

Federal Housing Programs Overview for Tribes

September 20, 2023

Presented by the Department of Housing
and Community Development's (HCD)
Division of Federal Financial Assistance
(DFFA)





Instructions for Virtual Q&A

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Agenda

- Welcome and Introductions
- Overview of Federal Programs
 - HOME Investment Partnerships Program (HOME)
 - HOME Investment Partnerships American Rescue Plan (HOME-ARP)
 - National Housing Trust Fund (NHTF)
- Closing



Purpose & Introductions



Introduction to Federal Housing Programs at HCD

Willa Darley Chapin, DFFA Federal Housing Branch Manager

If you've ever wondered:

- What is DFFA? How is it different from DSFA?
- What are the Federal Housing Programs, and how are they different from DSFA programs?
- What can they be used for, and how do I access these funds?
- What is HCD doing to make these programs more accessible to Tribes?
- Who do I contact and how do I find out more?

You're in the right place!



DFFA Overview

- The Division of Federal Financial Assistance (DFFA) is a relatively new division at HCD.
- DFFA administers the state's federally-funded programs: funds allocated from the U.S. Department of Housing and Urban Development (HUD) to the State of California.
- Before DFFA was established, these programs fell under HCD's Division of Financial Assistance (DFA).
 - Now: DFFA for federal programs and DSFA for state-funded programs (such as MHP, NPLH, AHSC, Homekey, etc.)



DFFA Overview (cont.)

- DFFA has two sides:
 - Federal Disaster Relief and Recovery, and
 - Federal Housing & Community Development:
 - Community Development Branch (CDBG and ESG)
 - **Federal Housing Branch (HOME, HOME-ARP, and NHTF)**
- Programs can assist with:
 - Multifamily Rental Development – Acquisition, New Construction and Rehab
 - Permanent Supportive Housing, Senior Housing, other vulnerable populations
 - Homeownership/Homebuyer – Development, Rehab, Downpayment Assistance
 - Rental Assistance for tenants
 - Supportive Services for qualified populations to secure and maintain housing



Federal Housing Programs - General Information and Global Applicability

- Application/Award Process:
 - Notices of Funding Availability (NOFAs) for each program
 - Applications submitted online, staff review for minimum requirements, then score and rank, and review for feasibility
 - Staff make funding recommendations to HCD's Internal Loan Committee for approval
 - Award letters issued with conditions, then Standard Agreement execution
- How/when does AB 1010 apply?
 - Waivers can be granted for only state requirements; federal requirements cannot be waived



Federal Housing Programs - General Information and Global Applicability cont'd

- What are the opportunities for program flexibility?
 - Federal Indian law preemption and Tribal Law application under specified conditions
 - DFFA Modifications of Program Requirements in NOFA and Guidelines
- Tribal and HCD Partnership Collaboration - Areas of Barrier Removal
 - Modified Boilerplate Standard Agreement(s) and Resolution language to accommodate Tribal Needs.
 - Drafted Tribal specific security documents in alignment with BIA & Land Title Record's Office requirements.
 - Drafted Narrowly Tailored Limited Waiver of Sovereign Immunity contract language.
 - Provided AB 1010 Modification/Waivers-State Guidelines and Regulations meeting AB 1010 requirements.
 - NAHASDA Implemented: Site Control, Tribal Admissions & Occupancy standards-Tribal Preferences, Tribally Determined Wage, Non-discrimination, Relocation, Lead-Based Paint, and more.



HOME, HOME-ARP, and NHTF Programs

- These programs are distinct, but there are similarities:
 - Affordability Periods
 - Layering with other funding sources
 - Federal deadlines
 - Federal "cross-cutting" rules and regulations:
 - Environmental Review, Labor Standards, Acquisition and Relocation, Fair Housing and Equal Opportunity, Lead-Based Paint, Accessibility, Procurement, Recordkeeping, etc.
- [HOME and NHTF Multifamily Rehabilitation Standards \(ca.gov\)](#)
- Due to federal requirements – limited waiver of sovereign immunity



HOME, HOME-ARP, and NHTF Programs cont'd

“Native American Entity” means an “Indian Tribe” or a “Tribally Designated Housing Entity” that is any of the following:

- a) Applicant meets the definition of Indian Tribe under Section 4103(13)(B) of Title 25 of the United States Code;
- b) Applicant meets the definition of Tribally Designated Housing Entity under 25 USC 4103(22); or
- c) If Applicant is not a federally recognized tribe as identified above, Applicant is either:
 - 1) Listed in the Bureau of Indian Affairs Office of Federal Acknowledgment Petitioner List, pursuant to 25 C.F.R. part 83.1, and has formed and controls a special purpose entity in compliance with 25 C.C.R. § 8313.2; or
 - 2) An Indian Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of consultation pursuant to GC Section 65352.3, and that has formed and controls a special purpose entity in compliance with 25 C.C.R. § 8313.2.



HOME

Investment Partnerships Program

(HOME)

Presented by Willa Darley Chapin on behalf of:
Nicolé (Niki) McCay, HOME Section Manager



HOME Tribal Engagement

- HOME Staff has led and participated in several Tribal Consultations and Tribal Listening Sessions and the Pala Tribal Roadshows in 2022 and 2023
- HOME staff attends all Quarterly Tribal Working Group meetings
- More Tribal Engagement to come!





HOME Investment Partnerships Program

- **Background:**

- Created by the National Affordable Housing Act of 1990, as amended by the Housing and Community Development Act of 1992 (the HOME Statute)
- HOME Regulations: 24 Code of Federal Regulations (“CFR”) Part 92
- HUD provides flexible grants to states and other eligible Participating Jurisdictions (PJs) to create programs to meet community needs
- HCD administers the State of California’s HOME Program in accordance with:
 - State of California Consolidated Plan and Annual Action Plans for HUD Programs
 - State of California HOME Regulations: C.C.R. Title 25, Division 1, Chapter 7, Subchapter 17 (Sections 8200 – 8220)

NOTE: HOME Guidelines in development will replace the State HOME Regs, so stay tuned for opportunities to provide input and recommendations!



HOME Investment Partnerships Program

- **Purpose:** The HOME Program provides grants and loans to eligible cities, counties, developers (for-profit and non-profit), and tribal entities for the creation and preservation of affordable housing in order to:
 - Increase the supply of safe, decent, affordable housing for individuals and households with low- and very low- incomes (<80% and <50% Area Median Income, or “AMI”)
 - Address the housing needs of income-eligible beneficiaries with a variety of activities



HOME – Eligible Activities

- **HOME Projects:**
 - Multifamily Rental Developments
 - Homeownership Developments
- **HOME Programs:**
 - First-Time Homebuyer (FTHB)
 - Owner-Occupied Rehabilitation (OOR)
 - Tenant-Based Rental Assistance (TBRA)



HOME – Income Limits

- **Multifamily Rental Projects and TBRA:** Initial household incomes must be at or below 60% of Area Median Income (AMI), however up to 10% of total households' initial income may be up to 80% AMI.
- **Homeowner and Homebuyer Programs:** Initial household incomes must be at or below 80% AMI, based on location of home.



HOME – Federal Rules and Guidance

- HOME funds are federal funds, from HUD, and as such, are subject to federal program regulations, at 24 CFR Part 92 (The HOME "Final Rule" at: [HOME Final Rule - HUD Exchange](#))
- The HOME Final Rule requires the use of:
 - HUD HOME Income Limits
 - HOME Homeownership Value Limits
 - HOME Maximum Per-Unit Subsidy Limits
 - HOME Rent Limits for Rental Projects



HOME – Federal Requirements

- HOME funds are also subject to federal overlays where applicable regarding:
 - Relocation Benefits
 - Lead-Based Paint
 - NEPA (Environmental Review)
 - Affirmative Fair Marketing
 - Accessibility Requirements
 - Nondiscrimination and Equal Access
 - Employment and Contracting (including Labor Standards)
 - Site and Neighborhood Standards



HOME – Available Funding

- Combined FY2022 and FY2023 HOME NOFA is for ~\$105M
- NOFA is being drafted now, released by end of November 2023
 - \$21M (or 20%) will be targeted funding for eligible tribal applicants
 - \$12.6M for eligible projects (60% of \$21M Tribal Target)
 - \$8.4M for eligible program activities (40% of \$21M Tribal Target)



HOME NOFA – Tribal TA

- NOFA Release Date: November 29, 2023
 - Application webinars: first half of December 2023 – at least one specific to Tribes, one for the general public.
 - One-on-one Technical Assistance sessions with HOME staff will be available by request – and are highly encouraged.
 - NOFA will specify how to request TA (email: HOMENOFA@hcd.ca.gov)
- Specific HOME Application is being developed for Tribal applicants
 - Will allow access to technical assistance during the application process and will include a 90-day application period after the HOME Tribal Webinar.





HOME – NAEs/Tribal Applicants

"Native American Entity" or Tribal Applicant includes:

1. Federally Recognized Tribe as defined under 25 USC section 4103 (13); or
2. Tribally Designated Housing Entity, as defined under 25 USC section 4103 (22); or
3. Non Federally Recognized Tribe, discussed below.

Native American Entities that satisfy the requirements of Sections (1) and (2) are considered "State Recipients" or "Subrecipients" and are eligible to apply for all HOME-funded projects and activities.



HOME – NAEs/Tribal Applicants (cont.)

"Native American Entity" Identified as Non-Federally Recognized Tribe and Eligible Tribal Applicants:

3. A Non-Federally recognized tribe that is located in California, is eligible under the following conditions:
 - a) Listed in the Bureau of Indian Affairs, Office of Federal Acknowledgement Petitioner's List, pursuant to 25 CFR Part 83.1; or
 - b) Listed on the Native American Heritage Commission's contact list; and
 - c) Formed and controls a special purpose entity in compliance with UMR section 8313.2.

Non federally recognized tribes are eligible as "Developers and/or Owners to construct low-income housing."



HOME Projects Overview

Melissa Harty-Swaleh

HOME Program Manager – Projects Team



HOME Investment Partnerships Program

- **HOME Projects - Rental Housing Activities**

Funds may be used to acquire and/or rehabilitate or construct affordable rental housing on a site owned by the tribe or on trust land or fee land.

- HOME-assisted units must be occupied only by low-income households. Low Income is considered 60% AMI or less.
- Rents must not exceed HUD's published maximum rents for the HOME program.
- The maximum rent for a HOME-assisted rental unit is the lesser of (1) the fair market rent for comparable units in the area, or (2) 30% of the adjusted income of a household whose income is 65% percent of area median income.



HOME Investment Partnerships Program

- **HOME Projects - Rental Housing Activities (cont'd)**

If a rental project includes five or more HOME-assisted units, at least 20% of the HOME-assisted units must be occupied by families with incomes at or below 50% of area median income. Additionally, those families must have rents that meet one of the following requirements:

- Rents are no higher than (1) the fair market rent for a comparable unit in the area, or (2) 30% of 50% of area median income, whichever is lower.
- Rents are no higher than 30% of the household's adjusted income.





HOME Investment Partnerships Program

- **HOME Projects - Rental Housing Activities (cont'd)**

If rental projects temporarily fail to meet the requirements governing the incomes of occupants of HOME-assisted units because of an increase in the current tenants' income, the project is still considered to be in compliance as long as vacancies are filled according to these requirements.





HOME Investment Partnerships Program

- **First-Time Homebuyer Projects**

Funds may be used to help acquire a site and construct homes that can then be sold to income eligible households. The amount of HOME funds awarded to the applicant must be used as down payment assistance to the eligible buyers in purchasing the home from the applicant.



HOME Investment Partnerships Program

- **First-Time Homebuyer Projects (cont'd)**

Housing bought by homebuyers with the assistance of HOME funds must meet the following requirements:

- The household must be determined to be low-income, and the family must use the home as a principal residence for at least the HOME Affordability Period
- The initial purchase price must be no more than 95% of the median purchase price of homes in the area, as determined by the Secretary of HUD and adjusted as the Secretary deems necessary for different types of structures and the age of the housing



HOME Investment Partnerships Program

- **First-Time Homebuyer Projects (cont'd)**
 - Homebuyer units must continue to meet the Period of Affordability described on the next slide, depending on amount of funds provided to each household as down payment
 - The housing must be single-family housing
 - If the housing is newly constructed, it must meet energy-efficiency standards



HOME Investment Partnerships Program

- **HOME Affordability Periods**

- 50 years for projects developed on trust or restricted Native American lands, which may also be leased
- 55 years for projects developed on fee land
- Homebuyer Assistance Projects:
 - Less than \$15,000: 5 years
 - \$15,000 - \$40,000: 10 years
 - More than \$40,000: 15 years



HOME Investment Partnerships Program

Subsidy Limits

There are minimum and maximum amounts of HOME funds that may be awarded to any owner-occupied housing rehabilitation, homebuyer assistance, or rental housing activities.

– Rental Housing

The maximum per-unit subsidy limit for a project unit varies by number of bedrooms in the unit and is set annually by HUD.



HOME Investment Partnerships Program

- **Subsidy Limits (cont'd)**

Current HOME Subsidy Limits for California
(minimum \$1,000 per unit)

0 Bedroom	1 Bedroom	2 Bedrooms	3 Bedrooms	4 & 5 Bedrooms
\$173,011	\$198,331	\$241,176	\$312,005	\$342,482



HOME Program Activities OVERVIEW

Jay Cortese

HOME Program Manager – Program Activities Team



HOME Investment Partnerships Program

- **Forms of Assistance**

- **LOANS**

- Loans must be deferred, meaning requiring no payments for the life of the loan; however, there is a balloon payment required at the end of the deferred period.
- Deferred payments and interest received are considered Program Income (PI) or Recaptured Funds (RF)





HOME Investment Partnerships Program

- **Forms of Assistance (cont'd)**

- **GRANTS**

- Tenant-Based Rental Assistance (TBRA)
- Relocation Payments
- Lead-Based Paint Hazard Evacuation and Reduction
- HOME rehabilitation beyond available equity





HOME Investment Partnerships Program

- **Forms of Assistance (cont'd)**
 - **Grants for Owner-Occupied Rehabilitation (OOR)**
 - Maximum 100% combined loan-to-value (or higher if based on just existing first mortgage)
 - Beyond available equity (based on after-rehab value), HOME funds are granted (given) to the borrower, rather than loaned to them
 - Maximum rehab grant is 25% of HOME maximum per-unit subsidy limit
 - HCD approval is required on each project with OOR rehab grants



HOME Investment Partnerships Program

- **Eligible Activities First-Time Homebuyer (FTHB)**
 - Acquisition Only
 - Infill New Construction





HOME Investment Partnerships Program

- **Eligible Activities**

- **First-Time Homebuyer (FTHB) Acquisition Only**

- Down payment and closing cost assistance (“gap”)
 - Debt-to-income ratios minimums/maximums established in program guidelines
 - Homebuyer must obtain financing from a primary lender in addition to HOME financing
 - Primary loan must be 30-year fixed, fully amortized
 - HOME loan cannot be more than first mortgage amount



HOME Investment Partnerships Program

- **First-Time Homebuyer (FTHB) Acquisition Only (cont'd)**
 - Must be modest home
 - Must be “standard” home (no health & safety or code issues at closing)
 - Home sales price must not exceed current HOME Homeownership Value Limit
 - HOME loan cannot exceed HOME maximum per-unit subsidy limits



HOME Investment Partnerships Program

- **First-Time Homebuyer (FTHB) Program Infill New Construction**
 - This is building homes within built-out neighborhoods.
 - Scattered sites w/no more than four dwellings within 2000 feet of one another.
 - Application must document availability of grant funds or building sites currently owned by applicant if costs will exceed appraised value.
 - HOME grantee owns site and builds home and then sells to an eligible First-Time Homebuyer



HOME Investment Partnerships Program

- **Eligible Activities**

- **Owner-Occupied Rehabilitation (OOR)**

- Must be owner-occupied
 - Must be primary residence
 - Must start as “substandard” (health & safety and/or code violation(s)) and be made “standard”
 - Limits General Property Improvements to 15%
 - HOME Test for Reconstruction approval required if cheaper to tear down and rebuild than to repair





HOME Investment Partnerships Program

- **Eligible Activities**

- **Tenant-Based Rental Assistance (TBRA)**

- Rental subsidies (normally beyond 30% of household income)
 - Security Deposit Assistance
 - Utility Deposit Assistance
 - Rent plus Utility Allowance can't exceed Rent Standard (90-110% of HUD's published Fair Market Rents)
 - At least 90% of households must be at or below 60% of Area Median Income (AMI)



HOME Investment Partnerships Program

- **Eligible Activities**

- **Tenant-Based Rental Assistance (TBRA) (cont'd)**

- Must document “Rent Reasonableness” (based on comparable rentals)
 - Must complete Housing Quality Standards (HQS) inspection and clear each unit
 - Must use adjusted gross income, not just gross income, for payment gap determination purposes
 - Must recertify income annually, and whenever income changes
 - Must execute both a Lease Addendum and a Violence Against Women Act (VAWA) Addendum for tenant protection



HOME Investment Partnerships Program

- **Eligible Uses of HOME Funds**
 - **Project-related soft costs**
 - Up to 6.5% of down payment assistance amount
 - Up to 6.5% of total development costs for FTHB Infill New Construction
 - Up to 24% of HOME loan/grant amount for Owner-Occupied Rehabilitation
 - Up to 5% for Tenant-Based Rental Assistance





HOME Investment Partnerships Program

- **Ineligible Uses of HOME Funds**
 - Refinancing existing debt
 - Expenses incurred after HOME Standard Agreement's Final Expenditure Deadline
 - Expenses incurred prior to execution of Standard Agreement (except with HOME Manager advance written approval)





HOME Investment Partnerships Program

- **Technical Assistance for Tribal Applicants**

- HCD’s California Indian Assistance Program (CIAP) and the HOME team are available to provide technical assistance to Tribes. This technical assistance is available throughout the process of applying, implementing, and monitoring.
- HCD strongly recommends that Tribes interested in applying under the upcoming NOFA and/or other future HCD funding utilize this technical assistance to help with project and application planning and preparation.





HOME Investment Partnerships Program

- **Technical Assistance for Tribal Applicants (cont'd)**

To request technical assistance please email HOME@hcd.ca.gov. Once your request is received, you will be sent a short survey that will help HCD staff assess your technical assistance needs. Once staff receives this survey back, HCD will then review and schedule a call with the Tribe, ensuring that all relevant HCD staff and contractors are included in the conversation. After this first session, you may be connected with additional technical assistance sessions, depending on your project need.





Questions?





HOME-ARP Program

Jason L. Bradley
HOME-ARP Section Manager





HOME American Rescue Plan Program



- **Purpose**

- To reduce homelessness and Increase Housing Stability inside and outside of Native American Lands
- **Expedite the creation of housing units** for Tribes across California by providing funds to develop, rehabilitate and/or acquire HOME-ARP housing to assist *qualifying populations* and low-income households.
- **Provide housing support and supportive services** in Tribal communities through housing case management to those who are homeless as well as those requiring homeless prevention services in *qualifying populations*.



HOME American Rescue Plan Qualifying Populations

- To address the need for homelessness assistance and supportive services, to individuals and families:
 - Homeless
 - At Risk of Homelessness
 - Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
 - Other Populations, requiring services or housing assistance to prevent homelessness and at greatest risk of housing instability



HOME American Rescue Plan Previous Tribal Outreach Efforts

- Quarterly Tribal Working Group in January 2022.
- HOME-ARP staff held Tribal specific HOME-ARP education series in March 2022.
- HCD's HOME-ARP staff presented a short overview of the HOME-ARP Program and listened to feedback on how HOME-ARP funding might best address the needs of individuals in the Tribal qualifying populations.



HOME American Rescue Plan Previous Tribal Outreach Efforts

- The following are some of the Tribal concerns and how the HOME-ARP Program might best address these needs:
 - **Tribal Concerns**: HOME-ARP funding should have a tribal target so that tribes will have access to the funds for housing and services
 - **HCD Action**: HOME-ARP will provide over \$11 million specifically for Tribes to fund Rental Housing Projects and Housing Support and Services
 - \$8.9 Million Rental Housing Program
 - \$2.7 Million for the Housing Plus Support Program



HOME American Rescue Plan Previous Tribal Outreach Efforts

- **Tribal Concern:** The HOME-ARP Program can be a resource inside and outside of Native American Lands. Technical assistance will be needed for Tribal Entities to access funds.
- **HCD Action:** Technical Assistance will be available in the form of:
 - Tribal Workshops
 - General Workshops
 - Pre-Application Consultations
 - Webinars
 - Tribal Office Hours



HOME American Rescue Plan 2023 Rental Housing NOFA & Housing Plus Support Program NOFA

- HOME-ARP Rental Housing NOFA Funding in the form of:
 - Loans or grants to acquire, rehabilitate, or construct rental housing.
 - Funds to operate the rental housing, if needed.
- HOME-ARP Housing Plus Support Program NOFA Funding available to:
 - Hire a Housing Case Manager and Housing Navigator to identify permanent housing opportunities for Tribal members inside and outside of Native American Lands.
 - Provide the supportive services needed for long-term success.



HOME-ARP NOFA Timelines

- HOME-ARP Rental Housing NOFA
 - Release Date: October 2023
 - Tribal Application Due Date: March 2024
 - Anticipated Awards: August 2024
- HOME-ARP HPSP NOFA
 - Release Date: November 2023
 - Tribal Application Due Date: April 2024
 - Anticipated Awards: June 2024

HOME-ARP Rental Housing Program (Bricks and Mortar)





HOME American Rescue Plan Rental Housing Program

Eligible Costs

- HOME-ARP funds may be used to pay for up to 100% of the following eligible costs associated with the acquisition, rehabilitation, development, and operation of rental units:
 - Materials, Labor, Land Remediation
 - Architectural and engineering expenses
 - Permit, financing costs
 - Property Taxes and Management Fees
 - Utilities and Maintenance of a Unit
 - Supplies, Telephone and Internet Services.



HOME American Rescue Plan Rental Housing Program

- Project Funding Limit:
 - Maximum HOME-ARP funds: \$15 million
 - Maximum per-unit subsidy amounts range from \$300k to \$1.3 million per unit depending on size and location of the project.
- HOME-ARP Assisted Units:
 - HOME-ARP funds can be used to support occupied by the Qualified Population and families making up to 80% AMI.
- 15 Year Minimum Affordability Period



Housing Plus Support Program (HPSP)





Housing Plus Support Program

\$2.7 Million Tribal Target

Case Management Services:

Case Management

Housing search & Counseling Services

Landlord/Tenant Liaison

Life Skills Training

Transportation

Housing Financial Assistance:

First & Last Month's rent

Security Deposits

Up to 24 months rent support

Payment of rental arrears

Rental application fees

Moving costs

Utility deposits

Utility payments

Housing Support Assistance:

Childcare

Education Services

Employment Assistance & Job Training

Food

Legal Services

Mental Health Services

Outpatient Health Services

Substance Abuse Treatment Services

Mediation

Credit Repair



HOME American Rescue Plan Housing Plus Support Program

- The purpose of the HPSP program is to provide:
 - Permanent rental housing opportunities
 - Support to keep them housed
- Housing Case Manager—
 - Responsible for identification of individuals and families experiencing homelessness and housing instability inside or outside Native American Lands
 - Develop long-term housing plan to ensure success of participant
- Housing Navigator—
 - Responsible for identifying permanent housing opportunities inside or outside Native American Lands.
 - Building strong relationships with Landlords



Housing Plus Support Program

Eligible Admin Costs

- Allowable administrative activities in the amount of up to \$270K of the grant amount to include:
 - Costs of overall program management
 - Salaries and Benefits of Program Administration Positions
 - Supervisor, Accounting, Information Technology
 - Purchase of Computers, Phones, and Vehicles
 - Rental of Office Space
 - Travel
 - Office Equipment and Supplies



HOME American Rescue Plan Planned Tribal Outreach

Tribal Workshops

- HCD will conduct Workshops will cover both the Rental Housing program and the HPSP Program.
- Staff will be available to discuss potential projects or programs.
- Dates and times will be announced by November 2023.



Reach Out to Us

- Technical Assistance—Available at:
 - HOME-ARPTribal@hcd.ca.gov
- Jason L. Bradley, HOME-ARP Section Manager
 - Call or Text at 916-247-3136

National Housing Trust Fund (NHTF) Program

Presented by
Anne Nicholls, NHTF Section Manager





National Housing Trust Fund (NHTF)

- **Purpose:** To provide funding to support the development of affordable rental housing for Extremely Low-Income households, in accordance with the state's NHTF Allocation Plan.
 - Affordable multifamily rental housing.
 - Target Population: Extremely Low-Income households defined as being at or below 30% of Area Median Income (AMI).
 - Federal NHTF Regulations: 24 CFR Part 93
 - State of California NHTF Guidelines
- **Previous Tribal Outreach:**
 - Quarterly Tribal Working Group
 - Pala Roadshow Events
 - Draft NHTF Guidelines Webinar
 - Technical Assistance Pre-Application Meetings





National Housing Trust Fund (NHTF)

- **Previous Tribal Outreach (continued):**
 - Public Comments to the Draft NHTF Guidelines from Native American Entities and California Indian Assistance Program Team Members
- **Results of Tribal Outreach and Removal of NOFA Barriers:**
 - The definition of Native American Entity was broadened to include non-federally recognized Tribes.
 - Application submittal extended from 60 days to 90 days.
 - At time of application, the Native American Entity applicant can supply an uncertified Title Status Report (TSR) from the U.S. Department of Interior's Bureau of Indian Affairs (BIA) Division of Land Titles and Records Office (LTRO) due to the delays in obtaining a certified TSR.
 - The TSR must be certified before construction closing.



National Housing Trust Fund (NHTF)

- **Results of Tribal Outreach and Removal of NOFA Barriers (continued):**
 - Where a ground lease is entered into by a Native American Entity to create the leasehold interest on federal tribal or restricted land where the project is to be located, it is acceptable when either approved or will be approved by the BIA, which modifies 25 C.C.R. § 8316 leasehold requirements.
 - NHTF loan and affordability terms modified from 55 years to 50 years for Native American Entity applicants.
 - approved or will be approved by the BIA, which modifies 25 C.C.R. § 8316 leasehold requirements.



National Housing Trust Fund (NHTF)

- **Results of Tribal Outreach and Removal of NOFA Barriers (continued):**
 - A Native American Entities Target pool of funds (10% of the funds available) to compete for funding vs. competing against all projects throughout the state for general pool of funds.
 - Rating and Ranking – Merits of the project in Maintaining or Improving Access to Community – Based Public Services:
 - For Native American Entity applicants, following Tribal Outreach, amenities and services are to be offered within 15 miles of the project versus the previous requirement of 1.5 miles of the Project.



National Housing Trust Fund (NHTF)

- **Results of Tribal Outreach and Removal of NOFA Barriers (continued):**

- Rating and Ranking – U.S. Environmental Protection Agency (EPA) Walkability Index Map:
 - Projects located on Native American Lands will receive full points vs. less than full points given the distance of services and amenities average 15 miles from Native American Lands.
- Rating and Ranking – Project Readiness:
 - Where a Project is located on Native American Trust Land or fee land, CEQA compliance is the responsibility of the Department. Native American Entity Projects may utilize Department resources to meet Project environmental requirements on a case-by-case basis vs. placing the CEQA responsibilities onto the Applicant.



National Housing Trust Fund (NHTF)

- **Results of Tribal Outreach and Removal of NOFA Barriers (continued):**
 - Rating and Ranking – Project Readiness (continued):
 - Where a Project is located on Native American Land and Tribal design review is not required, a self-certification submission will receive full points vs. requiring local design review approval.
 - Rating and Ranking – Confirmation of Local Need:
 - Native American Entities will receive full points vs. receiving less than full points based on Comprehensive Housing Affordability Strategy (CHAS) data and/or a Needs Letter from the city and/or county.



National Housing Trust Fund (NHTF)

- **Results of Tribal Outreach and Removal of Guidelines Barriers:**
 - NHTF Guidelines and/or NOFA are subject to AB 1010 and through Tribal Outreach provide greater understanding.
 - Note: AB 1010 is not applicable to modify or waive federal and state NHTF statutory requirements or NHTF regulatory requirements.
 - Native American Entities projects located on Native American Land are exempt from specific accessibility requirements pursuant to Native American Housing Assistance and Self Determination Act (NAHASDA) which is being applied by HCD to its Tribal programs.



National Housing Trust Fund (NHTF)

- **Results of Tribal Outreach and Removal of Guidelines Barriers (continued):**
 - Projects located on Native American Lands must be duly encumbered with a Declaration of Restrictive Covenants or Regulatory Agreement that make the Project comply for an initial affordability term of 50 years vs. 55 years.
 - Projects to be developed on Native American Lands are exempt from demonstrating compliance with the Housing Element requirements vs. requiring compliance with Housing Element requirements.
 - For Projects located on Native American Lands, a Phase I environmental site assessment and appraisals will be provided based on the data available vs. requiring data that may not be available for Native American Lands.
 - Native American Entities with a formally adopted a Tribally Determined Wage (TDW) is acceptable in lieu of federal and state prevailing wage laws.



NHTF Important Dates

- FY22-FY23 Notice of Funding Availability (NOFA) and Application Deadlines:
 - **NOFA Release Date:** Late October 2023
 - **Native American Entities Target:** \$17.2 million
 - **Application Deadline:** Early February 2024 at 5:00pm PST (final date will be in the NOFA)
 - **Application Review Process:**
 - Threshold review of applications to ensure the minimum requirements are met
 - Rate and Rank the Projects based on a scoring criteria that will be detailed in the NOFA
 - HCD's Internal Loan Committee for approval.
 - **Announcement of Awards:** Late July 2024





National Housing Trust Fund (NHTF)

- **Project Funding Limit:**
 - Maximum NHTF funds: \$20 million
 - \$35 million cap for total Department funds
- **Maximum per-unit subsidy amounts:** 2023 Tax Credit Allocation Committee Threshold Basis Limits.
- **NHTF Assisted Unit Rents and Incomes:** where applicable, restricted at 30% of Area Median Income (AMI), extremely low income, in accordance with 24 CFR section 93.302 and HUD published limits.





National Housing Trust Fund (NHTF)

- **Eligible Uses of Funds (24 C.F.R. Part 93):**
 - Permanent Loans or Grants for the Acquisition, Rehabilitation, or New Construction and certain soft costs related to the development of affordable multifamily rental housing.
- **Property Standards pursuant to 24 C.F.R § 93.301**





National Housing Trust Fund (NHTF)

- **Required Site Control: 25 C.C.R. § 8303**
 - Tribal Trust or Restricted Land: Title Status Report or attorney's opinion letter and current title status.
 - Leasehold Interest created through a Ground Lease: must contain terms and conditions that authorize the Native American Entity to make improvements on and encumber the property.





National Housing Trust Fund (NHTF)

- **Environmental Provisions:** compliance documentation must be submitted using the Department NHTF Environmental Provisions Checklist(s) issued during the NOFA.
 - Native American Entity Projects may utilize Department resources to meet Project environmental requirements on a case-by-case basis.
- **Relocation Requirements:** Where applicable, Applicants must comply with 24 C.F.R. § 93.352 and HUD's Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0).





National Housing Trust Fund (NHTF)

- **Additional Outreach Plans:**
 - Wednesday, October 25, 2023 at 9:00 am (mark your calendar): NHTF FY22-FY23 NOFA, Final Guidelines and Application Webinar
- **Technical Assistance:**
 - Workshop webinars and technical assistance appointments will be available by emailing NHTFNOFA@hcd.ca.gov
 - Provide name, contact information, and detailed questions
 - We will schedule appointment with the appropriate Department team members
- **NHTF Site:** <https://www.hcd.ca.gov/grants-and-funding/programs-active/national-housing-trust-fund-program>





Contacts

- HOME Investment Partnerships Contact: HOMENOFA@hcd.ca.gov
- HOME American Rescue Plan Contact: HOMEARP@hcd.ca.gov
- National Housing Trust Fund Contact: NHTFNOFA@hcd.ca.gov
- Tribal Affairs: CIAP@HCD.CA.gov

Thank you for your attendance, and please feel free to reach out with any questions or concerns. We look forward to partnering with you!

