

Agenda Items: ID#20-00944

Date: 8/20/2020

FRESNO CITY COUNCIL



Revised Document

Item(s)

Title: Actions pertaining to the Permanent Local Housing Allocation 5-Year Plan:

1. HEARING to obtain public comments regarding Permanent Local Housing Allocation 5-Year Plan
2. ***RESOLUTION – Adopting and authorizing submission of a five-year Plan to the California Housing and Community Development Department in application for funding from the Permanent Local Housing Allocation (PLHA) for the development of affordable multifamily and single family housing, owner occupied home rehabilitation, and down payment assistance to benefit low- and moderate- income persons and authorizing the City Manager to sign all necessary implementing documents (Subject to Mayor's Veto)
3. ***RESOLUTION – 2nd amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$3,407,700 for affordable housing development, housing rehabilitation, and homebuyer assistance through state entitlement grant programs (Requires 5 affirmative votes) (Subject to Mayor's veto)

Contents: **Revised - Resolution**

Revision Information:

The resolution has been revised to indicate adoption of the Permanent Local Housing Allocation (PLHA) 5-year plan in addition to authorizing application per consultation with the California Department of Housing and Community Development.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING AND AUTHORIZING SUBMISSION OF A FIVE-YEAR PLAN TO THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT IN APPLICATION FOR FUNDING FROM THE PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FOR THE DEVELOPMENT OF AFFORDABLE MULTIFAMILY AND SINGLE FAMILY HOUSING, OWNER OCCUPIED HOME REHABILITATION, AND DOWN PAYMENT ASSISTANCE TO BENEFIT LOW- AND MODERATE- INCOME PERSONS AND AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY IMPLEMENTING DOCUMENTS

A necessary quorum and majority of the **Council** of the City of Fresno ("Applicant") hereby consents to, adopts and ratifies the following resolution:

- A. WHEREAS, the Department is authorized to provide up to \$195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)));
- B. WHEREAS the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 02/26/2020 under the Permanent Local Housing Allocation (PLHA) Program;
- C. WHEREAS Applicant is an eligible Local government applying for the program to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation;
- D. WHEREAS the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement and other contracts between the Department and PLHA grant recipients;
- E. WHEREAS the Department requires the adoption of a Plan for a term of five years outlining the eligible activities to be funded with the jurisdiction's PLHA allocation;
- F. WHEREAS the City has completed a required 10 day public review period ending on August 15, 2020 with 2 comments received and accepted, and conducted a Public

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

Hearing on August 20, 2020 prior to consideration by the Council of the City of Fresno;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Council of the City of Fresno, California, adopts the Permanent Local Housing Allocation 5-Year Plan incorporating citizen comments made during the public hearing.
2. The Council of the City of Fresno directs that PLHA funds be allocated to the following activities according to the Permanent Local Housing Allocation 5-Year Plan: development of affordable multi-family rental housing, development of affordable single-family owner-occupied housing, rehabilitation of owner-occupied housing for low income households, and down payment assistance for low- and moderate-income households.
3. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.
4. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA (\$20,445,618) in accordance with all applicable rules and laws.
5. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department.
6. Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator, but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation.
7. Applicant certifies that its selection process of these subgrantees was or will be accessible to the public and avoided or shall avoid any conflicts of interest.
8. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.
9. Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure

compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).

10. Applicant certifies that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with a Local government-approved underwriting of the Project for a term of at least 55 years.
11. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.
12. Wilma Quan, City Manager is authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Tracy N. Parvanian Date
Senior Deputy City Attorney