RESOLUTION NO. [REDACTED]

### A RESOLUTION OF THE GOVERNING BODY OF [INSERT NAME OF CO-APPLICANT/TRIBAL ENTITY] AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE TRIBAL HOMEKEY+ PROGRAM

#### WHEREAS:

- A. The Department of Housing and Community Development (“**Department**”) has issued a Notice of Funding Availability, dated November 26, 2024, (“**NOFA**”), for the Tribal Homekey+ Program (“**Tribal Homekey+**” or “**Program**”). The Department has issued the NOFA for Homekey grant funds pursuant to AB 140 (2021-2022 Reg. Sess.) and AB 531 (2023-2024 Reg. Sess.), which provides the statutory basis for the Homekey+ Program. AB 140 added Section 50675.1.3 to the Health and Safety Code (HSC). AB 531 added Section 50675.1.5 to the HSC, and it added Chapter 4 (commencing with Section 5965) to Part 7 of Division 5 of the Welfare and Institutions Code.
- B. The [insert name of Tribal Entity] is a [federally-recognized Indian Tribe located in California, as defined under U.S.C. section 4103(13)(b)] [an Indian Tribe listed in the Bureau of Indian Affairs Office of Federal Acknowledgement petitioner list pursuant to Title 25 C.F.R. Part 83 et seq., and has organized a separate legal entity controlled by the Co-Applicant] [an Indian Tribe located in California that is on the contact list maintained by the Native American Heritage Commission and has organized a separate legal entity controlled by the Co-Applicant] or [a Tribally Designated Housing Entity (TDHE), as defined under Title 25 U.S.C. 4103(22)] (“**Applicant**”) and desires to jointly apply for Homekey Tribal grant funds with [FULL LEGAL NAME OF (city, county, Local Public Entity or a nonprofit or for-profit corporation, a limited liability company (LLC), and/or a limited partnership (LP))] (“**Applicant**”). Therefore, Co-Applicant is joining Applicant in the submittal of an application for Tribal Homekey+ funds (“**Application**”) to the Department for review and consideration.
- C. The Department is authorized to administer Tribal Homekey+ pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement (“**Standard Agreement**”), and all other legal requirements of the Homekey Program.
- D. [IF Co-Applicant is Tribal Entity, INSERT NAME OF TRIBAL ENTITY] acknowledges that the Tribal Homekey+ Program requires a limited waiver of sovereign immunity in connection with the Tribal Homekey+ Standard Agreement and Affordability Covenant.

**THEREFORE, IT IS RESOLVED THAT:**

1. Co-Applicant is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Tribal Homekey+ grant funds in a total amount not to exceed \$\_\_\_\_\_.
2. If the Application is approved, Co-Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed \$\_\_\_\_\_, any and all other documents required or deemed necessary or appropriate to secure the Tribal Homekey+ funds from the Department and to participate in the Tribal Homekey+ Program, and all amendments thereto (collectively, the “**Tribal Homekey+ Documents**”).
3. Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.
4. **[IF Co-Applicant is Tribal Entity, INSERT NAME OF TRIBAL ENTITY]** agrees to negotiate in good faith with the Department and grant a limited waiver of sovereign immunity in connection with the Tribal Homekey+ Standard Agreement and Affordability Covenant.
5. **[TITLE OF AUTHORIZED SIGNATORY], [Optional: or his or her designee,]** is authorized to execute the Application and the Tribal Homekey+ Documents on behalf of Applicant for participation in the Tribal Homekey+ Program.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by the following vote:

AYES: **[ # ]** NAYES: **[ # ]** ABSTAIN: **[ # ]** ABSENT: **[ # ]**

The undersigned, **[NAME, TITLE OF ATTESTOR]** of Co-Applicant, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing body **[insert Name of Co-Applicant]** adopted at a duly convened meeting on the date above-mentioned, at which a quorum was present, and that the resolution has not been altered, amended, or repealed.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

**[NOTICE AND INSTRUCTIONS APPEAR ON THE FOLLOWING PAGE]**

## NOTICE AND INSTRUCTIONS

1. **Notice.** The Department is providing this template Authorizing Resolution as informational guidance only. The Department encourages each Co-Applicant to consult with professional legal counsel during the development of its own formal, legally binding statement that it is authorized to apply to and participate in the Homekey Tribal Program.
  - a. Please note, however, that any limitations or conditions on the authority of the signatory or signatories to execute the Application or the Homekey Tribal Documents may result in the Department rejecting the Authorizing Resolution.
2. **Accuracy, Verification.** The Department will verify that this Authorizing Resolution comports with the legal authority and composition of Co-Applicant's governing body. Co-Applicant must timely notify the Department, in writing, of any factors that limit its ability to provide an Authorizing Resolution which is materially in line with this template.
3. **Dollar Amounts of Grant Awards.** The Department recommends identifying an authorized dollar amount that is at least double the anticipated award (based on current formula calculations). Award amounts are subject to change. If Co-Applicant is ultimately awarded an amount in excess of the amount identified in the Authorizing Resolution, the Department will require a new Authorizing Resolution from Co-Applicant before execution of a Standard Agreement.
4. **Authorized Signatory or Signatories, Designee.** Co-Applicant, as a state, regional, or local public entity, may designate an authorized signatory by title only. In addition, Co-Applicant may authorize multiple signatories, so long as there is clarifying language as to whether the signatories are authorized to execute the Homekey Tribal Documents individually or collectively. In addition, Co-Applicant may authorize a designee of the authorized signatory to execute the Homekey Documents. In such case, Co-Applicant must append a supporting document (e.g., memorandum, meeting notes of official action), which indicates the name and title of the designee who is authorized to legally bind the governing body.
5. **Vote Count.** Please fill out the field by every voting category (i.e., Ayes, Nays, Abstain, Absent). If none, please indicate zero (0) for that field. The vote count must comport with the legal authority and membership of the Co-Applicant's governing body.
6. **Certification of Authorizing Resolution.** The individual who certifies the Authorizing Resolution cannot also be authorized to execute the Homekey Tribal Documents on behalf of Co-Applicant.