

Bylaws

Housing Trust Fund and Homelessness Solutions Committee

Description

The Housing Trust Fund and Homeless Solutions Committee (HTFHSC) is established pursuant to Government Code §31000.1 by Board of Supervisors, County of Humboldt Resolution 18-73, which rescinds and supersedes Board of Supervisors, County of Humboldt Resolution 18-14. The HTFHSC was established in response to the County's direction to create an Affordable Housing Trust Fund, also known as the Housing Trust Fund.

Purpose

HTFHSC's purpose is to recommend criteria for the receipt and use of Affordable Housing Trust Fund monies to assist the County in meeting its affordable housing goals. The HTFHSC shall consider all applicable state and federal housing programs and funding sources available for affordable housing and homelessness solutions with a goal of addressing the highest unmet need. The HTFHSC shall make recommendations to the Board of Supervisors regarding which proposals should be funded.

Membership

The Committee shall be composed of eleven (11) voting members. Members are appointed by the Board of Supervisors as set forth in the governing Resolution.

Term of Office

Member appointments are for a term of four years, except that at the first meeting of the committee four members shall be randomly selected to serve for a two-year term. Members appointed by individual Supervisors shall serve at the pleasure of their appointing Supervisor; the remaining four members shall serve at the pleasure of a majority of the Board of Supervisors. There are no restrictions on reappointment of members to successive terms.

Officer Nominations, Duties and Staffing

1. **Nominations.** At the first meeting held on June 26, 2018, HTFHSC members selected a Chair and a Vice Chair. In each anniversary month thereafter, new officers will be nominated and selected. Existing officers may be nominated to serve a successive term.

2. **Duties.** The Chair shall preside at all meetings and shall provide the agenda for such meetings. The Chair shall publicly announce the format and timelines for submitting agenda items. The Vice Chair shall preside in the absence of the Chair and shall assist the Chair in the conduct of their office.

3. **Designated Staff Member.** One staff member with the Department of Health and Human Services (DHHS) is designated to serve as secretary to the HTFHSC. The Secretary keeps the minutes of all meetings, prepares and receives correspondence under the direction of the Chair or Vice Chair, sends notices of meetings, provides general administrative support, and maintains membership lists and the files of the HTFHSC. The DHSS staff member is not a member of the HTFHSC and cannot vote on any item that comes before the HTFHSC.

Meetings

1. **Regular Meetings.** The HTFHSC holds regular meetings at an agreed upon time and place.

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2. **Special Meetings.** The HTFHSC may hold special meetings as shall be required from time to time. Special meetings shall be called by the Chair or, in his/her absence from the County, by the Vice Chair. Special meetings are effective for the transaction of business only if each member is provided notice at least 48 hours in advance of the special meeting. All notices of a special meeting must contain the subject of the special meeting.

3. **Quorum.** A quorum consists of six members of the HTFHSC. To be valid, any action taken at a regular or special meeting must be approved by a majority of the HTFHSC members who are present and voting, and only if a quorum is present.

Resignation or Removal of Members

1. **Resignation.** HTFHSC members are permitted to resign from the Committee. Any voluntary vacancy of a Committee member must be reported by the Chair to the Board of Supervisors within one week of receiving notice of the resignation. The Chair also will request a new member appointment from the Board of Supervisors to carry out the unexpired term of the resigned member.

2. **Removal.** Any HTFHSC member who is absent from three consecutive regular meetings without showing good cause to the Chair shall be removed from the HTFHSC. At the fourth consecutive regular meeting, the absent member's appointment to the HTFHSC is withdrawn and the member's seat automatically becomes vacant. Within one week of the fourth consecutive regular meeting upon which the seat is vacated, the Chair will report the vacancy to the Board of Supervisors. At that time, the Chair also will request a new member appointment from the Board of Supervisors to carry out the unexpired term of the removed member.

Open Meetings

All HTFHSC meetings are open to the public and subject to the Ralph M. Brown Act, Government Code, §§ 54950, et seq. HTFHSC carries out its functions in accordance with the Brown Act and procedures established by the Board of Supervisors. In the absence of such procedures, the HTFHSC establishes its own procedures consistent with State and local law and the current edition of Robert's Rules of Order. If necessary, HTFHSC will obtain input and advice from appropriate County staff about procedures for carrying out its duties. Each member of the HTFHSC will comply, at all times, with all laws and procedures governing the open meeting requirement.

Conflict of Interest Code

HTFHSC is subject to all applicable laws regarding conflicts of interest, including the Political Reform Act, Government Code, §§ 81000, et seq., and the Humboldt County Conflict of Interest Code. Each member of the HTFHSC will comply, at all times, with all applicable laws.

Duties

The duties of the HTFHSC include:

1. Ongoing review of the County's current and projected homelessness assistance and affordable housing revenues and expenditures.
2. Ongoing review of federal, state, and local government funding sources for affordable housing and homelessness solutions and services.
3. Maintaining a spreadsheet listing potential private funding sources for affordable housing and homelessness solutions.

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4. Becoming familiar with the County's role as a service provider.
5. Providing a forum for public expression of desires regarding expenditure of funds derived from Affordable Housing Trust Fund and homelessness solutions.
6. Working with the Department of Health and Human Services and members of the public to address potential public concerns about expenditure of funds derived from the Affordable Housing Trust Fund.
7. Providing recommendations on ongoing sources of funding for the Affordable Housing Trust Fund.
8. Providing recommendations on homelessness solutions.
9. Preparing a draft ordinance and/or resolution setting forth criteria governing the Affordable Housing Trust Fund.
10. Preparing, and amending as necessary, formal draft bylaws to be adopted by the Committee.
11. Making recommendations to the Board of Supervisors for expenditures from the Affordable Housing Trust Fund pursuant to the criteria developed by the HTFHSC's Policies and Procedures as adopted by the Board of Supervisors.
12. Evaluating potential shelter crisis projects and making recommendations regarding such projects pursuant to the criteria developed by the HTFHSC's Policies and Procedures as adopted by the Board of Supervisors.

Bylaw Amendments

These Bylaws may be amended, repealed or modified by the affirmative vote of a majority of the HTFHSC at a regularly scheduled meeting provided the proposed changes have been provided to all members of the HTFHSC at least two weeks in advance of the meeting.

Adoption of Bylaws

We, the undersigned, are all of the current members of this committee, and we consent to, and hereby adopt, the foregoing Bylaws, consisting of 7 pages, as the Bylaws of the Housing Trust Fund and Homelessness Solutions Committee (HTFHSC).

ADOPTED AND APPROVED by the HTFHSC Members on this 13 day of March, 2020.

By: S. Lynn Martinez
Lynn Martinez, HTFHSC Vice Chair
Appointment: Humboldt Housing and Homeless Coalition

By: Nezzie Wade
Nezzie Wade, HTFHSC Member
Appointment: District 1

By: Patte Rae
Patte Rae, HTFHSC Member
Appointment: District 2

By: _____
VACANT, HTFHSC Member
Appointment: District 3

By: Andrew Rix
Andrew Rix, HTFHSC Member
Appointment: District 4

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By: John Calkins
John Calkins, HTFHSC Member
Appointment: District 5

By: Michelle Nielsen
Michelle Nielsen, HTFHSC Member
Appointment: County of Humboldt Planning Department

By: Sally Hewitt
Sally Hewitt, HTFHSC Member
Appointment: County of Humboldt Department of Health & Human Services

By: Marc Delaney
Marc Delany, HTFHSC Member
Appointment: Board of Supervisors (Member Experienced in Affordable Housing Project Development)

By: Brett Watson
Brett Watson, HTFHSC Member
Appointment: Board of Supervisors (Member-At-Large)

**County of Humboldt
Housing Trust Fund and Homelessness
Solutions Committee**

**Policies and Procedures
Manual**

**Governing the Humboldt County
Affordable Housing Trust Fund**

February 26, 2019

Board of Supervisors, County of Humboldt, State of California

Resolution No. _____

County of Humboldt
Housing Trust Fund and Homelessness Solutions Committee
Policies and Procedures Manual

Governing the Humboldt County Affordable Housing Trust Fund

HTFHSC Adoption: February 26, 2019

Section 1. Authorizing Legislation and Governing Policies

The Housing Trust Fund and Homelessness Solutions Committee (HTFHSC) is established pursuant to Government Code § 31000.1 by the Board of Supervisors, County of Humboldt Resolution 18-73, which rescinds and supercedes Board of Supervisors, County of Humboldt Resolution 18-14. The HTFHSC was established in response to the County's direction to create an Affordable Housing Trust Fund, also known as the Housing Trust Fund. The HTFHSC adopted ByLaws governing the HTFHSC on December 4, 2018.

County Resolution 18-73 and subsequent HTFHSC ByLaws sets forth the establishment of the Housing Trust Fund, its administration and use of its funds for housing and homelessness solutions. Use of these funds is subject to the approval of the County of Humboldt Board of Supervisors after HTFHSC recommendation based on the criteria set forth in this Policies and Procedures Manual. Applicants for funding are advised to review and comply with Resolution 18-73, the HTFHSC ByLaws and this Policies and Procedures Manual, all which are available at <https://humboldt.gov/DocumentCenter>

Section 2. Overview and Purpose

The Housing Trust Fund is administered by the Humboldt County Planning Department or its designee. Housing Trust Fund loans are ultimately approved by the Humboldt County Board of Supervisors.

These Policies and Procedures, together with each of its attachments, shall ensure that Housing Trust Fund monies are used to assist the County of Humboldt in meeting its affordable housing and homelessness solutions goals, and to implement the policies, objectives, and programs set forth in the Housing Element of the County's General Plan.

The Housing Trust Fund offers several different types of loans, designed to mitigate Humboldt County's lack of affordable housing and its homelessness crises. HTFHSC recognizes that these problems cannot be addressed in a vacuum, but rather must be addressed by the HTFHSC and

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County in a comprehensive strategic manner. Accordingly, the HTFHSC seeks to utilize “all available funds” to provide solutions to mitigate homelessness and to support the development and preservation of affordable housing in our County. “All available funds” include current funding sources that are or will be deposited into the Housing Trust Fund, and all new housing and homelessness revenue sources that may be sought by the County in the future.

The HTFHSC will develop strategies to create non-traditional sources of funds, to identify other federal, state and local funds as they become available, and to encourage the County to obtain and deposit such funds in the Housing Trust Fund. The HTFHSC maintains and will update, as necessary, its List of Current Available Funds. (See Attachment A – List of Current Available Funds).

The HTFHSC further strives to implement uniform definitions related to their mission and these policies and procedures. HTFHSC maintains and will update, as necessary, governing definitions which are applicable to its authority, mission, and the policies and procedures set forth in this Manual. (See Attachment B – Project and Program Definitions.) The use of the term “project” in this Manual refers to any building development/rehabilitation, social program, or individual activity designed to meet the goals and objectives set forth in this manual, and such usage is not limited to any definition of project set forth in the California Government Code or other applicable law or authority.

The Housing Trust Fund offers “gap” financing, via long-term secured loans or short-term pre-acquisition unsecured loans, for the development and rehabilitation of affordable housing in the County of Humboldt, and provides forgivable loans for programs and projects that provide solutions or mitigate the harmful effects of living without housing. HTFHSC will prioritize those projects and programs that meet the very-low income needs assessment and goals and objectives set forth in the County’s Housing Element of its General Plan, and satisfy all other criteria set forth in this Policies and Procedures Manual.

All long-term secured loans financed by the Housing Trust Fund will carry permanent affordability requirements recorded against the real property and on all units assisted with Housing Trust Fund monies. These loans will be made for construction and permanent financing only. Due to the contingent nature of commitments made by the Housing Trust Fund, loan agreements will not be executed until all project funding is in place and until the construction closing is imminent. However, in no event will the Housing Trust Fund be required to execute a loan agreement if, after the specified funding cycle has elapsed, a funding gap exists for any reason, including cost increases, withdrawals or reduction of a previous commitment, or increases in deferred costs or fees.

Unless otherwise entirely funded by reserves, project applications must demonstrate viable leveraging of a key funding source, e.g. LIHTC, USDA/RDA, HCD and/or HUD funds; provided, however, that the funding source meets the income limitations set forth in these Policies and Procedures. Secured loan commitments will automatically expire at the earlier of two failed

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attempts to leverage the identified key funding source, or 24 months after Board of Supervisor approval, whichever occurs first. Failure to submit an application constitutes a failed attempt. Due to the limited amount of available funds, no exception will be made to extend the loan commitment and the applicant must reapply during the next Request for Proposal (RFP) or Notice of Housing Trust Fund Funding Availability (NOFA) cycle.

Unsecured short-term and forgivable loans financed by the Housing Trust Fund will be made pursuant to the criteria set forth in this Policies and Procedures Manual. The HTFHSC reserves the discretion to ensure affordability and/or income level requirements on Housing Trust Fund monies used for short-term and forgivable loans, consistent with the requirements set forth in this Manual. Unsecured and forgivable loan commitments will automatically expire if the project or program presented to the HTFHSC is not implemented within nine months of Board of Supervisor approval. Implementation criteria for use of the Housing Trust Fund will be established by the HTFHSC at the time a Housing Trust Fund award is recommended, and will be part of the funding package submitted to the Board of Supervisors for approval.

All affordability covenants and restrictions imposed on Housing Trust Fund awards are subject to annual reporting and monitoring requirements.

The application process is open and commences when the HTFHSC releases either a RFP or NOFA. RFPs and/or NOFAs will identify the amount of loan funds available and will further specify the type of project or program that will be considered by the HTFHSC. Selection criteria may designate a specific housing need to be met, a particular location or parcel located in the County, or fulfillment of a goal or objective set forth in the County's adopted Housing Element. The duration of the RFP or NOFA is determined by the HTFHSC at initial release of the RFP or NOFA, and may be time limited or remain open until the funding is fully awarded. Applications are submitted to the HTFHSC Chair, c/o the Humboldt County Administrative Office, 825 5th Street, Eureka CA 95501. Applications are accepted in person and via US Mail or overnight delivery service. Email submissions are not accepted.

Following the release of an RFP or NOFA, there is a multi-stage review process that is set forth in Section 7 of these policies and procedures. As detailed in Section 7, there is a pre-application meeting process, and approval of a pre-application is necessary to move forward any recommendation to the Board of Supervisors. The application process entails submitting all materials required to support the project or program, including proof of leveraged funds (or application thereto), development approvals, business plans, land commitments, etc., as required by the HTFHSC.

Section 3. Program Objectives, Goals and Priorities

HTFHSC's objective is to provide homelessness solutions and utilize the Housing Trust Fund for those most in need in Humboldt County. The Housing Trust Fund monies are targeted for projects and programs that are designed to serve persons at 30% of Area Median Income (AMI)

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or less, as defined annually by the California Department of Housing and Community Development (HCD). Further priority for the use of the Housing Trust Fund is provided to funding proposals targeting programs and projects that benefit persons and households earning 10% AMI or less.

At least fifty percent (50%) of Housing Trust Fund must be used for “bricks and mortar” projects, such as new development, acquisition of land and/or buildings, and rehabilitation of existing development, or preservation of existing at-risk rental housing. At least forty percent (40%) of the Housing Trust Fund must be used for temporary housing and/or related services to serve people who are homeless or at risk of homelessness. The remaining ten percent (10%) of the Housing Trust Fund is set aside for discretionary project or program approval.

With these goals as background, the Housing Trust Fund will seek to prioritize projects and programs that (1) help the County to meet its very low income needs as set forth in its Regional Housing Needs Assessment (RHNA); (2) are consistent with the goals and objectives of the Housing Element of the General Plan and to help the county meet its very-low income fair share housing goals as set forth in the Housing Element; (3) facilitate the County’s zoning programs, including promotion of SB 2 zones set forth in the Housing Element; (4) most effectively leverage the Housing Trust Fund’s resources by securing leveraged funds; and (5) satisfy all other criteria set forth in this Policies and Procedures Manual.

The following requirements and/or limitations apply to all applications reviewed by the HTFHSC:

- (1) If affordable restrictions are required, affordability covenants must be recorded and remain in effect for at least 55 years (or perpetuity if desired);
- (2) Any project or program restricted to seniors must permit persons who are 55 years and older, and people with disabilities regardless of age.

Section 4. Eligible Uses of the Housing Trust Fund

The Housing Trust Fund may be used in a variety of ways, provided that each meets the priorities and targets outlined in this Manual. Eligible uses include:

- Acquisition of real property or building sites, provided that the acquisition results in housing affordable to the priority target group and that deed restrictions are recorded against the property, including (1) the purchase and build-out of vacant land; (2) the purchase and/or rehabilitation of existing buildings; and (3) predevelopment costs related to the purchase of land;
- Construction of new building or structures, provided that the construction is affordable to the priority target group;

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- Improvement of real property with existing structures, provided that the improvements are part of new construction or rehabilitation of housing affordable to the priority target group;
- To provide subsidies, including vouchers, for people earning 30% AMI or less, adjusted for household size, to ensure affordability of housing units on the open market;
- To maintain the community's supply of mobilehomes and RVs used as a permanent source of housing, including preservation of mobilehome and special occupancy (including Recreational Vehicle) parks;
- Preservation of the affordability and availability of assisted or subsidized housing developments that are threatened with imminent conversion to market rate;
- To support the donation of county facilities or land to non-profit organizations for effective provision of services to persons experiencing a lack of housing or risk of homelessness; and
- Other projects and programs meeting the goals and priorities set forth in this Manual.

Section 5. Funding Mechanisms

The Housing Trust Fund provides several different loan options. Loans may be longer-term and secured, or short-term unsecured loans, depending on the amount financed. Forgivable loans are available for individual projects or programs designed to address homelessness solutions. Administrative fees of up to 2% may apply on all loans.

A. Long-Term Secured Loans

Subject to the parameters set forth in the RFP or NOFA, low interest loans may be used to finance construction, and permanent financing, provided that the loan is for an eligible activity to assist an eligible rental housing project. Loan financing may not exceed 25% of the Housing Trust Fund balance at one time. The balance of the Housing Trust Fund is determined by the amount of funds at hand and any outstanding loans.

Long-term secured loans will be offered at a 3% fixed rate or the current federal reserve interest rate, whichever is higher. Loans must be secured by a promissory note and recorded Deed of Trust, and can be subordinated to new or existing financing. The principal amount of the loan shall be based on 150% of anticipated appraised value for vacant land, or 80% loan-to-value for existing land and buildings. Repayment of principal may be deferred for the term of the loan; however, interest-only payments must be made on a monthly basis. Secured loans must be long-term, with an initial due date of at least 15 years, and can be amortized over 30

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years. Other terms include no prepayment penalty, a due-on-sale clause, and closing costs (recording, loan processing, escrow fees, etc.) to be paid in advance by the borrower.

Due to the contingent nature of commitments made by the Housing Trust Fund, loan agreements will not be executed until all project funding is in place and until the construction closing is imminent. However, in no event will the Housing Trust Fund be required to execute a loan agreement if, after the specified funding cycle has elapsed, a funding gap exists for any reason, including cost increases, withdrawals or reduction of a previous commitment, or increases in deferred costs or fees.

Unless otherwise entirely funded by reserves, project applications must demonstrate viable leveraging of a key funding source, e.g. LIHTC, USDA/RDA, HCD and/or HUD funds; provided, however, that the funding source meets the income limitations set forth in these Policies and Procedures. Secured loan commitments will automatically expire at the earlier of two failed attempts to leverage the identified key funding source, or 24 months after Board of Supervisor approval, whichever occurs first. Failure to submit an application constitutes a failed attempt. Due to the limited amount of available funds, no exception will be made to extend the loan commitment and the applicant must reapply during the next Request for Proposal (RFP) or Notice of Housing Trust Fund Funding Availability (NOFA).

B. Short-Term Unsecured Loans

Short-term unsecured financing of up to \$50,000 is available for predevelopment or site acquisition until permanent financing is in place. The applicant must demonstrate both an established history in the existing community and creditworthiness. Any administrative costs, including processing fees, must be paid by the borrower.

Unsecured short-term loans financed by the Housing Trust Fund will be made pursuant to the criteria set forth in this Policies and Procedures Manual. The HTFHSC reserves the discretion to ensure affordability and/or income level requirements on Housing Trust Fund monies used for short-term loans, consistent with the requirements set forth in this Manual. Unsecured loan commitments will automatically expire if the project or program presented to the HTFHSC is not implemented within nine months of Board of Supervisor approval. Implementation criteria for use of the Housing Trust Fund will be established by the HTFHSC at the time a Housing Trust Fund award is recommended, and will be part of the funding package submitted to the Board of Supervisors for approval.

C. Forgivable Loans

Forgivable loans are available to finance an individual project, services, specialized programs, or other programmatic solution. The entirety, or a portion, of the forgivable loan can be forgiven or deferred for a period of time when certain conditions are met. The time limitations and conditions will be governed by this Manual, the RFP or NOFA, or the submitted application for Housing Trust Fund monies. The maximum amount of a forgivable loan is \$10,000, and the

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applicant/recipient must have an established history in the existing community and demonstrated creditworthiness. Any administrative costs, including processing fees, must be paid by the recipient.

Forgivable loans financed by the Housing Trust Fund will be made pursuant to the criteria set forth in this Policies and Procedures Manual. The HTFHSC reserves the discretion to ensure affordability and/or income level requirements on Housing Trust Fund monies used for forgivable loans, consistent with the requirements set forth in this Manual. Forgivable loan commitments will automatically expire if the project or program presented to the HTFHSC is not implemented within nine months of Board of Supervisor approval. Implementation criteria for use of the Housing Trust Fund will be established by the HTFHSC at the time a Housing Trust Fund award is recommended, and will be part of the funding package submitted to the Board of Supervisors for approval.

Section 6. Project and Program Evaluation

The Housing Trust Fund will seek to prioritize projects and programs that (1) help the County to meet its very-low income needs as set forth in its Regional Housing Needs Assessment (RHNA); (2) are consistent with the goals and objectives of the Housing Element of the General Plan and to help the county meet its very-low income fair share housing goals as set forth in the Housing Element; (3) facilitate the County's zoning programs, including promotion of SB 2 zones, and identified special needs as set forth in the Housing Element; (4) most effectively leverage the Housing Trust Fund's resources by securing leveraged funds; and (5) satisfy all other criteria set forth in this Policies and Procedures Manual.

Competitive projects will increase the supply of rental housing or temporary housing for persons in the identified AMI priority groups and meet special housing needs identified in Housing Element. Applicants are also encouraged to leverage funds to ensure maximum use of the Housing Trust Fund.

Section 7. Avoidance of Conflicts or the Appearance of Conflict

The HTFHSC shall avoid any conflict, and the appearance of conflict, at all times during the application process. Accordingly, any HTFHSC member who submits an application or intends to submit an application, or has a relationship with any applicant or intended applicant, is deemed to have a conflict. HTFHSC members must declare any conflicts, or the appearance of conflict, at the earliest time when the conflict becomes known.

As more fully discussed in Section 8, the conflicted member may not serve on the *ad hoc* Selection Committee or take part in any HTFHSC action related to their application or a competitive application. The conflicted member may participate in any HTFHSC action item for the sole purpose of presenting their project or program proposal to the entire HTFHSC. Similarly, the conflicted member may participate in any future HTFHSC action item, such as a

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motion to consider loan forgiveness, for the purpose of presenting any necessary information about an approved application.

Section 8. Process and Timelines

Upon obtaining sufficient funds in the Housing Trust Fund, the HTFHSC shall issue a RFP and/or NOFA. Within five days after closing the RFP/NOFA application period, the HTFHSC shall establish a sub-committee of HTFHSC members called the Selection Committee. The Selection Committee is limited to three HTFHSC members without any conflict with, or relationship to, any applicant for Housing Trust Fund monies. HTFHSC members or their organizations are not prohibited from applying for Housing Trust Fund loans, but may not, at any time, sit on the Selection Committee that is reviewing their application or take part in any votes related to their application.

To begin the process, an application must be submitted to the HTFHSC in response to an issued RFP or NOFA. The application form is attached as Attachment D. The application and supporting materials must be submitted to the HTFHSC Chair, c/o the Humboldt County Administrative Office, 825 5th Street, Eureka CA 95501. Applications must be made in person, via US Mail or by overnight delivery service. Email submissions are not acceptable.

Within two weeks after receipt of a timely submission, the application is reviewed by the Selection Committee and any necessary County staff to evaluate the project or program against HTFHSC priorities, funds availability, project readiness, lending priorities, and other criteria set forth in the RFP or NOFA. The Selection Committee will then meet with the applicant for the purposes of conducting an informal pre-selection meeting. At the meeting, the Selection Committee will discuss the proposed project or program with the applicant. If necessary, the Selection Committee will also discuss the proposed project with Humboldt County planning staff and/or request that planning staff attend the pre-selection meeting.

Within 10 business days of pre-selection meeting, the Selection Committee will issue a letter regarding whether the proposed application meets the required criteria. If the proposed project or program does not meet the necessary criteria, the Selection Committee's letter will provide feedback identifying issues that likely inhibit the project or program from receiving funds. If the Selection Committee determines that the proposed project or program meets the HTFHSC criteria, it will accept the application for the next level of consideration.

Within 7 business days of acceptance of the application, the Selection Committee shall notify the applicant of its decision to bring the application forward for consideration of the entire HTFHSC. The applicant will be invited to attend the HTFHSC meeting and discuss the application before the entire Committee before a final vote is taken.

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The application will be brought forward to the full HTFHSC for consideration at its next regular meeting. The Selection Committee may, but is not required to, make recommendations to the HTFHSC. The HTFHSC will determine whether it shall recommend approval of the application to the Board of Supervisors. Any HTFHSC member who is an applicant or otherwise has a conflict with a proposed application must abstain from voting on that project or program and any competitive application, and may not participate in any related action, present or future, taken by the HTFHSC. A conflicted HTFHSC member may participate in the agenda item for the sole purpose of presenting their project or program proposal to the entire HTFHSC, or if their accepted application is brought before the HTFHSC for any subsequent action.

Within two weeks of the HTFHSC meeting, the HTFHSC will recommend its approval to the Board of Supervisors if it was determined that such recommendation should be made.

Note: Applications may be submitted at any time without issuance of an RFP or NOFA; however, unsolicited applications are not subject to the timelines set forth in this Manual and may take longer to review.

Section 9. Enforceability

The repayment of loans, whether secured, unsecured, or partially forgivable, must be deposited back into the Housing Trust Fund. Failure to repay loans pursuant to the funding agreement is subject to collection by any method permitted by law.

All secured, unsecured, and forgivable loans are subject to annual reporting and monitoring requirements to ensure the income levels of tenants, residents or other beneficiaries of the Housing Trust Fund. If it is determined that the loan recipient is not assisting eligible income groups consistent with its loan application, the loan is subject to immediate repayment and/or enforcement via misdemeanor/fines, regulatory agreement and resale controls by civil action, injunctive relief, foreclosure, or any other method permitted by law.

This provision may be enforced by either the County or a low-income person who is otherwise eligible for the housing or provisions funded by the Housing Trust Fund.

Policies and Procedures Manual

Governing the Humboldt County

Affordable Housing Trust Fund

Attachment A

List of Current Available Funds

Policies and Procedures Manual

Governing the Humboldt County

Affordable Housing Trust Fund

Attachment B

Project and Program Definitions

Policies & Procedures Manual – Humboldt County Affordable Housing Trust Fund
Project and Program Definitions
3/6/2019

ABA: Architectural Barriers Act of 1968. Requires that facilities designed, built, altered, or leased with funds supplied by the United States Federal Government be accessible to the public.

ADA: Americans with Disabilities Act. Federal law that prohibits discrimination based on disability, which extends to a physical or mental impairment that substantially limits a major life activity. It is intended to provide enforceable standards for eliminating discrimination against individuals with disabilities. The act is divided into subchapters. Title II extends to programs operated by public entities, such as PHAs. Title III covers privately operated public accommodations and reasonable accommodations for persons with disabilities. Codified at 42 U.S.C. § 12101 et seq.

AMI: Area Median Income. The midpoint in the income distribution by household size in a defined geographic area. The AMI is used to determine eligibility of applicants for housing programs. HUD adopts and publishes AMI limits annually.

ANSI: American National Standards Institute. Oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the U.S.

Affordable Housing: In general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities. (Please note that some jurisdictions may define affordable housing based on other, locally determined criteria, and that this definition is intended solely as an approximate guideline or general rule of thumb.)

AHP: Affordable Housing Program. A federal program through which Federal Home Loan Banks (FHLBanks) provide low-cost advances and direct subsidies to member banks to finance the purchase, construction, and rehabilitation of owner-occupied housing for low- and moderate-income households. In California, applications are typically submitted through a bank that is a member of the San Francisco Federal Home loan bank.

Brooke Amendment: A federal law, first enacted in 1969, that limits tenants' rent payments, including utilities, to a percentage of income. When first enacted the limit was 25 percent of adjusted income. The current limit is 30 percent of adjusted income.

CDBG: Community Development Block Grant. A federal financial entitlement program administered by HUD's Office of Community Planning and Development. It is designed to improve communities by providing decent housing, a suitable living environment, and expanding economic opportunities—principally for persons with low and moderate incomes. Local governments automatically receive a portion of these funds and participate in either the

Entitlement Program (for cities with more than 50,000 people or urban counties with more than 200,000 people) or the States and Small Cities Program (for communities with fewer than 50,000 people).

CDC: Community Development Corporation. A developer who is building affordable housing.

CDLAC: California Debt Limit Allocation Committee. A California committee that reviews the tax-exempt bond applications. Tax-exempt bonds are often used in conjunction with the 4% tax credits as a financing tool for affordable housing development. A government or quasi-government body must issue the multi-family revenue bonds.

CEQA: California Environmental Quality Act. A state law requiring state and local agencies to assess the environmental impacts of public or private projects they undertake or permit. Agencies must mitigate adverse impacts of the project to the extent feasible. If a proposed activity has the potential for a significant adverse environmental impact, an Environmental Impact Report (EIR) must be prepared and certified as legally adequate by the public agency before taking action on the proposed project.

CHDO: Community Housing Development Organization. A nonprofit, community-based service organization whose purpose is to provide and develop decent, affordable housing for the community it serves. Organizations certified as CHDOs are eligible to receive HOME funding. Two of the primary rules are that the developer has 1/3 of the Board members be low-income or represent low-income persons and that the organization uses a "Resident Advisory Committee" at least once per year to give input on design and management of the projects.

CHFA: California Housing Finance Agency. A State of California agency that issues bonds, makes loans and holds mortgages that are below market rate. They in turn monitor the project for the life of the mortgage.

Chronically Homeless Individual: Refers to an individual with a disability who has been continuously homeless for one year or more or has experienced at least four episodes of homelessness in the last three years where the combined length of time homeless in those occasions is at least 12 months.

Chronically Homeless People in Families: Refers to people in families in which the head of household has a disability and has either been continuously homeless for one year or more or has experienced at least four episodes of homelessness in the last three years where the combined length of time homeless in those occasions is at least 12 months.

CNI: Choice Neighborhoods Initiative. A HUD grant-supported initiative, launched in 2010, to transform distressed neighborhoods and public and assisted projects into viable and sustainable

mixed-income neighborhoods by linking housing improvements with appropriate services, schools, public assets, transportation and access to jobs.

CoC: Continuum of Care. A program that awards HUD funds on a competitive basis to address homelessness in a comprehensive manner. To be eligible for the funds, a Continuum of Care, consisting of local government agencies, community-based organizations, service providers, and others, must develop a plan for providing housing and services to homeless individuals and families. The Continuum of Care Program consolidated three HUD homelessness programs: Supportive Housing, Shelter Plus Care, and Section 8 Moderate Rehabilitation for Single-Room Occupancy.

Continuum of Housing: The Housing Continuum starts with organized, affordable housing that offers at least a minimum of legality, stability, security, sanitation, warmth, and access to social services and health care. The Continuum of Housing progresses into ever-improving housing options, ultimately leading to permanent, affordable housing. The Continuum of Housing may include, but is not limited to, stabilized housing in the form of organized tent villages, tiny home villages, safe parking lots for those living in their vehicles, large sleeping areas in veterans' halls, and so on. The Continuum of Housing provides a logical progression towards fulfilling the County's goal of 'Housing First.'

COG: Council of Governments. A single or multicounty entity created by a joint powers agreement. COGs are responsible for determining the share of the regional need for housing for each of the counties and cities within the COG's region. In most cases, the COG also serves as the Regional Transportation Planning Agency (RTPA) responsible for preparing regional transportation plans and expenditure programs.

ConPlan: Consolidated Plan. Five-year comprehensive housing strategy that governs community Development Block Grant, Emergency Shelter Grant, HOME Program, and Housing Opportunities for People with AIDS programs. The Plan controls how federal funds will be used to increase affordable housing.

CRA: Community Reinvestment Act. Requires that Banks must reinvest in their communities.

Emergency Shelter: is a facility with the primary purpose of providing temporary shelter for homeless people.

Extremely Low-Income Household: A household with an annual income no greater than 30 percent of the area median family income adjusted by household size. See also Very Low-Income Household.

FEHA: Fair Employment and Housing Act. A state statute that 1) prohibits discrimination and harassment in all aspects of housing (including sales and rentals, evictions, terms and conditions, mortgage loans and insurance, and land use and zoning); 2) requires housing providers to

reasonably accommodate persons with disabilities; and 3) prohibits retaliation against any person who tries to exercise these rights.

ESG: Emergency Solutions Grants. A program of the U.S. Department of Housing and Urban Development (HUD) that makes grants to state and local agencies to provide homeless persons with basic shelter and essential support services

FHA: Federal Housing Administration. An agency within the U.S. Department of Housing and Urban Development (HUD). FHA insures mortgages made by FHA-approved lenders for single-family and multifamily homes including manufactured homes.

FHEO: Office of Fair Housing and Equal Opportunity. An office of HUD that administers federal laws and establishes national policies to ensure that Americans have equal access to the housing of their choice.

FHLBanks: Federal Home Loan Banks. The 12 regional Federal Home Loan Banks provide their member financial institutions funds for mortgages and community lending. Lenders eligible for membership include savings banks, savings and loan associations, cooperative banks, commercial banks, credit unions, and insurance companies that are active in housing finance. The Federal Home Loan Banks contribute the greater of 10 percent of their net income or \$100 million for grants and rate subsidized loans for housing serving very low- to moderate-income families and individuals. Federal Home Loan Banks are government-sponsored enterprises, federally chartered but privately capitalized and independently managed.

FHLMC/"Freddie Mac": Federal Home Loan Mortgage Corporation. A stockholder-owned corporation chartered by Congress to increase the supply of funds that mortgage lenders can make available to homebuyers and investors in multifamily housing projects. Freddie Mac buys mortgages from lenders (such as commercial banks, mortgage bankers, savings institutions and credit unions) then packages the mortgages into guaranteed securities and sells the securities to investors. Mortgage lenders use the proceeds from selling loans to Freddie Mac to fund new mortgages.

FMR: Fair Market Rents. Gross rent estimates made by HUD on an annual basis for over 2,500 metropolitan and nonmetropolitan areas. They include the shelter rent plus the cost of all tenant-paid utilities, except telephones, cable and internet service. FMRs are used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), and to serve as a rent ceiling in the HOME rental assistance program.

FNMA/“Fannie Mae”: Federal National Mortgage Association. A company that offers banks and other mortgage lenders financing, credit guarantees, technology and services that enable lenders to make more home loans to consumers at favorable rates and terms. First established in 1938 as a government agency, Fannie Mae in 1968 became a private, shareholder-owned company with a charter from Congress to support the housing finance system.

FONSI: Finding of No Significant Impact. The finding that there will be no significant impact on the environment after a National Environmental Impact Report has been filed and reviewed by HUD or the state reviewing agency. The finding is published allowing the public to comment on the environmental impact the proposed project will have.

FTHB: First-time homebuyer assistance, usually in the form of below-market-rate mortgages or grants to assist with down payments. Many local agencies offer homebuying programs and homeownership education classes and training.

GNMA/“Ginnie Mae”: Government National Mortgage Association. A government-owned corporation within the U.S. Department of Housing and Urban Development (HUD) that promotes the availability of mortgage credit to low- and moderate-income homebuyers by creating a secondary market for the sale and purchase of residential mortgages.

HAP: Housing Assistance Payment. Payment that is made to a landlord participating in the tenant-based housing program or project-based Section 8 program on behalf of tenants participating in the program. The payment is made pursuant to a HAP Contract.

HAP Contract: Housing Assistance Payment Contract. A contract that is either between a public housing agency and a landlord who is participating in a tenant-based subsidy program, or HUD (or a Contract Administrator) and a project-based Section 8 owner. The HAP Contract specifies the conditions under which the landlord agrees to rent the unit to a participant and includes the payments to be made to the owner, as well as the owner’s obligations to operate and maintain the unit. Similar contracts are used for other HUD rental assistance programs, such as the Section 202 program.

HCD: California Department of Housing and Community Development. A state agency that administers state housing programs. HCD also administers the federal HOME and CDBG programs on behalf of jurisdictions that are not directly assisted by HUD.

HCV: Housing Choice Voucher. The largest federal affordable housing program, operated by state and local Public Housing Authorities, provides “tenant-based” rental assistance or can be used to apply toward the purchase of a home for lower income families.

HEARTH: Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009. A law amending and reauthorizing the McKinney-Vento Homeless Assistance Act. HEARTH

consolidated several of HUD's homeless assistance programs and amended HUD's definition of homelessness.

HIC: Housing Inventory Count. is produced by each CoC and provides an annual inventory of beds that assist people in the CoC who are experiencing homelessness or leaving homelessness.

HMIS: Homeless Management Information System. A local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness. Each Continuum of Care is responsible for selecting an HMIS software solution that complies with HUD's data collection, management, and reporting standards.

HOME: HOME Investment Partnership Program (not a traditional acronym). A federal housing program that provides formula grants to states and localities. Communities use the grants (often in partnership with local nonprofit groups) to fund a wide range of activities. These include building, buying, or rehabilitating affordable housing for renters and homeowners, and providing direct rental assistance to low-income people.

Homeless: describes a person who lacks a fixed, regular, and adequate residence. This definition may be defined more specifically by federal, state, and local programs.

Housing: Any living unit, shelter, lodging, dwelling or living space that provides a decent, safe, sanitary, and affordable condition in which people can reside.

Housing First: An approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.

HOPWA: Housing Opportunities for Persons with AIDS. Provides housing assistance and related supportive services.

HUD: United States department of Housing and Urban Development. The federal agency responsible for housing and community development policy and has several grant and loan programs for low-income housing and community development.

Inclusionary Zoning: A locally-adopted regulatory program that requires that a specific percentage of housing units in a project or development remain affordable to very low- and low-income households for a specified period. Often requires a minimum percentage of housing for low- and moderate-income households in new housing developments and in conversions of rental apartments to condominiums.

Infill Development: Development of vacant or underutilized land (usually individual lots or leftover properties) within areas that are already largely developed.

Land Banking: The purchase of land by a local agency for use or resale at a later date. Banked lands have been used for development of low- and moderate-income housing, expansion of parks, and development of industrial and commercial centers.

LIHTC: Low Income Housing Tax Credit Program. A federal housing subsidy program that gives tax credits or reductions in federal income tax liability as incentives for investment in affordable housing projects. The owners of LIHTC projects receive tax credits each year for 10 years. The program is often used by limited partnerships made up of nonprofit developers that build and manage the projects (general partners) and for-profit passive investors (limited partners) who receive shares of the project's tax credits. The federal government allocates tax credit amounts to states based on population. In California, tax credits are awarded by the California Tax Credit Allocation Committee (CTCAC) in the State Treasurer's Office.

LSNC: Legal Services of Northern California. A nonprofit law firm that provides free legal services to poor residents of Humboldt, Trinity, and Del Norte counties.

Low-Income Household: A household with an annual income that ranges over 50 percent of area median family income to 80 percent of area median family income, adjusted by household size. The income levels are determined from a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development for the Section 8 Rental Assistance Program.

McKinney-Vento Homeless Assistance Act: A law authorizing HUD programs to provide emergency shelter, housing, and supportive services for homeless individuals. These programs are administered by HUD's Office of Housing and Community Development (CPD). The Act was reauthorized and amended by the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009.

MFP: Money Follows the Person: a federal Medicaid program used to assist individuals from a nursing facility or hospital to a residential setting in the community. MFP funds can cover costs of setting up an apartment and one-time transition expenses.

MHP: Multifamily Housing Program. A California program that provides low-interest loans to affordable housing developments.

Moderate-Income Household: A household with an annual income that ranges between the lower income eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 Rental Assistance Program (generally over 80 percent of the area median income) and 120 percent of the area median family income.

NAHA: National Affordable Housing Act (Cranston-Gonzales). Major housing legislation that amended previous housing acts and created programs to empower low-income persons through economic incentives, low income homeownership opportunities, and other programs. It created HOME, Housing Opportunities for Persons with AIDS (HOPWA), Shelter Plus Care, Section 811 Supportive Housing for Persons With Disabilities, and the HOPE programs. Pub. L. No. 101-625.

NEPA: National Environmental Protection Act. An act passed by congress in 1969 requiring that any project using Federal funds, or insured by a Federal mortgage, submit environmental reports prior to the release of funds. The reports are then released to the public for a comment period.

NHTF: National Housing Trust Fund. A provision of the Housing and Economic Recovery Act of 2008, which, once capitalized, will provide communities with funds to build, preserve, and rehabilitate rental homes that are affordable for extremely and very low income households.

NOFA: Notice of Funding Availability. The method used by federal agencies to announce the availability of funding and request proposals.

NSP: Neighborhood Stabilization Program. A type of CDBG aimed at stabilizing communities that have suffered from foreclosures and abandonment.

Occupancy Standards: HUD standards for establishing the maximum number of persons allowed to live in an individual rental dwelling unit in HUD-assisted housing.

PHA: Public Housing Agency. A locally controlled agency that receives funds directly from HUD and controls most of the affordable housing resources. Most PHA assistance is closely targeted to households that are at or below the poverty line.

Permanent Supportive Housing (PSH) HUD's Continuum of Care program, authorized by the McKinney-Vento Act, funds PSH and requires that the client have a disability for eligibility.

Point-in-Time Count: are unduplicated 1-night estimates of both sheltered and unsheltered homeless populations. The 1-night counts are conducted by CoCs nationwide and occur during the last ten days in January of each year

PRA: Property-Based Rental Assistance. Maintains the voucher assigned to a property rather than the individual.

Program: Planned event or series of on-going events to support projects related to homelessness solutions with regular evidenced based evaluations of goals and outcomes.

Project: Individual or collaborative enterprise that is carefully planned and designed to achieve a significant and well documented impact on reducing local homelessness or provide housing for those in greatest need.

PSH: Permanent Supportive Housing. Is a housing model designed to provide housing assistance (project- and tenant-based) and supportive services on a long-term basis to people who were formerly homeless. Supportive services are designed to meet residents' needs and preferences. Resident participation in services is voluntary.

Rapid Rehousing: is a housing model designed to provide temporary housing assistance to people experiencing homelessness, moving them quickly out of homelessness and into permanent housing.

Rent Control: A limit placed on the amount of rent that a tenant pays. Rent controls are frequently adopted by local jurisdictions and apply to most rental housing in the jurisdiction. Local rent controls often do not apply to HUD multifamily assisted or public housing.

RHNA: Regional Housing Needs Assessment. A determination by a council of governments (COG) (or by the California Department of Housing and Community Development (HCD)) of the existing and projected need for housing within a region. The RHNA numerically allocates the future housing need by household income group for each locality within the region. This housing allocation must be reflected in the locality's housing element of the general plan.

RROF: Request for Release of Funds. This is the "official" request by a responsible jurisdiction that Federal Funds be released. This follows all environmental reports and requests for comment.

Sheltered Homeless: refers to people who are staying in emergency shelters, transitional housing programs, or safe havens.

Section 8: Several housing subsidy programs are authorized under Section 8 of the United States Housing Act of 1937. The largest of these programs is the Voucher program. It also includes the project-based Section 8 program, which subsidizes rents of low-income households residing in specific developments, Project-Based Vouchers, and the Veterans Affairs Supportive Housing program, which provides vouchers to eligible homeless veterans.

Section 504 of the Rehabilitation Act of 1973: A law protecting individuals from discrimination based on their disabilities. The law applies only to entities that receive federal financial assistance, such as public housing agencies. Section 504 obligates recipients to make their programs accessible to persons with disabilities. The regulations establish affirmative accessibility requirements for newly constructed or rehabilitated housing and non-housing

programs, including providing a minimum percentage of accessible units. Section 504 is codified at 29 U.S.C. § 794.

SRO: Single Room Occupancy. Multiple unit buildings that house one or two people in individual rooms. Tenants typically share bathrooms and/or kitchens.

Sustainable Communities Initiative: A HUD initiative, launched in 2009, intended to create sustainable communities by connecting housing to jobs, fostering local innovation and helping to build a clean energy economy. The initiative coordinates federal housing and transportation investments with local land use decisions to reduce transportation costs, improve housing affordability, save energy and increase access to housing and employment opportunities.

TCAC: Tax Credit Allocation Committee. This is the California committee that reviews tax credit allocation applications. Tax Credits are allocations of tax “forgiveness” either by the Federal government or the State government for private investors, in exchange for investment in affordable housing. This is becoming a frequently used tool to finance affordable housing development. There are 9% and 4% allocations. 9% are more competitive than 4%. 4% can only be used in conjunction with tax-exempt bonds.

Transitional Housing: Shelter provided to the homeless for an extended period (often as long as 18 months, but not longer than 24 months), generally accompanied by social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing.

UFAS: Uniform Federal Accessibility Standards. Developed and maintained by the U.S. Access Board, serve as the basis for the standards used to enforce the Architectural Barriers Act of 1968.

URA: Uniform Relocation Act. Formally titled the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, this statute was enacted in 1970. It establishes minimum standards for federally funded projects that involve property acquisition or displacement of people. The intent of the URA is to provide fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with a federally funded project. It does so primarily by financially compensating people for the taking of property or for the cost of relocating to other housing. Codified at 42 U.S.C. § 4601 et. seq.

USDA: U.S. Department of Agriculture. Includes programs and funding for rural development in housing and other resources.

Transit-Oriented Development (TOD): Moderate to higher-density development, located within easy walk of a major transit stop. TOD generally has a mix of residential, employment, and

shopping opportunities designed for pedestrians. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.

UGB: Urban Growth Boundary. An officially adopted and mapped line separating land to be developed from land to be protected for natural or rural uses. Urban growth boundaries (also called urban limit lines) are regulatory tools, often designated for long periods of time (20 or more years) to provide greater certainty for both development and conservation goals.

VAWA: Violence Against Women Act. A federal law intended to improve criminal justice and community-based responses to domestic violence. In the housing context, the law protects individuals applying for or living in federally subsidized housing from being discriminated against because of their status as victims of domestic violence, dating violence or stalking.

Very Low-Income Household: A household with an annual income no greater than 50 percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 Rental Assistance Program. The statutory definition of “very low-income household” includes “extremely low-income household.”

Sources:

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