

331
11/19/2024

RESOLUTION NUMBER R- 315907

DATE OF FINAL PASSAGE NOV 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING ALL ELIGIBLE USES OF THE CITY OF SAN DIEGO'S GRANT FROM THE STATE OF CALIFORNIA'S PERMANENT LOCAL HOUSING ALLOCATION PROGRAM FUNDS.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Permanent Local Housing Allocation (PLHA) Program, established by Senate Bill 2 (SB2) Chapter 364 Statutes of 2017, provides a permanent, on-going source of funding to local governments for housing related projects and programs that address unmet housing and homelessness needs of local communities.

B. The State of California and the California Department of Housing and Community Development (Department) issued a Notice of Funding Availability (NOFA) under the PLHA Program on February 26, 2020.

C. The Department is authorized to provide up to \$296 million under the SB2 PLHA Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to cities and counties under California Health and Safety Code section 50470 et seq.

D. The City of San Diego (City) is an eligible local government and applied for the PLHA Program grant in an amount not to exceed \$34,741,098 over a five-year period to administer one or more eligible activities.

E. The Department may approve funding allocations subject to the terms and conditions of the PLHA Program Guidelines (Guidelines), NOFA, PLHA Program requirements,

State of California Standard Agreement, and other contracts between the Department and PLHA Program grant recipients.

F. The Council approved the City's application for the PLHA funds on July 20, 2020, with the adoption of Resolutions R-313146 and R-313294.

G. The PLHA funds shall be used to fund all eligible uses under the PLHA Program.

H. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Mayor, or designee, is authorized and directed to apply to the Department for PLHA Program funds and sign and submit the PLHA Program Application, the Standard Agreement, any subsequent amendments or modifications, and any and all documents necessary or appropriate to secure the PLHA funds from the Department.

2. If the City receives a grant of PLHA funds from the Department under the NOFA, the Mayor, or designee, represents and certifies that it will use all such funds in a manner consistent with and in compliance with all applicable state and federal statutes, rules, regulations and laws, including without limitation all rules and laws regarding the PLHA Program and any and all contracts City may have with the Department.

3. The Chief Financial Officer is authorized to accept, appropriate, and expend the PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocation of \$34,741,098, as stated in Appendix C of the NOFA, in accordance with all applicable rules and laws.

4. The Mayor, or designee, certifies adoption of the PLHA Plan for the 2019-2023 Allocations, attached to this Resolution, and compliance with all public notice, public comment, and public hearing requirements under the Guidelines.

5. The Mayor, or designee, agrees to use the PLHA funds for eligible activities as approved by the Department under all PLHA Program requirements, Guidelines, other applicable rules and laws, as well as in compliance with the Standard Agreement and other contracts between the City and Department.

6. The Mayor, or designee, certifies that, if PLHA funds are used for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects, a deed restriction shall be recorded against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A), (B), and (C).

7. The Mayor, or designee, certifies that, if funds are used for the development of an affordable rental housing development, the local department shall make PLHA assistance in the form of a low-interest, deferred loan to the sponsor of the project, and such loan shall be evidenced through a promissory note secured by a deed of trust, and regulatory agreement shall restrict occupancy and rents in accordance with a local government approved underwriting of the project for a term of at least 55 years.

8. The Mayor, or designee, certifies that the PLHA funds will be expended only for eligible activities and consistent with all program requirements.

9. The Mayor, or designee, agrees that the City shall be subject to the terms and conditions as specified in the Standard Agreement, Guidelines, and any other applicable SB2 Guidelines published by the Department.

10. The Mayor, or designee, certifies that it may subgrant some or all of the PLHA funds to another entity or entities. Under Guidelines Section 302(c)(3), “entity” means a housing development or program operator but does not mean an administering local government to whom a local government may delegate its PLHA allocation.

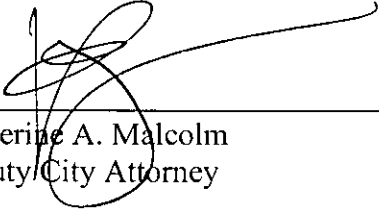
11. The Mayor, or designee, certifies that its selection process of subgrantees will be accessible to the public and shall avoid any conflicts of interest.

12. City Council must approve all future appropriation and expenditure of PHLA funds.

13. Economic Development Staff shall provide an annual report each year on PHLA expenditures to be presented at Land Use and Housing Committee, with the first report being presented by March 2025, prior to the release of the Proposed Fiscal Year 2026 Budget.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Katherine A. Malcolm
Deputy City Attorney

KAM:cc
October 22, 2024
November 20, 2024 REV.
Or.Dept: Econ Dev Dept
Doc. No. 3854919_2

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
NOV 19 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk *for Gil Sanchez*

Approved: 11/22/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 19 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 22 2024

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California
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