May 3, 2021

MEMORANDUM FOR:  All Potential Applicants

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

SUBJECT:  Permanent Local Housing Allocation Program
2021 Entitlement and Non-Entitlement Local government Formula Component - Notice of Funding Availability

The California Department of Housing and Community Development (Department) is pleased to announce the release of the 2021 Entitlement and Non-Entitlement Local government formula component Notice of Funding Availability (NOFA) for approximately $304 million in calendar year 2020 funds plus an additional $38.4 million in remaining calendar year 2019 funds for the Permanent Local Housing Allocation (PLHA) program. This funding provides formula grants, as listed in Appendix A, to Entitlement and Non-Entitlement Local governments in California for housing-related projects and programs that assist in addressing unmet housing needs of their local communities.

Please note: As this is the second allocation year for funds collected pursuant to SB 2 (Chapter 364, Statutes 2017), jurisdictions that have previously applied and received an award of 2019 funds are not required to resubmit all threshold requirements, but rather must demonstrate all threshold requirements continue to be met as noted in Part II, Section G of this NOFA. Jurisdictions that have not previously applied, must meet all threshold requirements as outlined in Part II, Section F of the attached NOFA.

The submittal portal will be available and open for applications beginning May 6, 2021. Personal deliveries will not be accepted. No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted. Applications will be accepted through December 31, 2021 and must be submitted electronically through the Department’s website. Requirements for uploading the Application Workbook and required supporting documentation, including naming conventions, are described in the application instructions available at http://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml.

The PLHA application forms, workshop details, and Guidelines are posted on the Department’s website. To receive information on workshops and other updates, please subscribe to the PLHA listserv by clicking on “Email Sign up” on the Department’s website. If you have any further questions, please contact PLHA@hcd.ca.gov.

Attachment
Permanent Local Housing Allocation Program

2021 Formula Component
Notice of Funding Availability for Entitlement and Non-Entitlement
Local governments

Gavin Newsom, Governor
State of California

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Business, Consumer Services and Housing Agency

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May 3, 2021
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Permanent Local Housing Allocation
2021 Entitlement and Non-Entitlement Local Government Formula Component
Notice of Funding Availability

I. Overview

A. Notice of Funding Availability

The California Department of Housing and Community Development (Department) is announcing the release of the 2021 Permanent Local Housing Allocation (PLHA) program formula component Notice of Funding Availability (NOFA) for approximately $304 million in calendar year 2020 funds and an additional $38.4 million in calendar year 2019 funds for Entitlement and Non-Entitlement Local governments. This NOFA is funded from moneys deposited in the Building Homes and Jobs Trust Fund (Fund) in calendar year 2020 and includes any remaining unawarded funds not requested for calendar year 2019.

Funding for this NOFA is provided pursuant to Senate Bill 2 (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.

This NOFA outlines threshold and application requirements for Entitlement Local governments and Non-Entitlement Local governments as defined in Guidelines Section 101. Entitlement Local governments are metropolitan cities and urban counties that received a Community Development Block Grant (CDBG) grant for fiscal year 2017 pursuant to the federal formula specified in 42 U.S. Code, Section 5306.

Please note that this NOFA has two separate threshold requirements sections:

- Local Governments that received an award under the 2020 Formula Component NOFA are subject to the threshold requirements outlined in Part II, Section F
- Local Governments that have not previously applied for and received a PLHA award must meet the threshold requirements outlined in Part II, Section G

In 2021, the Department will issue two separate NOFAs to award the PLHA funds:

1. Formula Component NOFA for Entitlement and Non-Entitlement Local governments; and
2. Non-Entitlement Local government Competitive NOFA (anticipated in May 2021).
B. Timeline

<table>
<thead>
<tr>
<th>NOFA Release Date</th>
<th>May 3, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Submittal</td>
<td>May 6, 2021 - December 31, 2021</td>
</tr>
<tr>
<td>Award Announcement</td>
<td>Ongoing through February 2022</td>
</tr>
</tbody>
</table>

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 CDBG formula specified in 42 U.S. Code, 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 (b)(2)(B)(i)(II) of the HSC requires the Department to allocate the remaining 10 percent of PLHA funds equitably to 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 PLHA funds to Entitlement and Non-Entitlement Local governments and is not to be considered a complete representation of the eligibility, threshold, or other requirements, terms and conditions.

A. Eligible Applicants

1. An Applicant must be an Entitlement Local government, a Non-Entitlement Local government, or a Local or Regional Housing Trust Fund delegated by the Local government pursuant to Guidelines Section 300. Appendix A contains the list of eligible Applicants.
2. **Delegation.** An eligible Applicant may delegate their entire formula allocation to either another Local government or to a Local or Regional Housing Trust Fund. A Local government that delegates their formula allocation to another Local government or to a Housing Trust Fund must enter into a legally binding agreement with the other Local government or Housing Trust Fund. The delegate must submit the PLHA application on behalf of the delegator and wholly administer the entire formula component of PLHA funds on behalf of the delegator for the full term of the PLHA Plan, as set forth in Guidelines Section 300(c).

Upon delegating its entire formula allocation to another Local government or to a Local or Regional Housing Trust Fund, the Local government that delegated their allocation is no longer involved in the PLHA application or administration of the PLHA grant for the full term of the PLHA Plan, which extends through 2023. The delegated Local government or Trust Fund assumes full responsibility for compliance with statute and for meeting all of the Department’s requirements, including any penalties for non-compliance.

A partial funding delegation is not permitted under the delegation authority. However, a Local government can subgrant a portion of its allocation to another entity, as permitted by Guidelines Section 302(c)(3). When a Local government subgrants a portion of its allocation to another entity, the Local government remains fully accountable and responsible for compliance with statute and for meeting all of the Department’s requirements, including any penalties for non-compliance.

**B. Eligible Activities**

Pursuant to Guidelines Section 301(a), the PLHA funds allocated to eligible Applicants must be used to carry out one or more of the eligible activities listed below. All services must be provided within the county containing the Local government recipient.

1. The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, or rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households (up to 120 percent of Area Median Income (AMI), or 150 percent of AMI in High-cost areas), including necessary Operating subsidies.

   Note: Predevelopment and/or acquisition must result in the development, rehabilitation, or preservation of housing, as otherwise there is no actual housing outcome of the predevelopment or acquisition assistance.

2. The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of Area Median Income (AMI), or 150 percent of AMI in High-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days. See Appendix B for a list of High-cost areas in California.

   Note: Predevelopment and/or acquisition must result in the development, rehabilitation, or preservation of Affordable rental and ownership housing, as
otherwise there is no actual housing outcome of the predevelopment or acquisition assistance.

3. Matching portions of funds placed into Local or Regional Housing Trust Funds. Matching funds must be utilized as required by PLHA guidelines Section 301(a).

4. Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176. Matching funds must be utilized as required by PLHA guidelines Section 301(a).

5. Capitalized Reserves for Services connected to the preservation and creation of new Permanent Supportive Housing.

6. Assisting persons who are experiencing or At risk of homelessness in conformance with 24 Code of Federal Regulations (CFR Section 578.3), including

   - Rapid rehousing in conformance with federal rules contained in 24 CFR Section 576.104, except for legal services;
   - Rental assistance with a term of at least six (6) months (rental arrears is not eligible);
   - Street outreach, and other Supportive/case management services in conformance with federal rules contained in 24 CFR Section 576.101 that allow people to obtain and retain housing;
   - Operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.

   a. This Activity may include subawards to Administrative Entities as defined in HSC Section 50490(a)(1-3) that were awarded California Emergency Solutions and Housing (CESH) Program or Homeless Emergency Aid Program (HEAP) funds for rental assistance to continue assistance to these households.

   b. Applicants must provide rapid rehousing, rental assistance, navigation centers, emergency shelter, and transitional housing activities in a manner consistent with the Housing First practices described in 25 CCR, Section 8409, subdivision (b)(1)-(6) and in compliance with Welfare Institutions Code (WIC) Section 8255(b)(8). An Applicant allocated funds for the new construction, rehabilitation, and preservation of Permanent supportive housing shall incorporate the core components of Housing First, as provided in WIC Section 8255(b).

7. Accessibility modifications in Lower-income (up to 80 percent of AMI) Owner-occupied housing.

8. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.

9. Homeownership opportunities, including, but not limited to, down payment assistance.
10. Fiscal incentives made by a county to a city within the county to incentivize approval of one or more Affordable housing projects, or matching funds invested by a county in an Affordable housing development project in a city within the county, provided that the city has made an equal or greater investment in the project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an Affordable housing project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the Affordable housing project.

Twenty percent of the moneys in the Fund are required by statute to be expended for Affordable Owner-Occupied Workforce Housing (AOWH). If funding proposed in Local government Plans for AOWH activities is lower than 20 percent of the moneys available in the Fund, the Department may require Local governments to use a specific percentage of their annual formula allocations in some future year for AOWH activities as part of the annual funding process.

C. Allocation of funding and award limits

Appendix A lists the dollar amount of the allocation of PLHA funds. If a Local government applied in 2020 for their 2019 allocation, there is a blank in the 2019 column. If a Local government did not apply before this NOFA, there is an amount listed in both the 2019 and 2020 columns.

The PLHA funds allocated to each Entitlement Local government is directly proportionate to each Entitlement Local government’s share of total 2017 CDBG allocation in California.

The PLHA funds allocated to each Non-Entitlement Local government is based on the sum of:

1. Fifty percent of the funding available for the Non-Entitlement formula component divided by the number of Local governments eligible for the Non-Entitlement formula component; and

2. Fifty percent of the funding available for the Non-Entitlement formula component allocated in proportion to each Non-Entitlement Local government’s share of the total most severe housing need in California’s Non-Entitlement Local governments, based upon the most recent U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) data.

Two or more Local governments may expend PLHA funds on an eligible jointly funded project, provided the project is an eligible Activity pursuant to Guidelines Section 301(a), and will be located within the boundaries of one of the Local governments.

An Applicant eligible for an allocation of PLHA funds must comply with the Deadline and Funding Requirements set forth in Guidelines Section 304.

In order to avoid amending the Department Standard Agreement each year, and to expedite the disbursement of PLHA funds, the Department Standard Agreement and the Applicant’s PLHA resolution shall include a five-year estimate of PLHA formula
allocations, as stated in Appendix C, as the maximum funding amount. The actual amounts may be lower, and the disbursements will be based on the actual allocation amounts.

Please be advised that no funding from any subsequent year will be disbursed if the Local government is not in compliance with the Housing Element requirement and the Housing Element Annual Progress Report requirement stated in Guidelines Section 302(a) and (b), or in the event that the Local government has not submitted its annual PLHA report, as required by Guidelines Section 503. For a list of jurisdictions currently ineligible for PLHA funds due to the Housing Element and/or Annual Progress Report requirement, please refer to Appendix D. In addition, the grantee must be in compliance with commitment requirements stated in Guidelines Sections 300(e) and must not incur penalties stated in Guidelines Section 502.

D. Program Administrative, Activity Delivery Costs, and Reimbursement of Costs

A Local government that receives an award under this NOFA shall not use more than five percent of the award for administrative costs related to the execution of eligible activities.

Staff and overhead costs directly related to carrying out the eligible activities described in Guidelines Section 301(a) are “activity costs” and not subject to the cap on “administrative costs.” A Local government may share any funds available for administrative costs with entities to which it provides funding.

Predevelopment expenses for construction projects funded by PLHA funds, and costs to develop and prepare the PLHA application and Plan may be paid from the PLHA funds regardless of when the costs were incurred. Reimbursement of expenses to prepare the PLHA application and Plan are subject to the cap on administrative costs. Other costs incurred more than one year prior to commitment by the Local government may not be paid from the PLHA funds.

E. Application review

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 this section and in the Guidelines Section 302.

F. Threshold requirements for Previous Awardees

Applicants which received awards from the 2020 Formula Allocation NOFA must meet the following threshold requirements:

1. Housing Element Compliance: The Applicant must have a Housing Element that has been adopted by the jurisdiction’s governing body by the 2021 Formula Allocation NOFA application submittal date and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to Government Code (GC) Section 65585.
2. The Applicant must have submitted to the Department the Annual Progress Report on the Housing Element for the current or prior year by the 2021 Formula Allocation NOFA application submittal date.

3. Applicant must have submitted to the Department the Annual PLHA Report if the application is submitted on or after July 31, 2021, which is the deadline for the Annual Report.

4. Applicant must have met the commitment requirements stated in PLHA Guidelines Section 300(e).

5. The Application must request an allocation pursuant to Section 200 of the PLHA Guidelines. Previous awardees have already received Department approval for their five-year PLHA Plan, which lists the activities that the Local government plans to provide using the five years of funding contained in the Standard Agreement. The PLHA Plan continues in force and effect unless the Local government amends the Plan to provide different activities that are eligible under PLHA statute and Guidelines. If the Plan is amended so that more than 10 percent of funds are moved to a different activity, the Plan must be formally amended, including discussion and approval at a publicly noticed meeting of the Local government’s governing board, and the Plan must be submitted to the Department for approval. Activities must be carried out in the jurisdiction of the Applicant’s Local government. Jointly funded projects may be carried out as described in Section 301(c).

6. Submission of the application must be authorized by the governing board of the Applicant by Resolution, and this Resolution must be submitted as part of the application. The Resolution should use the five-year estimate of funding, as listed in Appendix C.

7. If the Local government proposes to allocate funds for any Activity to another entity, the Resolution must certify that the Local government’s selection process shall avoid conflicts of interest and shall be accessible to the public. See PLHA Guidelines Section 302 (c)(3).

8. If the Local government proposes to use funds for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects, the Resolution must certify that 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) or (C).

9. The resolution shall certify that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make the PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project. The 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 the Local government-approved underwriting of the Project for a term of at least 55 years.
10. If any activity in the five-year Plan consists of loans being made to a homebuyer, homeowner, developer, or owner of a project, a Program income reuse plan describing how repaid loans will be used for eligible activities specified in Section 301 must be included in the application. This reuse plan must also describe how interest earned from PLHA funds deposited in a Local government interest-bearing account will be used for eligible PLHA activities.

G. Threshold requirements for First-Time Applicants

First-time Applicants which have not previously received an award under a prior formula Allocation NOFA must meet the following threshold requirements:

1. Housing Element Compliance: The Applicant and Delegating Local Government, if applicable, must have a Housing Element that has been adopted by the jurisdiction’s governing body by the application submittal date and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585.

2. The Applicant must have submitted to the Department the Annual Progress Report on the Housing Element for the current or prior year by the application submittal date.

3. Application requests an allocation pursuant to Section 200, of the PLHA Guidelines, and identifies the eligible activities to be undertaken. Activities must be carried out in the jurisdiction of the Applicant’s Local government. Jointly funded projects may be carried out as described in Section 301(c).

4. Submission of the application must be authorized by the governing board of the Applicant by Resolution, and this Resolution must be submitted as part of the application. The Resolution should use the five-year estimate of funding, as listed in Appendix C.

5. If the Local government proposes to allocate funds for any Activity to another entity, the resolution must certify that the Local government’s selection process shall avoid conflicts of interest and shall be accessible to the public. See PLHA Guidelines Section 302 (c)(3).

6. If the Local government proposes to use funds for the acquisition, construction, or rehabilitation of for-sale housing projects, or units within for-sale housing projects, the Resolution must certify that 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) or (C).

7. The Resolution shall certify that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make the PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project. The 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 the Local government-approved underwriting of the Project for a term of at least 55 years.

8. The application must include a Plan which details:
   a. The manner in which the allocated funds will be used for eligible Activities.
   b. A detailed description of the way the Local government will prioritize investments that increase the supply of housing for household with incomes at or below 60 percent of the AMI.
   c. A detailed description of how the Plan is consistent with the programs set forth in the Local government’s Housing Element.
   d. Evidence that the Plan was authorized and adopted by Resolution by the Local government and that the public had an adequate opportunity to review and comment on the Plan’s contents prior to the Plan Resolution adoption. The plan must be provided to the public for a public comment period, culminating with a public hearing at which the governing board may approve it. The draft Plan should be published for public review on the applicant’s website.
   e. The Resolution adopting the Plan should specifically identify the activities the Local government plans to engage in. The Resolution is required to be submitted as part of the application. The Resolution must specifically state the eligible activities from the Plan application.
   f. The following information is required for each proposed Activity:
      i. A detailed description of each Activity, pursuant to Section 301 and the percentage of funding being allocated to it. The description must include the percentage, if any, directed to Affordable Owner-Occupied Workforce Housing (AOWH).
      ii. The projected number of households to be served at each income level and a comparison to the unmet share of the Regional Housing Needs Allocation at each income level.
      iii. A description of major steps/actions and a proposed schedule required for the implementation and completion of the Activity.
      iv. The period of affordability for each Activity. Rental Projects are required to have an affordability period of at least 55 years.

9. The Plan shall be for a term of five years, illustrating how the allocations from 2019, 2020, 2021, 2022, and 2023 will be used. Refer to instructions in the Plan tab of the PLHA Application form.

10. If funds are used for acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects, then a deed restriction shall be recorded against the property as described in Section 302(c)(6)(A-C).

11. If funds are proposed to be used for development of an Affordable Rental Housing Development, a certification is required that the Local government shall make the
PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project. The loan must be evidenced through a Promissory Note secured by a Deed of Trust, and a Regulatory Agreement is required to restrict occupancy and rents in accordance with the Local government’s approved underwriting of the Project for a term of at least 55 years.

12. If any activity in the five-year Plan consists of loans being made to a homebuyer, homeowner, developer or owner of a project, a Program income reuse plan describing how repaid PLHA loans will be used for eligible activities specified in Section 301 must be included in the application. This reuse plan must also describe how interest earned from PLHA funds deposited in a Local government interest-bearing account will be used for eligible PLHA activities.

H. Administration and reporting requirements

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

III. Application submission and review procedures

Applications must be on the Department’s forms and cannot be altered or modified by the Applicant. Excel forms must be in Excel format and 'saved as' .xls or .xlsx. Do not 'save as' .xlsm or .pdf format. Applications that do not meet the program requirements stated in this NOFA will not be eligible for funding. Application forms are available for download on the PLHA webpage.

A. Application submission process

Applications must be submitted electronically to the Department’s website. Requirements for uploading the Application Workbook and required supporting documentation, including naming conventions, are described in the application instructions available at https://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml. The submittal portal will be available beginning May 6, 2021.

Applicants must upload all application materials to the Department’s website. The application portal is open beginning on May 6, 2021 through 11:59 p.m. Pacific Standard Time on December 31, 2021. Please note that the on-line support and technical assistance closes at 5:00 p.m. Pacific Standard Time on December 31, 2021.

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.

It is the Applicant’s responsibility to ensure that the application is clear, complete, and accurate. The Department may request additional clarifying information and/or inquire as to where in the application specific information is located. However, missing and/or forgotten application information or documentation may cause the application not to pass threshold.
Those Applicants that are notified they did not pass threshold requirements will have the opportunity to submit the necessary documentation prior to the NOFA closing date.

B. Application Workshops

Applicants are strongly encouraged to attend a PLHA webinar to gain information critical for preparing the application, which will be discussed at the webinar. PLHA webinar dates and times, are located on the Department’s PLHA webpage.

IV. Appeals

A. Basis of appeals

1. Upon receipt of the Department’s notice that an application has been determined to be incomplete, ineligible, or fail threshold review, Applicants may appeal such decision(s) to the Department pursuant to this section.

2. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant’s eligibility, point score, award, denial of award, or any other matter related thereto.

3. The appeal process provided herein applies solely to decisions of the Department made in this 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

1. Process. In order to file an appeal, an Applicant must submit a written appeal to the Department, which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed description of how the application is complete, eligible or meets threshold requirements, as applicable, or provide additional information to resolve the Department’s determination. Appeals are to be submitted to the Department at PLHA@hcd.ca.gov according to the deadline set forth in Department review letters.

2. Filing deadline. Appeals must be received by the Department no later than five (5) business days from the date of the Department’s threshold review letter 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. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

D. Award announcements and contracts

The Department will review applications as they are received and will make awards as follows:
• For local Governments that have previously received an award and are applying for a new allocation of calendar year 2020 funds, awards will be made within 60 days of receipt.

• For Local Governments that have not previously received an award, those applications will be reviewed, and awards made at the end of each quarter beginning in July 2021 with subsequent awards made in October 2021 and January 2021. Award recommendations will be posted on the PLHA webpage.

V. Other state requirements

A. 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.

B. 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 (ADA), Title II. In addition, projects or programs shall adhere to either the Uniform Federal Accessibility Standards, 24 CFR 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 state or federal 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 ADA, the Fair Housing Amendments Act, the California Fair Employment and Housing Act, the Unruh Act, GC Section 11135, Section 504 of the Rehabilitation Act, and regulations promulgated
pursuant to those statutes, including 24 CFR Part 100, 24 CFR Part 8, and 28 CFR Part 35, in all of the Sponsor’s activities.

VI. 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.

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 (GC 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 regulations 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
Entitlement and Non-Entitlement Local Government Formula Allocation for Calendar years 2019 and 2020.
Please refer to Section II.A. Eligible Applicants for a discussion of the definition of Non-Entitlement Local government.

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## Appendix B
### List of High-cost Areas in California

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## Appendix C

### Estimate of Five-Year PLHA Allocation for Entitlement and Non-Entitlement Local government

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Appendix D

Ineligible Jurisdictions Due to Housing Element Requirement and/or Annual Progress Report (APR) Requirement stated in Guidelines Section 302(a) and (b)

As of the date of this notice, 11 jurisdictions are not in compliance with the Housing Element and/or Housing Element Annual Progress Report (APR) Requirements stated in Guidelines Section 302(a) and (b). PLHA is an over-the-counter program, so as these jurisdictions reach compliance with the Housing Element and APR requirements, they will be eligible for these funds. We acknowledge that many jurisdictions listed below are in process of obtaining compliance, and they will be eligible for this program once compliance is obtained during the application period.

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Please note – the information provided above is current as of March 16, 2021. Please contact Paul McDougall, Housing Policy Manager, at paul.mcdougall@hcd.ca.gov with questions or to verify status of Housing Element Compliance. For questions about APR compliance, please email APR@hcd.ca.gov.