

**CITY OF ARCATA
CITY COUNCIL MEETING**

COUNCIL CHAMBER
736 F Street, Arcata

OCTOBER 19, 2022
Wednesday, 6:00 PM

AGENDA

Special accommodations for the disabled who attend City meetings can be made in advance by contacting the City Clerk at 822-5953. Assistive listening devices are available.

Pursuant to Government Code section 54957.5, all writings or documents relating to any item on this agenda which have been provided to a majority of the City Council, including those received less than 72 hours prior to the City Council meeting, will be made available for public inspection in the agenda binder located on the counter in the lobby at Arcata City Hall, 736 F Street, during normal business hours, and on the City's website at www.cityofarcata.org.

PLEASE NOTE: Speakers wishing to distribute materials to the City Council at the meeting are requested to provide 10 copies to the City Clerk.

**Public Advisory: The Council Chamber in City Hall
is now open to the public.**

COVID-19 Notice

The City Council has returned to in-person hybrid meetings. The City Council asks that when attending City meetings, persons socially distance as best they can and be courteous to those who continue to choose to wear a mask.

How to Observe and Participate in the Meeting:

Observe:

Members of the public can attend the meeting in person or observe the meeting on Zoom (see below), on Access Humboldt Channel 10, online by visiting www.cityofarcata.org and clicking on the See Live Meetings, Agendas, and Archives button on the home page, or on the City's YouTube channel at <https://www.youtube.com/c/CityofArcataCA>

Public Comment Participation in Person and on Zoom:

Members of the public may attend the meeting in person and give public comment. Or, they may access the meeting via Zoom to provide public comment.

1. Join from a PC, Mac, iPad, iPhone or Android device: Please use this URL:
<https://us06web.zoom.us/j/86885882836>

2. If you want to comment during the public comment portion of any item, click on **raise your hand** on the right-hand side of your screen. When it is time for public comment on the item on which you wish to speak, the Clerk will unmute you. You will have 3 minutes to comment (2 minutes for Early Oral Communications), subject to the Mayor's discretion.

Or join by phone:

1. *67 1-669-900-6833
2. Enter Meeting ID: 868 8588 2836
3. If you are accessing the meeting via telephone and want to comment during the public comment portion of any item, press **star (*) 9** on your phone. This will raise your hand. When it is time for public comment on the item on which you wish to speak, the Clerk will unmute your phone. You will hear a prompt that will indicate your phone is unmuted. You will have 3 minutes to comment (2 minutes for Early Oral Communications), subject to the Mayor's discretion.

I. LAND ACKNOWLEDGMENT

II. FLAG SALUTE

III. ROLL CALL

IV. CEREMONIAL MATTERS

V. REPORT BY COMMISSION/COMMITTEE

VI. EARLY ORAL COMMUNICATIONS

The City Council values your comments. This 15-minute time period allows people to address the Council on matters not on the agenda. Please know that, pursuant to the Brown Act, the Council cannot discuss or take action on items that are not listed on the posted agenda. At the end of all oral communications the Council may respond to statements. Supported request that require Council action will be set for a future agenda or referred to staff. Speakers may be limited to two minutes. There will also be time for the public to comment specifically on each agenda item and again at the end of the meeting under item number XII (12).

VII. N/A

VIII. CONSENT CALENDAR

All matters on the Consent Calendar are considered to be routine by the City Council and are enacted in one motion. There is no separate discussion of any of these items. If discussion is required, that item is removed from the Consent Calendar and considered separately. At the end of the reading of the Consent Calendar, Council members or members of the public can request that an item be removed for separate discussion.

- A. Approve the Minutes of the City Council Meeting of October 5, 2022.**
- B. Bi-Weekly Report on Disbursements.**
- C. Award a Contract in the Amount of \$1,932,890.00 to Carollo Engineers, Inc., for the Engineering Services During Construction for Phase 1 of the Arcata Wastewater Treatment Facilities Improvements Project; and Authorize the City Manager to Execute all Applicable Documents.**
- D. Reject All Bids for the Annual Sidewalk Improvements Project 2022 and Re-Bid the Project.**

IX. ITEMS REMOVED FROM CONSENT CALENDAR

Items removed from the Consent Calendar will be heard under this section.

X. OLD BUSINESS

- A. Provide Direction for Amendments to the Short-Stay Vacation Rental Program.**

The Council initiated amendments to the Short-Stay Vacation Rental Ordinance on June 22, 2022. The Council discussed changes to the cap, changes to the exemptions, proximity limitations, a desire to issue permits by unit, limitations on total permits any one owner can have, phone number posting requirements, regulations for hotels, and how transient occupancy taxes are collected. This report brings forward information requested by the Council as well as input from the public on amendments to the Vacation Rental Ordinance. Staff is seeking specific direction for amendments to the ordinance at this meeting.

RECOMMENDATION:

Staff recommends the Council direct staff to amend the Short-Stay Vacation Rental Ordinance No. 1545 and return in December for adoption.

XI. NEW BUSINESS

A. Public Hearing to Adopt Resolution No. 223-18 Authorizing the Submission of an Application for Funding Under the Permanent Local Housing Allocation Program (PLHA) 2022 Notice of Funding Availability (NOFA) and the Execution of a Grant Agreement and Any Amendments Thereto; and Adopt Resolution No. 223-20 Authorizing Approval of a Contract Agreement with the City of Fortuna's Subgrant of Its 2019 PLHA Allocation.

The State Department of Housing and Community Development (HCD) released the Permanent Local Housing Allocation (PLHA) Program Notice of Funding Availability (NOFA) on August 17, 2022. The NOFA has an application deadline of November 30, 2022. It is recommended that the Council authorize submission of the PLHA application.

The City of Fortuna does not have the employee capacity to manage a PLHA award and desires to participate in the PLHA program by subgranting its 2019 allocation of \$109,619 to the City of Arcata. It is recommended that the Council approve the Contract Agreement for the proposed subgrant.

RECOMMENDATION:

It is recommended that the Council:

- 1) Open the Public Hearing and receive public comment on potential projects for funding under the PLHA NOFA;
- 2) Adopt Resolution No. 223-18 authorizing the submission of an application for funding under the Permanent Local Housing Allocation; and
- 3) Adopt Resolution No. 223-20 authorizing approval of the contract agreement for the subgrant of the City of Fortuna's 2019 allocation of the PLHA funds to the City of Arcata.

B. Discuss and Consider Adoption of Resolution No. 223-19, Establishing Regulations Governing Sidewalk Vending on City Property and Rights-of-Way.

In 2018 Senate Bill 946 was signed into law and limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039. The City has the opportunity create a sidewalk vending program in compliance with SB 946 while facilitating entrepreneurship and ensuring safe sidewalk access. Staff have prepared Resolution No. 223-19 for the Council's review and approval.

RECOMMENDATION:

It is recommended that the Council discuss and consider adoption of Resolution No. 223-19 establishing regulations governing sidewalk vending on City property and rights-of-way.

XII. ORAL AND WRITTEN COMMUNICATIONS

This time is provided for people to address the Council or submit written communications on matters not on the agenda. At the conclusion of all oral and written communications, the Council may respond to statements. Any request that requires Council action will be set by the Council for a future agenda or referred to staff. Speakers addressing the Council may be limited to three minutes, with a maximum of five minutes, and a time limit on the overall length of oral communications may be imposed.

XIII. COUNCIL AND STAFF REPORTS

All reports shall be specifically limited to City business and shall not request or lead to action by the Council at this meeting.

XIV. DATES OF FUTURE MEETINGS

XV. CLOSED SESSION

XVI. CLOSED SESSION REPORTS

XVII. ADJOURNMENT

Other than items continued or tabled to a date certain, the Council may, by majority vote, continue all matters not completed by 10:30 p.m. to the following Thursday at 6:00 p.m. in the Council Chamber. Should the Council vote to continue the meeting past 10:30 p.m., discussion on an item on the agenda that either requires or allows for public input may not begin without a unanimous vote of the City Council members present. (Closed Session items may begin later.) (Reference: Resolution No. 101-69)

**CITY OF ARCATA
CITY COUNCIL MEETING**

COUNCIL CHAMBER

OCTOBER 05, 2022

A regular meeting of the City Council of the City of Arcata was held on the above date at 6:00 p.m., as a hybrid meeting via teleconference utilizing Zoom Video Communications and in person, with Mayor Atkins-Salazar presiding. Notice of this meeting was posted September 30, 2022.

PRESENT: Atkins-Salazar, Schaefer, Matthews, Stillman, Watson. ABSENT: None. STAFF PRESENT: City Manager Diemer, City Attorney Diamond, Assistant City Manager/Personnel Director Demello, City Engineer Khatri, Assistant City Engineer Caisse, Director of Environmental Services Sinkhorn, Police Chief Ahearn, Finance Director Starzhevskiy, Media Production Specialist Carillo, City Clerk Dory.

LAND ACKNOWLEDGMENT

Mayor Atkins-Salazar read at statement acknowledging that Arcata (Goudi'ni) sat on ancestral Wiyot land.

FLAG SALUTE

Mayor Atkins-Salazar led the Pledge of Allegiance.

CEREMONIAL MATTERS

A. Proclamation in Recognition of Fire Prevention Week, October 9-15, 2022.

Councilmember Matthews read the proclamation and presented it to AFD Fire Marshal Ed Laidlaw who thanked the Council for the recognition.

B. Proclamation Recognizing October 2022 as Community Planning Month.

Councilmember Schaefer read the proclamation and presented it to Krystle Heaney, AICP, Northern California Chapter of American Planning Association, who thanked the Council for the proclamation.

C. Proclamation Recognizing October 2022 as Domestic Violence Awareness Month.

Councilmember Stillman read the proclamation.

REPORT BY COMMISSION/COMMITTEE

A. Annual Report from the Transportation Safety Committee.

Dave Ryan, Chairperson of the Transportation Safety Committee, gave highlights from the Committee's Annual Report and responded to questions from the Council.

Mayor Atkins-Salazar invited public comment.

Gregory Daggett asked that G And H Streets be added to a list of dangerous streets. He said he felt speed limits were not being enforced.

Joanne McGarry expressed her concern about committee meetings being on Zoom. She said school drop-offs were a huge concern of hers in regard to safety and climate change.

Minutes Acceptance: Minutes of Oct 5, 2022 6:00 PM (CONSENT CALENDAR)

October 5, 2022

Glen Colwell spoke regarding the footpath from Alliance Road to Western Avenue and the safety issues and increased crime it meant for the neighborhood. He advocated for installing a new fence along the path with gates at the top and bottom that would be locked at night, or fencing off the trail and abandoning it. Mr. Colwell distributed a copy of his comments and pictures of the trail and fence types.

An unidentified member of the audience also addressed the problems the footpath presented. She said the neighborhood had become unlivable and the residents could no longer tolerate it. She characterized the path as a "criminal highway." She asked that the path be fenced off and abandoned.

James Becker informed the Council that he put up an online petition for making the L Street corridor a linear park.

Anthony Deluca said he supported a linear park on L Street.

Mayor Atkins-Salazar closed the public comment period.

Mayor Atkins-Salazar reminded the public that if it witnessed traffic accidents or unsafe behavior, it should contact the Arcata Police Department so that accurate statistics could be kept.

EARLY ORAL COMMUNICATIONS

Mayor Atkins-Salazar invited public comment.

Gregory Daggett asked the Council how it could move forward with the wastewater treatment plant improvements without having reviewed the Coastal Commission's report on the Coastal Development Permit for the project. He also noted that the City did not have jurisdiction to institute the Gateway Area Plan in the coastal zone areas as that was the Coastal Commission's jurisdiction.

Joanne McGarry reminded the City Council of the climate emergency and said Arcata needed to start acting as if that were an emergency. She asked that every Council agenda include a climate action report stating what actions the City was taking to address the climate emergency. Finally, she asked that a written form of the Land Acknowledgment be placed in the lobby.

Anthony Deluca spoke about supporting local businesses. He announced he had created a website where people could add content regarding businesses, and that could be accessed at rhapsodicglobal.org

An unidentified speaker spoke highly of Councilmember Watson and said people should stop trusting what the newspapers were saying.

Aaron spoke about unsafe conditions on M Street. He asked that the Council be more concerned about directing staff to make progress on citizen concerns.

Mayor Atkins-Salazar closed Early Oral Communications.

October 5, 2022

CONSENT CALENDAR

STILLMAN MOVED AND MATTHEWS SECONDED TO ADOPT THE CONSENT CALENDAR FOR OCTOBER 5, 2022, AS PRESENTED.

Mayor Atkins-Salazar invited public comment. None was received. Mayor Atkins-Salazar closed the public comment period.

THE MOTION PASSED ON A UNANIMOUS VOICE VOTE. AYES: ATKINS-SALAZAR, SCHAEFER, MATTHEWS, STILLMAN, WATSON. NOES: NONE. ABSENT: NONE. ABSTENTIONS: NONE.

- A. Approve the Minutes of the City Council Meeting of September 7, 2022.**
- B. Approve the Minutes of the City Council Meeting of September 21, 2022.**
- C. Bi-Weekly Report on Disbursements.**
- D. Declare a Continuation of the Local Emergency Related to the Coronavirus Pandemic.**
- E. Award a Construction Contract for the 2022 10th Street Sewer Improvement Project to Mobley Construction, dba MCI in the Amount of \$170,125.00; Authorize the City Engineer to Increase the Contract Amount by up to \$25,518.75 (15 Percent, for a Total of \$195,643.75) to Allow for Any Unforeseen Contingencies and Additional Work as Necessary; and Authorize the City Manager to Execute All Applicable Documents.**

NEW BUSINESS

- A. Conduct a Public Hearing to Receive Input regarding Unmet Transit Needs and Direct Staff to Forward All Comments to the Humboldt County Association of Governments.**

City Engineer Khatri announced that this was the annual public hearing to allow residents to bring forward unmet transit needs. He said input received would be forwarded to the Humboldt County Association of Governments which was gathering input countywide, and the final date for input was December 31, 2022.

Councilmember Schaefer said she was contacted with a request for improved bus routes to Bayside for both city and county buses.

Mayor Atkins-Salazar noted there was limited bus service in the evenings including in Valley West.

Mayor Atkins-Salazar opened the public hearing. No comment was received. Mayor Atkins-Salazar closed the public hearing.

RECESS: The Council recessed from 7:11 to 7:16 p.m.

Minutes Acceptance: Minutes of Oct 5, 2022 6:00 PM (CONSENT CALENDAR)

October 5, 2022

B. Waive Immaterial and Minor Bid Discrepancies and Award a Construction Contract for the Phase 1 of the Arcata Wastewater Treatment Facilities Improvement Project to Wahlund Construction, Inc., in the Amount of \$51,495,000.57, Authorize the City Engineer to Increase the Contract Amount by up to \$3,089,700.03 (6 Percent, for a Total of \$54,584,700.60) to Allow for Any Unforeseen Contingencies and Additional Work as Necessary; and Authorize the City Manager to Execute All Applicable Documents.

City Engineer Khatri introduced this item as a bid award for the Phase I of the Wastewater Treatment Facility Improvement Project. He said the primary goal was to rehabilitate the infrastructure and meet discharge permit requirements. He said the City received two bids: Wahlund Construction and North Coast Constructors. Both bids were evaluated for consistency and completeness to insure they met the bid requirements. After the bid opening, the City received a bid protest from North Coast Constructors challenging the responsiveness of the Wahlund Construction bid, followed by a response from Wahlund Construction. The City's project team and consultants and reviewed the bid and believe Wahlund Construction's bid was responsive and responsible. He explained that there were a few minor discrepancies in the bid which were found to be immaterial.

City Engineer Khatri stated the three elements of the bid protest were: 1) *Wahlund Construction did not meet the project requirement to list a completed project that was at least 80% of the value of this project.* He said the project history provided by Wahlund demonstrated they had the experience to do the work. Past work was valued at 77.5% of the value of this project. 2) *Wahlund Construction did not meet project requirement to list projects showing proper qualification for electrical work on the project.* He said that Wahlund construction was self-performing the electrical work under its C-10 electrical license so they met the requirement for that as well. 3) *Wahlund Construction did not meet project requirement as it listed a demobilization amount that was less than permitted by the bid documents.* Engineer Khatri explained that the intent of this requirement was to prevent front-loading of the contract and it could be corrected during the contract execution via different means, so this discrepancy was found to be minor as well.

City Engineer Khatri listed the environmental review that had been completed for state and federal requirements. He also said the City had received the Coastal Development Permit for the project with some conditions which staff and the contractor feel could be met. He said that funding for the project was through a grant mainly from a grant through the State Revolving Fund and some portions funded by the City's sewer fund. He noted that the State Water Board will not be paying for tidal and earthquake insurance. That item cost was approximately \$500,000 and it would be funded by the City's sewer fund. The timeline for the project was that it be started as early as late October 2022 with completion expected 36 months later.

In regard to a late-breaking bid protest received from Mercer-Fraser, City Attorney Diamond explained that the bid documents stated: ". . . only a bidder that has submitted a proposal is allowed to submit a bid protest . . ." She advised the Council that it did not need to consider Mercer-Fraser's bid protest.

Mayor Atkins-Salazar invited public comment.

Minutes Acceptance: Minutes of Oct 5, 2022 6:00 PM (CONSENT CALENDAR)

October 5, 2022

Treven Tilbury, representing Wahlund Construction, explained that "responsible bid" referred to whether or not the contractor could do the work. He explained that if the City wanted to reject a bid based on responsibility, it would have to give the contractor a due process hearing. Mr. Tilbury said there had been a 36 percent inflation in the construction industry. The value of Wahlund's College of the Redwoods project quoted in the bid was 77.5 percent of the value of this project, and if it included the inflation factor of 36 percent, it would be well in excess of the 80 percent qualification threshold required by the bid specifications.

Gregory Daggett expressed that the Coastal Commission had problems with the project because it included \$5.5 million in levee enhancement in Phase 2. He said the money the City had spent on the Gateway Area Plan may be a waste because the future parameters and location of the wastewater treatment plant was undetermined.

Joanne McGarry expressed her concern that this project was just a band-aid. She said projects in the coastal area needed different consideration than projects on higher ground and asked that the City actively consider the future and what needed to be done.

Cliff Poulton, McCullough Construction and North Coast Constructors, said awarding a bid based on different criteria than listed in the specifications was illegal. He said Wahlund's bid did not qualify because it did not show a completed project that was at least 80 percent of the value of this project. Further, the project Wahlund Construction listed to meet this requirement was not yet completed.

Chelsey Rios, McCullough Construction and North Coast Constructors, expressed the opinion that stating Wahlund Construction would indemnify the City in the event of a lawsuit amounted to collusion. She reiterated that Wahlund Construction did not meet the 80 percent threshold as specified in the bid documents. Also, Wahlund Construction did not meet the electrical contractor qualifications as spelled out in the bid documents. She said the only legal options for the Council were to award the job to North Coast Constructors or reject all bids.

Mayor Atkins-Salazar closed the public comment period.

City Attorney Diamond clarified that Wahlund Construction's indemnity was in its capacity as real party-in-interest which obligated it to defend the lawsuit if there was one. She said that if the Council rejected Wahlund's bid, it would trigger due process requirements. She stated that staff did not have concerns about Wahlund Construction's qualifications. She said staff's recommendation was for the Council to affirmatively acknowledge and waive the minor irregularities of the bid to the bid specifications; this was conferred totally to the discretion of the City Council to say irregularities were immaterial.

Ken Wahlund, owner of Wahlund Construction, said his company had been doing wastewater projects for 32 years. He said that in their mind, the value of their past projects could be converted to current value, and this would mean they met the 80 percent threshold. He noted that Wahlund has a \$120 million bonding capacity. He said Wahlund Construction had the staff and capability to do the project, and they would appreciate being awarded the job.

Minutes Acceptance: Minutes of Oct 5, 2022 6:00 PM (CONSENT CALENDAR)

October 5, 2022

ON MOTION BY SCHAEFER, SECONDED BY STILLMAN, AND WITH A FOUR-TO-ONE VOICE VOTE, THE COUNCIL WAIVED IMMATERIAL AND MINOR BID DISCREPANCIES AND AWARDED A CONSTRUCTION CONTRACT FOR THE PHASE 1 OF THE ARCATA WASTEWATER TREATMENT FACILITIES IMPROVEMENT PROJECT TO WAHLUND CONSTRUCTION, INC., IN THE AMOUNT OF \$51,495,000.57; AUTHORIZED THE CITY ENGINEER TO INCREASE THE CONTRACT AMOUNT BY UP TO \$3,089,700.03 (6 PERCENT, FOR A TOTAL OF \$54,584,700.60) TO ALLOW FOR ANY UNFORESEEN CONTINGENCIES AND ADDITIONAL WORK AS NECESSARY; AND AUTHORIZED THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS. AYES: ATKINS-SALAZAR, SCHAEFER, MATTHEWS, STILLMAN. NOES: WATSON. ABSENT: NONE. ABSTENTIONS: NONE.

ORAL AND WRITTEN COMMUNICATIONS

Mayor Atkins-Salazar invited public comment.

Joanne McGarry spoke of the Overview Effect which should remind the Council to focus on local issues, but keep the big picture in mind. She presented each Councilmember with an Earth flag.

Gregory Daggett asked why the Council thought it could put eight-story buildings in the Coastal Commission's jurisdiction. Also, the City needed to talk about a new location for the wastewater treatment plant.

Anthony said he was surprised how the public had different opinions than how the Council usually voted. He expressed concern about how decisions were being made and the reluctance to involve the public.

Mayor Atkins-Salazar closed Oral and Written Communications.

COUNCIL AND STAFF REPORTS

City Manager Diemer reported on a social media threat at Arcata High School and said the Police Department and the High School had coordinated and handled the situation very well.

Councilmember Watson asked why the Council had not received the HdL sales tax reports, to which City Manager Diemer responded that they would be distributed to the Council shortly.

Councilmember Watson complained that some of his emails were missing, to which City Manager Diemer responded that staff would research that.

On inquiry by Councilmember Watson, City Manager Diemer said the public polling regarding the Gateway Area Plan was currently on hold waiting for direction from the Planning Commission.

Councilmember Watson suggested the City pay Planning Commissioners for their service, as well as committee members for their time at meetings.

Mayor Atkins-Salazar responded that this suggestion could be taken up during goal setting.

Minutes Acceptance: Minutes of Oct 5, 2022 6:00 PM (CONSENT CALENDAR)

October 5, 2022

Councilmember Schaefer declared that Shay Park looked wonderful with the new workout equipment.

Councilmember Matthews announced that Yom Kippur ended at 7:32 p.m. that evening and noted that anti-semitic flyers were still being distributed in Arcata.

Councilmember Watson asked if he had Council support to require training for the Council, staff, and City Attorney regarding how to work with people with mental health issues and disabilities.

Councilmember Stillman reported on her attendance at a meeting of the Humboldt Transit Authority and said she had attended the short stay vacation rental listening session. She expressed concern about detectable warning mats at intersections coming loose from the sidewalks. She reported on her attendance at the Missing and Murdered Indigenous People's workshop put on by the Humboldt Area Foundation.

Councilmember Schaefer announced that the Redwood Coast Energy Authority would be hosting the Chamber of Commerce Mixer at Wrangletown Cider Company on Thursday, October 6, 2022.

Councilmember Stillman announced that the Arcata Chamber of Commerce had a new Executive Director.

Mayor Atkins-Salazar said Arcata Main Street was getting a new Executive Director. She reported she attended a fund raiser for Centro del Pueblo.

ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

Respectfully submitted,

Bridget Dory
City Clerk

Minutes Acceptance: Minutes of Oct 5, 2022 6:00 PM (CONSENT CALENDAR)



STAFF REPORT – CITY COUNCIL MEETING

October 19, 2022

TO: Honorable Mayor and City Council Members

FROM: Ondrea Starzhevskiy, Finance Director

PREPARER: Ondrea Starzhevskiy, Finance Director

DATE: October 12, 2022

TITLE: **Bi-Weekly Report on Disbursements.**

RECOMMENDATION:

It is recommended that the Council approve the disbursements listing for the period September 24, 2022, to October 7, 2022.

INTRODUCTION:

Pursuant to Section 37208 of the California Government Code, checks drawn in payment of demands certified by the City Finance Director as conforming to the authorized expenditures set forth in the City Council adopted budget need not be audited by the City Council prior to payment, but may be presented to the City Council at the first meeting after delivery.

DISCUSSION:

The attached Disbursements Listing lists the checks and electronic payments that have been paid for the period identified above. The Finance Director certifies that the disbursements were drawn in payment of demands conforming to the adopted budget and that these demands are being presented to the City Council at its first meeting after the delivery of the checks and electronic payments.

BUDGET/FISCAL IMPACT:

The disbursements presented were drawn in payment of demands included within the adopted budget.

ATTACHMENTS:

A. Cash Disbursement Report 09242022-10072022 (PDF)

City of Arcata Bi-Weekly Report on Cash Disbursements 9/24/2022-10/7/2022

Check No.	Vendor No.	Vendor Name	GL Account	Amount	Date
247749	ARCA7999	Arcata 7th Street LP	259-30-14-58300	716	9/26/2022
247750	ARHUA010	Arcata Humboldt Associates LP	259-30-14-58300	777	9/26/2022
247751	BLASC999	Blasch Shirley	259-30-14-58300	50.58	9/26/2022
247752	BURNSCHA	Burns Charles	259-30-14-58300	80.5	9/26/2022
247753	CRAIG998	Craig Bernada	259-30-14-58300	13.47	9/26/2022
247754	FIHNS999	Fihn Susan	259-30-14-58300	88.59	9/26/2022
247755	RURAL010	Rural Community Housing Development Corporation	259-30-14-58300	565.08	9/26/2022
247756	RURAL010	Rural Community Housing Development Corporation	259-30-14-58300	338.14	9/26/2022
247757	RURAL010	Rural Community Housing Development Corporation	259-30-14-58300	438.45	9/26/2022
247758	RURAL010	Rural Community Housing Development Corporation	259-30-14-58300	503.7	9/26/2022
247759	RURAL010	Rural Community Housing Development Corporation	259-30-14-58300	276.47	9/26/2022
247760	SMITH020	Smith Ken	259-30-14-58300	803.06	9/26/2022
247761	SMITH898	Smith Tracee	259-30-14-58300	92.58	9/26/2022
247762	STROM999	Strombeck Properties	259-30-14-58300	510.83	9/26/2022
247763	STROM999	Strombeck Properties	259-30-14-58300	996.2	9/26/2022
247764	STROM999	Strombeck Properties	259-30-14-58300	2050	9/26/2022
247765	SUNCO010	Sun Communities Inc	259-30-14-58300	487.34	9/26/2022
247766	SUNCO010	Sun Communities Inc	259-30-14-58300	466.67	9/26/2022
247767	SUNCO010	Sun Communities Inc	259-30-14-58300	487.73	9/26/2022
247768	SUNCO010	Sun Communities Inc	259-30-14-58300	144.27	9/26/2022
247769	SUNCO010	Sun Communities Inc	259-30-14-58300	466.67	9/26/2022
247770	SUNCO010	Sun Communities Inc	259-30-14-58300	383.07	9/26/2022
247771	SUNCO010	Sun Communities Inc	259-30-14-58300	466.67	9/26/2022
247772	SUNCO010	Sun Communities Inc	259-30-14-58300	350.37	9/26/2022
247773	SUNCO010	Sun Communities Inc	259-30-14-58300	490.24	9/26/2022
247774	SUNCO010	Sun Communities Inc	259-30-14-58300	364.57	9/26/2022
247775	SUNCO010	Sun Communities Inc	259-30-14-58300	450.49	9/26/2022
247776	SUNCO010	Sun Communities Inc	259-30-14-58300	306.61	9/26/2022
247777	SUNCO010	Sun Communities Inc	259-30-14-58300	412.99	9/26/2022
247778	SUNCO010	Sun Communities Inc	259-30-14-58300	506.14	9/26/2022
247779	SUNCO010	Sun Communities Inc	259-30-14-58300	304.02	9/26/2022
247780	SUNCO010	Sun Communities Inc	259-30-14-58300	550.91	9/26/2022
247781	SUNCO010	Sun Communities Inc	259-30-14-58300	478.7	9/26/2022
247782	SUNCO010	Sun Communities Inc	259-30-14-58300	461.6	9/26/2022
247783	SUNCO010	Sun Communities Inc	259-30-14-58300	550.25	9/26/2022
247784	SUNCO010	Sun Communities Inc	259-30-14-58300	306.52	9/26/2022
247785	SUNCO010	Sun Communities Inc	259-30-14-58300	170.56	9/26/2022
247786	SUNCO010	Sun Communities Inc	259-30-14-58300	279.98	9/26/2022
247787	SUNCO010	Sun Communities Inc	259-30-14-58300	553.66	9/26/2022
247788	SUNCO010	Sun Communities Inc	259-30-14-58300	669.05	9/26/2022
247789	SUNCO010	Sun Communities Inc	259-30-14-58300	126.67	9/26/2022
247790	SUNCO010	Sun Communities Inc	259-30-14-58300	453.69	9/26/2022
247791	SUNCO010	Sun Communities Inc	259-30-14-58300	242.09	9/26/2022
247792	TOWNCO20	Town & Country Mobile Villa	259-30-14-58300	399.97	9/26/2022
247793	AFLACO10	Aflac	101-00-00-22110	1124.54	9/30/2022
247794	AFLACO15	AFLAC Group Insurance	101-00-00-22110	144.06	9/30/2022
247795	ARVAL010	Arcata Valley West BLVD LP	230-30-13-58001	1122157.99	9/30/2022
247796	BEACO030	Beacon Athletics LLC	101-50-81-55400	303.81	9/30/2022
247797	HASSLER	Hassler Jed	207-50-45-53800	15	9/30/2022
247798	HEMMINGS	Hemmingsen Brian	207-50-45-53800	15	9/30/2022
247799	HOFFMANB	Hoffman Brian	101-40-21-51500	1.24	9/30/2022
247799	HOFFMANB	Hoffman Brian	101-40-21-51500	177.72	9/30/2022
247799	HOFFMANB	Hoffman Brian	101-00-00-21090	-1.24	9/30/2022
247800	LACKEYSC	Lackey Scott	207-50-45-53800	15	9/30/2022
247801	PACIF020	Pacific Gas & Electric Co	101-50-81-51100	65.16	9/30/2022
247801	PACIF020	Pacific Gas & Electric Co	101-50-41-51100	13.37	9/30/2022
247801	PACIF020	Pacific Gas & Electric Co	101-50-41-51100	10.16	9/30/2022
247801	PACIF020	Pacific Gas & Electric Co	101-50-81-51100	52.97	9/30/2022

Attachment: A. Cash Disbursement Report 09242022-10072022 (4019 : Disbursements Listing)

City of Arcata Bi-Weekly Report on Cash Disbursements 9/24/2022-10/7/2022

Check No.	Vendor No.	Vendor Name	GL Account	Amount	Date
247801	PACIF020	Pacific Gas & Electric Co	101-50-41-51100	84.74	9/30/2022
247801	PACIF020	Pacific Gas & Electric Co	101-50-41-51100	16.63	9/30/2022
247801	PACIF020	Pacific Gas & Electric Co	101-50-41-51100	49.31	9/30/2022
247802	REEDLORI	Reed Lori	771-50-57-51770	4	9/30/2022
247803	REMIF010	R.E.M.I.F.	666-50-52-50990	0.91	9/30/2022
247803	REMIF010	R.E.M.I.F.	559-00-00-24059	847.91	9/30/2022
247803	REMIF010	R.E.M.I.F.	207-50-45-50990	0.91	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22203	4.55	9/30/2022
247803	REMIF010	R.E.M.I.F.	209-50-55-50990	4.81	9/30/2022
247803	REMIF010	R.E.M.I.F.	207-50-45-50990	4.81	9/30/2022
247803	REMIF010	R.E.M.I.F.	661-50-63-50990	6.37	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22204	2083.9	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22203	35.8	9/30/2022
247803	REMIF010	R.E.M.I.F.	666-50-52-50990	73.5	9/30/2022
247803	REMIF010	R.E.M.I.F.	661-60-64-50990	1.82	9/30/2022
247803	REMIF010	R.E.M.I.F.	662-50-65-50990	5.46	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22205	11313.32	9/30/2022
247803	REMIF010	R.E.M.I.F.	209-50-55-50990	73.5	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22203	149128.02	9/30/2022
247803	REMIF010	R.E.M.I.F.	209-50-55-50990	0.91	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22203	35.8	9/30/2022
247803	REMIF010	R.E.M.I.F.	207-50-45-50990	73.5	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22203	7614.1	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22205	3215.29	9/30/2022
247803	REMIF010	R.E.M.I.F.	662-60-67-50990	1.82	9/30/2022
247803	REMIF010	R.E.M.I.F.	662-50-65-50990	28.86	9/30/2022
247803	REMIF010	R.E.M.I.F.	661-50-63-50990	33.67	9/30/2022
247803	REMIF010	R.E.M.I.F.	662-50-65-50990	440.99	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22203	4.55	9/30/2022
247803	REMIF010	R.E.M.I.F.	661-60-64-50990	9.62	9/30/2022
247803	REMIF010	R.E.M.I.F.	661-50-63-50990	514.49	9/30/2022
247803	REMIF010	R.E.M.I.F.	101-00-00-22204	571.85	9/30/2022
247803	REMIF010	R.E.M.I.F.	662-60-67-50990	9.62	9/30/2022
247803	REMIF010	R.E.M.I.F.	662-60-67-50990	147	9/30/2022
247803	REMIF010	R.E.M.I.F.	666-50-52-50990	4.81	9/30/2022
247803	REMIF010	R.E.M.I.F.	559-00-00-24059	192.55	9/30/2022
247803	REMIF010	R.E.M.I.F.	661-60-64-50990	147	9/30/2022
247803	REMIF010	R.E.M.I.F.	559-00-00-24059	15447.9	9/30/2022
247804	REMIF010	R.E.M.I.F.	207-50-45-50990	0.14	9/30/2022
247804	REMIF010	R.E.M.I.F.	666-50-52-50990	0.14	9/30/2022
247804	REMIF010	R.E.M.I.F.	101-00-00-22206	372.04	9/30/2022
247804	REMIF010	R.E.M.I.F.	661-50-63-50990	0.99	9/30/2022
247804	REMIF010	R.E.M.I.F.	662-60-67-50990	0.29	9/30/2022
247804	REMIF010	R.E.M.I.F.	662-50-65-50990	0.85	9/30/2022
247804	REMIF010	R.E.M.I.F.	209-50-55-50990	0.14	9/30/2022
247804	REMIF010	R.E.M.I.F.	661-60-64-50990	0.29	9/30/2022
247805	RODRIGUE	Rodriguez Marcela	662-60-67-51500	250	9/30/2022
247806	SAVAGEDI	Savage Dillon	775-10-71-51400	191	9/30/2022
247807	UB*05453	Alfano Angelo	661-00-00-21000	5.66	9/30/2022
247808	WAGEW010	Wage Works	101-00-00-22110	125	9/30/2022
247809	WINKLO10	Winkel & Floyd	224-30-13-55700	6500	9/30/2022
247810	ARCAT320	Recology Arcata	212-30-11-55400	22.45	9/30/2022
247811	ARCAT340	Arcata House Partnership	224-30-13-51770	59176.78	9/30/2022
247812	BAVCO010	Bavco	661-60-64-57500	1144.29	9/30/2022
247813	BOBCA020	Bobcat of Chico	771-50-57-54400	285.39	9/30/2022
247813	BOBCA020	Bobcat of Chico	771-50-57-54400	40.47	9/30/2022
247814	BRIGH020	Strobel Angel	101-50-81-54200	511.08	9/30/2022
247815	CAROLO10	Carollo Engineers Inc.	662-60-67-57601	6625	9/30/2022

Attachment: A. Cash Disbursement Report 09242022-10072022 (4019 : Disbursements Listing)

City of Arcata Bi-Weekly Report on Cash Disbursements 9/24/2022-10/7/2022

Check No.	Vendor No.	Vendor Name	GL Account	Amount	Date
247816	CUMMI020	Cummins Inc	771-50-57-55100	148.44	9/30/2022
247816	CUMMI020	Cummins Inc	771-50-57-55100	148.44	9/30/2022
247817	DOHEN010	Jack Doheny Companies Inc	771-50-57-57900	25505.26	9/30/2022
247818	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	1037.63	9/30/2022
247818	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	7.23	9/30/2022
247818	EUREK130	Eureka Ready Mix Concrete Co Inc	101-00-00-21090	-7.23	9/30/2022
247819	FEDER010	Fedex	662-60-67-53100	301.48	9/30/2022
247820	FISHE020	Fisher Scientific Company	662-60-67-53500	77.67	9/30/2022
247820	FISHE020	Fisher Scientific Company	662-60-67-53500	76.2	9/30/2022
247821	HACHC010	Hach Chemical Company	662-60-67-53500	85.64	9/30/2022
247822	HARPE010	Harper Ford Country	771-50-57-54400	60.4	9/30/2022
247822	HARPE010	Harper Ford Country	771-50-57-54400	64.68	9/30/2022
247822	HARPE010	Harper Ford Country	771-50-57-54400	36.87	9/30/2022
247823	HSUSP010	Sponsored Programs Foundation	662-60-67-51728	13027.06	9/30/2022
247824	HUMBO107	Humboldt County Sheriff	101-40-25-52528	4388	9/30/2022
247825	K&MIN010	K & M International	662-60-67-51720	676.8	9/30/2022
247825	K&MIN010	K & M International	662-60-67-51720	60.69	9/30/2022
247826	KENDR010	Kendrick Boiler Works Inc.	662-60-67-51770	4821	9/30/2022
247827	KERNE010	Kernen Construction	207-50-45-53800	42.74	9/30/2022
247827	KERNE010	Kernen Construction	101-00-00-21090	-42.74	9/30/2022
247827	KERNE010	Kernen Construction	207-50-45-53800	6139.54	9/30/2022
247827	KERNE010	Kernen Construction	101-00-00-21090	-8.41	9/30/2022
247827	KERNE010	Kernen Construction	205-60-87-54200	8.41	9/30/2022
247827	KERNE010	Kernen Construction	205-60-87-54200	1208.96	9/30/2022
247828	LEXIS020	LexisNexis Risk Data Management Inc	101-40-21-55300	50	9/30/2022
247829	MENDE010	Mendes Supply Co	101-50-85-53600	1521.9	9/30/2022
247829	MENDE010	Mendes Supply Co	212-30-11-55400	79.65	9/30/2022
247829	MENDE010	Mendes Supply Co	212-30-11-55400	62.7	9/30/2022
247829	MENDE010	Mendes Supply Co	212-30-11-55400	128.34	9/30/2022
247829	MENDE010	Mendes Supply Co	101-50-81-55400	1260.25	9/30/2022
247829	MENDE010	Mendes Supply Co	101-50-85-53600	2452.05	9/30/2022
247830	MUNIC010	Municipal Maintenance Equipment Inc	662-50-65-55300	424.43	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	62.5	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	117.3	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	62.5	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	42.5	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	25	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	42.5	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	25	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	130.9	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	25	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	42.5	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	25	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	117.3	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	25	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	130.9	9/30/2022
247831	NORTH140	North Coast Journal Inc	101-10-15-51300	130.9	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	138	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	65	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	65	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	55	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	135	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	255	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	150	9/30/2022
247832	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	255	9/30/2022
247833	OCCUP020	American Hospital Management	101-10-15-51702	236.25	9/30/2022
247833	OCCUP020	American Hospital Management	101-10-15-51702	236.25	9/30/2022
247834	PACES010	Pace Supply Corp	661-50-63-53900	559.18	9/30/2022

Attachment: A. Cash Disbursement Report 09242022-10072022 (4019 : Disbursements Listing)

City of Arcata Bi-Weekly Report on Cash Disbursements 9/24/2022-10/7/2022

Check No.	Vendor No.	Vendor Name	GL Account	Amount	Date
247835	PETTI010	P.F. Pettibone & Company	101-10-05-54200	243.95	9/30/2022
247836	PHENO010	Phenova Inc.	662-60-67-53500	771.8	9/30/2022
247836	PHENO010	Phenova Inc.	662-60-67-53500	5.1	9/30/2022
247836	PHENO010	Phenova Inc.	101-00-00-21090	-5.1	9/30/2022
247837	PHOEN010	Phoenix Group Information Systems	101-40-23-54200	280	9/30/2022
247838	PITNE010	Pitney Bowes Postage By	101-20-07-53110	3030	9/30/2022
247839	REDWO040	Redwood Teen Challenge	664-60-73-54455	400	9/30/2022
247839	REDWO040	Redwood Teen Challenge	664-60-73-54455	300	9/30/2022
247840	SPENC010	Spencer Electric Inc	101-50-41-55310	2523.94	9/30/2022
247841	TEHAM010	Tehama Tire	771-50-57-54600	949.84	9/30/2022
247841	TEHAM010	Tehama Tire	771-50-57-54600	605.55	9/30/2022
247842	THATC010	Thatcher Company of California Inc	662-60-67-53500	-1085	9/30/2022
247842	THATC010	Thatcher Company of California Inc	662-60-67-53500	21001.62	9/30/2022
247842	THATC010	Thatcher Company of California Inc	662-60-67-53500	-6510	9/30/2022
247843	USABL010	USA Blue Book	661-60-64-57500	-6179.03	9/30/2022
247843	USABL010	USA Blue Book	661-60-64-57500	15598.45	9/30/2022
247843	USABL010	USA Blue Book	661-60-64-55300	1161.78	9/30/2022
247843	USABL010	USA Blue Book	662-60-67-51728	109.24	9/30/2022
247843	USABL010	USA Blue Book	662-60-67-51728	170.2	9/30/2022
247843	USABL010	USA Blue Book	662-60-67-53500	245.21	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	631.3	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	95.13	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	699.54	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	1538.73	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	769.32	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	132	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	588.76	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	44.15	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	2102.29	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	2189.47	9/30/2022
247844	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	465.22	9/30/2022
247845	ABLES999	Ables Paul	662-60-67-54200	22.12	10/7/2022
247846	APXIN010	APX Inc	205-60-87-51910	500.00	10/7/2022
247847	ATTCALNE	AT&T	775-10-71-51200	690.94	10/7/2022
247847	ATTCALNE	AT&T	101-40-21-51200	96.98	10/7/2022
247848	BIALOUS	Bialous Kira	101-40-21-51400	197.00	10/7/2022
247849	BIALOUS	Bialous Kira	101-40-21-51400	341.00	10/7/2022
247850	CARUR010	California Rural Water Association	661-50-63-51400	1,925.00	10/7/2022
247850	CARUR010	California Rural Water Association	661-60-64-51400	1,100.00	10/7/2022
247851	CASSA010	Wright Christine	101-10-15-51430	631.47	10/7/2022
247851	CASSA010	Wright Christine	101-10-15-51430	100.00	10/7/2022
247851	CASSA010	Wright Christine	101-10-15-51430	100.00	10/7/2022
247851	CASSA010	Wright Christine	101-10-15-51430	668.17	10/7/2022
247852	CDWG0010	CDWG	101-50-61-57300	84.67	10/7/2022
247853	CHAND010	Chandler Asset Management	101-00-00-44100	1,405.18	10/7/2022
247853	CHAND010	Chandler Asset Management	245-00-00-44100	307.22	10/7/2022
247854	CHRISTIE	Brazil Leah	101-40-21-51400	197.00	10/7/2022
247855	DAVISJEN	Davis Jennifer	101-20-07-54200	69.08	10/7/2022
247856	DHHSF999	DHHS BH Financial Services	101-40-21-51400	150.00	10/7/2022
247857	DUBE999	Dube Jamelle	101-00-00-23070	300.00	10/7/2022
247858	ELKO999	Elko Danielle	101-00-00-23070	300.00	10/7/2022
247859	ESGETELS	Esget Elyse	204-40-21-51420	341.00	10/7/2022
247860	FRANC011	Franchise Tax Board	101-00-00-22109	204.52	10/7/2022
247861	FRANC012	Franchise Tax Board	101-00-00-22109	66.89	10/7/2022
247862	FRANC013	Franchise Tax Board	101-00-00-22109	162.00	10/7/2022
247863	GUGLI999	Gugliemino Christina	101-00-00-23070	300.00	10/7/2022
247864	HOFFMANB	Hoffman Brian	101-40-21-51400	207.00	10/7/2022
247865	HUMBO025	Humboldt County Clerk Recorder	662-60-67-51900	2.00	10/7/2022

Attachment: A. Cash Disbursement Report 09242022-10072022 (4019 : Disbursements Listing)

City of Arcata Bi-Weekly Report on Cash Disbursements 9/24/2022-10/7/2022

Check No.	Vendor No.	Vendor Name	GL Account	Amount	Date
247865	HUMBO025	Humboldt County Clerk Recorder	101-50-81-57613	3.00	10/7/2022
247866	JACOBO20	Jacoby Creek Water Dist	661-00-00-46711	2,102.16	10/7/2022
247867	KIBBY999	Kibby Faith	101-00-00-23070	50.00	10/7/2022
247868	LEAFC010	LEAF Capital Funding LLC	775-10-71-57800	24,192.00	10/7/2022
247869	LUCER999	Lucero Christianne	101-00-00-23070	300.00	10/7/2022
247870	LWPCL010	LWP Claims Solutions Inc	101-00-00-14016	612.15	10/7/2022
247871	METTE999	Metteauer Stephanie	101-00-00-23070	50.00	10/7/2022
247872	MIRAN998	Miranda Arice	101-00-00-46350	130.00	10/7/2022
247872	MIRAN998	Miranda Arice	101-00-00-41600	24.00	10/7/2022
247873	OPERA010	Operating Engineers No 3	101-00-00-22113	1,740.00	10/7/2022
247874	PACIF020	Pacific Gas & Electric Co	212-30-11-55400	5,175.76	10/7/2022
247875	PERSLONG	PERS Long Term Care	101-00-00-22202	67.51	10/7/2022
247876	RATLIFFH	Ratliff Hollie	101-40-21-51400	207.00	10/7/2022
247877	ROGERSCH	Rogers Christopher	101-40-21-51400	207.00	10/7/2022
247878	SCOTTCHA	Scott Chad	662-60-67-54200	118.85	10/7/2022
247879	SECUR999	Security Lock & Alarm	775-10-71-57800	3,212.52	10/7/2022
247880	STATE998	State Water Resources Control Board	661-60-64-51900	205.00	10/7/2022
247881	SUDDE010	Suddenlink	775-10-71-51210	30.88	10/7/2022
247881	SUDDE010	Suddenlink	775-10-71-51210	116.48	10/7/2022
247881	SUDDE010	Suddenlink	775-10-71-51210	258.00	10/7/2022
247882	ACCES010	Access Humboldt	101-10-77-51791	1,215.00	10/7/2022
247883	ADVAN010	Advanced Security Systems	101-50-85-51770	1,183.50	10/7/2022
247884	AEDC0010	A.E.D.C.	255-30-14-51770	630.00	10/7/2022
247885	ALMQU010	Almquist Lumber Company	661-60-64-55400	93.40	10/7/2022
247885	ALMQU010	Almquist Lumber Company	661-60-64-55400	0.65	10/7/2022
247885	ALMQU010	Almquist Lumber Company	101-50-85-55400	0.56	10/7/2022
247885	ALMQU010	Almquist Lumber Company	101-50-85-55400	0.27	10/7/2022
247885	ALMQU010	Almquist Lumber Company	101-00-00-21090	(0.56)	10/7/2022
247885	ALMQU010	Almquist Lumber Company	101-50-85-55400	39.27	10/7/2022
247885	ALMQU010	Almquist Lumber Company	101-00-00-21090	(0.65)	10/7/2022
247885	ALMQU010	Almquist Lumber Company	101-50-85-55400	81.77	10/7/2022
247885	ALMQU010	Almquist Lumber Company	101-00-00-21090	(0.27)	10/7/2022
247886	ALVES010	Alves Inc.	207-50-45-53800	720.09	10/7/2022
247886	ALVES010	Alves Inc.	207-50-45-53800	780.33	10/7/2022
247887	ARCAT340	Arcata House Partnership	211-30-13-58216	14,183.60	10/7/2022
247888	ARCAT620	Arcata Used Tire & Wheel	771-50-57-54600	120.00	10/7/2022
247888	ARCAT620	Arcata Used Tire & Wheel	771-50-57-54600	25.00	10/7/2022
247889	BORGE010	Borges & Mahoney Inc.	662-60-67-55300	2,134.04	10/7/2022
247890	BUDDY010	Buddy's Auto Center	101-40-23-51762	300.00	10/7/2022
247890	BUDDY010	Buddy's Auto Center	101-40-23-51762	55.00	10/7/2022
247890	BUDDY010	Buddy's Auto Center	101-40-23-51762	55.00	10/7/2022
247891	CALIF020	California Heating	101-50-85-51770	607.53	10/7/2022
247892	CALLE010	Call-Em-All LLC	101-20-07-54200	135.00	10/7/2022
247893	CALTE010	Caltest Analytical Lab	662-60-67-51742	388.40	10/7/2022
247893	CALTE010	Caltest Analytical Lab	662-60-67-51742	117.80	10/7/2022
247893	CALTE010	Caltest Analytical Lab	662-60-67-51742	589.00	10/7/2022
247894	COOPH010	Cooperation Humboldt	224-60-81-51770	4,687.54	10/7/2022
247895	COPWARE	CopWare Inc	101-40-21-54200	705.00	10/7/2022
247896	CSWST010	CSW-Stuber-Stroeh Engineering Group Inc	231-50-45-51770	2,915.00	10/7/2022
247897	EUREK055	Eureka Glass Company	101-50-85-55400	267.64	10/7/2022
247897	EUREK055	Eureka Glass Company	101-00-00-21090	(1.36)	10/7/2022
247897	EUREK055	Eureka Glass Company	101-50-85-55400	1.36	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	661-50-63-53800	352.44	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	4.01	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	576.46	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	101-00-00-21090	(4.01)	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	7.22	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	1,037.63	10/7/2022

Attachment: A. Cash Disbursement Report 09242022-10072022 (4019 : Disbursements Listing)

City of Arcata Bi-Weekly Report on Cash Disbursements 9/24/2022-10/7/2022

Check No.	Vendor No.	Vendor Name	GL Account	Amount	Date
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	101-00-00-21090	(7.22)	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	7.22	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	205-60-87-54200	1,037.63	10/7/2022
247898	EUREK130	Eureka Ready Mix Concrete Co Inc	101-00-00-21090	(7.22)	10/7/2022
247899	FRIEN010	Friends Of The Arcata Marsh	662-60-67-51720	241.30	10/7/2022
247900	GRANI020	Granicus Inc.	101-10-77-51792	596.01	10/7/2022
247900	GRANI020	Granicus Inc.	101-10-05-51770	713.76	10/7/2022
247901	HACHC010	Hach Chemical Company	662-60-67-53500	877.99	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	28.19	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	70.51	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-81-55400	27.11	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-53600	8.67	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	86.79	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	(16.28)	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-81-55400	27.11	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	(21.69)	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	21.69	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	53.75	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-53600	32.51	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-55400	5.41	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-81-55400	17.34	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-81-55400	35.98	10/7/2022
247902	HENSE010	Hensels Hardware	101-50-85-53600	7.58	10/7/2022
247902	HENSE010	Hensels Hardware	771-50-57-57800	27.11	10/7/2022
247903	HUMBO010	Humboldt Bay Municipal Water District	661-60-64-54000	127,950.38	10/7/2022
247904	HUMBO116	Humboldt Fasteners	101-50-81-54300	58.80	10/7/2022
247905	INDUS020	Industrial Electric Arcata Inc	662-60-67-55300	1,383.52	10/7/2022
247905	INDUS020	Industrial Electric Arcata Inc	661-60-64-55300	1,160.40	10/7/2022
247906	INFOS010	Infosend Inc	662-60-67-53100	39.58	10/7/2022
247906	INFOS010	Infosend Inc	661-60-64-51770	13.68	10/7/2022
247906	INFOS010	Infosend Inc	661-60-64-53100	39.57	10/7/2022
247906	INFOS010	Infosend Inc	662-60-67-51770	13.68	10/7/2022
247907	JMBOD010	J & M Body Shop/Towing	101-40-23-51762	130.00	10/7/2022
247908	KERNE010	Kernen Construction	101-00-00-21090	(19.06)	10/7/2022
247908	KERNE010	Kernen Construction	661-50-63-53800	19.06	10/7/2022
247908	KERNE010	Kernen Construction	661-50-63-53800	2,738.20	10/7/2022
247908	KERNE010	Kernen Construction	207-50-45-53800	29,655.82	10/7/2022
247908	KERNE010	Kernen Construction	101-00-00-21090	(206.42)	10/7/2022
247908	KERNE010	Kernen Construction	207-50-45-53800	206.42	10/7/2022
247909	KTPRI010	Pence Christopher	101-20-07-54200	415.43	10/7/2022
247909	KTPRI010	Pence Christopher	661-60-64-53300	48.83	10/7/2022
247909	KTPRI010	Pence Christopher	101-10-01-54200	48.83	10/7/2022
247910	LIERL010	Lierly Jeffrey Scott	101-40-21-51770	325.00	10/7/2022
247911	MADRI060	Mad River Union	101-10-15-51300	144.00	10/7/2022
247911	MADRI060	Mad River Union	101-10-05-51300	72.00	10/7/2022
247912	MENDE010	Mendes Supply Co	101-50-85-55300	203.39	10/7/2022
247912	MENDE010	Mendes Supply Co	101-50-85-55300	827.28	10/7/2022
247913	MILLY010	The Mill Yard	205-60-87-54200	56.15	10/7/2022
247913	MILLY010	The Mill Yard	101-50-81-55400	123.04	10/7/2022
247913	MILLY010	The Mill Yard	661-60-64-55400	36.14	10/7/2022
247913	MILLY010	The Mill Yard	101-50-85-55400	4.75	10/7/2022
247914	MISSI010	Mission Linen Ind.Inc.	212-30-11-55400	77.43	10/7/2022
247914	MISSI010	Mission Linen Ind.Inc.	212-30-11-55400	77.43	10/7/2022
247914	MISSI010	Mission Linen Ind.Inc.	661-60-64-51500	155.65	10/7/2022
247914	MISSI010	Mission Linen Ind.Inc.	771-50-57-51500	73.12	10/7/2022
247914	MISSI010	Mission Linen Ind.Inc.	662-60-67-51500	111.17	10/7/2022
247914	MISSI010	Mission Linen Ind.Inc.	771-50-57-51500	73.12	10/7/2022
247914	MISSI010	Mission Linen Ind.Inc.	661-60-64-51500	122.02	10/7/2022

Attachment: A. Cash Disbursement Report 09242022-10072022 (4019 : Disbursements Listing)

City of Arcata Bi-Weekly Report on Cash Disbursements 9/24/2022-10/7/2022

Check No.	Vendor No.	Vendor Name	GL Account	Amount	Date
247914	MISSIO10	Mission Linen Ind.Inc.	771-50-57-51500	82.75	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	10.60	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	33.25	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	200.94	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	29.94	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	62.25	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	120.25	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	45.00	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	150.50	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	85.50	10/7/2022
247915	NORMA010	Norman's Dry Cleaners	101-40-21-51500	77.50	10/7/2022
247916	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	425.00	10/7/2022
247916	NORTH150	Northcoast Laboratories Inc	662-60-67-51742	255.00	10/7/2022
247916	NORTH150	Northcoast Laboratories Inc	661-60-64-51742	185.00	10/7/2022
247917	POINT010	Points West Surveying Co.	666-60-51-57606	5,500.00	10/7/2022
247918	SAFET020	safetybygeorge LLC	661-60-64-51400	200.00	10/7/2022
247918	SAFET020	safetybygeorge LLC	207-50-45-51400	200.00	10/7/2022
247918	SAFET020	safetybygeorge LLC	662-60-67-51400	200.00	10/7/2022
247919	STERIO10	Stericycle Inc.	662-60-67-51770	51.41	10/7/2022
247919	STERIO10	Stericycle Inc.	662-60-67-51770	51.41	10/7/2022
247920	SWRCB010	State Water Resources Control Board	211-30-13-58211	206.94	10/7/2022
247921	TEHAM010	Tehama Tire	771-50-57-54600	1,021.59	10/7/2022
247922	ULINE010	ULINE INC.	662-60-67-51500	284.11	10/7/2022
247922	ULINE010	ULINE INC.	661-60-64-51500	69.71	10/7/2022
247923	USABL010	USA Blue Book	662-60-67-51728	77.63	10/7/2022
247924	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	596.15	10/7/2022
247924	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	1,021.76	10/7/2022
247924	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	1,351.29	10/7/2022
247924	VALLE030	Valley Pacific Petroleum Services Inc	771-50-57-54700	648.80	10/7/2022
310513	Payroll	Payroll	Misc	1,011.54	10/7/2022
310514	Payroll	Payroll	Misc	174.63	10/7/2022
310515	Payroll	Payroll	Misc	604.10	10/7/2022
310516	Payroll	Payroll	Misc	235.50	10/7/2022
310517	Payroll	Payroll	Misc	718.47	10/7/2022
310518	Payroll	Payroll	Misc	1,745.37	10/7/2022
310519	Payroll	Payroll	Misc	648.71	10/7/2022
310520	Payroll	Payroll	Misc	871.99	10/7/2022
310521	Payroll	Payroll	Misc	1,071.27	10/7/2022
310522	Payroll	Payroll	Misc	1,495.68	10/7/2022
310523	Payroll	Payroll	Misc	206.50	10/7/2022
310524	Payroll	Payroll	Misc	200.71	10/7/2022
310525	Payroll	Payroll	Misc	317.51	10/7/2022
310526	Payroll	Payroll	Misc	719.89	10/7/2022
310527	Payroll	Payroll	Misc	1,063.88	10/7/2022
310528	Payroll	Payroll	Misc	500.01	10/7/2022
310529	Payroll	Payroll	Misc	149.76	10/7/2022
310530	Payroll	Payroll	Misc	73.05	10/7/2022
310531	Payroll	Payroll	Misc	80.73	10/7/2022
ACH	CADIS010	CA State Disbursement Unit	101-00-00-22109	81.23	10/7/2022
ACH	Payroll	PERS	Misc	64,091.99	10/7/2022
ACH	Payroll	Payroll	Misc	236,289.11	10/7/2022
ACH	Payroll	Payroll deduct	Misc	109,095.34	10/7/2022

Total	2,209,100.67
-------	--------------

Attachment: A. Cash Disbursement Report 09242022-10072022 (4019 : Disbursements Listing)



STAFF REPORT – CITY COUNCIL MEETING

October 19, 2022

TO: Honorable Mayor and City Council Members

FROM: Netra Khatri, City Engineer

PREPARER: Netra Khatri, City Engineer

DATE: September 25, 2022

TITLE: **Award a Contract in the Amount of \$1,932,890.00 to Carollo Engineers, Inc., for the Engineering Services During Construction for Phase 1 of the Arcata Wastewater Treatment Facilities Improvements Project; and Authorize the City Manager to Execute all Applicable Documents.**

RECOMMENDATION:

It is recommended that the Council:

- 1) Award a Contract in the Amount of \$1,932,890.00 to Carollo Engineers, Inc., for the Engineering Services During Construction for Phase 1 of the Arcata Wastewater Treatment Facilities Improvements Project; and
- 2) Authorize the City Manager to execute all applicable documents

INTRODUCTION:

The City of Arcata is embarking on one of the largest capital improvement projects in the City's history—the Arcata Wastewater Treatment Facilities Upgrade Project. The total project cost for Phase 1 of the improvements is approximately \$54 million. The project will be funded via a combination of the City's Wastewater Fund, and the State Water Resources Control Board Clean Water State Revolving Fund (SRF) program. The City applied for SRF funding in 2019 and is on track to execute a contract for the funding before the start of construction.

In June 2022, the City solicited a Request for Proposals (RFP) from qualified consulting firms to provide engineering services for the project during construction.

The City received only one proposal in response to the RFP: from Carollo Engineers. The proposal was reviewed by City staff and was deemed to be technically sound and to meet the funding source and City requirements for completion of the work. Carollo's design team has been assisting with the project since 2016. The scope of work and fee estimate are attached to the staff report as Exhibit A.

BACKGROUND:

The City of Arcata (City) Wastewater Treatment Facility (AWTF) currently discharges treated wastewater to Humboldt Bay in conjunction with enhanced treatment occurring in the Arcata Marsh Wildlife Sanctuary (AMWS). Discharges are regulated by the North Coast Regional

Water Quality Control Board (RWQCB) through the application of the AWTF National Pollutant Discharge Elimination System (NPDES) permit, which includes requirements for operation and maintenance, treatment standards, monitoring, discharge location, and water quality standards. In the 2012 AWTF NPDES permit, the RWQCB included requirements to make changes to the treatment system due to compliance problems associated with discharged water quality. The intent of the required changes is to improve the wastewater treatment process, protect beneficial uses, and reduce chemical disinfection usage. The City completed a Facilities Plan in 2017 for the AWTF that developed four potential options for upgrading the AWTF. Following a number of public meetings, the City Council chose to pursue an AWTF upgrade project option that retained the natural treatment systems of the current AWTF. Effective December 1, 2019, the RWQCB adopted and issued the City’s latest NPDES permit for wastewater discharge. Concurrently, the RWQCB issued the City a Time Schedule Order with compliance schedules to complete the AWTF Facilities Upgrade Project to address ongoing discharge violations and treatment deficiencies at the AWTF, which mostly arise from new, stricter water quality standards and byproducts associated with chlorine disinfection. Phase 1 of the AWTF Upgrade Project will address these immediate needs by replacing aging treatment plant infrastructure and installing a new UV disinfection system.

The construction of a capital improvement project of this size is anticipated to require significant need for engineering services beyond the City’s internal capacity. The Engineering Services During Construction scope of work includes review of submittals and change orders from the contractor, providing design clarifications, and finalizing as-built engineered drawings of the final Phase I upgrade components.

ENVIRONMENTAL REVIEW (CEQA):

City staff completed the required environmental review documents per both State (CEQA) and Federal (NEPA) requirements. The Notice of determination was filed in December 2020 (Clearing house 2020100483). Additionally, the California Coastal Commission approved a Coastal Development Permit for the project at their September 2022 hearing.

BUDGET/FISCAL IMPACT:

The cost associated with this construction contract is eligible for reimbursement through SRF. Currently it is anticipated that the primary source of funding for this task will be a SRF grant. The contract cost proposal amount is within the budget allocation for the 2022-2023 Fiscal Year. This project is budgeted as follows:

WWTP Construction \$	1,932,890.00	Account 662-60-67-57601
----------------------	--------------	-------------------------

ATTACHMENTS:

CarolloEngineers_CostProposal_ESDCPhaseIAWTFImprovementProject_0825 (PDF)



2795 Mitchell Drive, Walnut Creek, California 94598
P. 925.932.1710 F. 925.891.9107

August 25, 2022

City of Arcata
City Manager's Office
Attn: Danielle Allred
736 F Street
Arcata, CA 95521

Primary Contact
Doug Wing
Project Manager
2795 Mitchell Drive
Walnut Creek, CA 94598
925.788.1561
dwing@carollo.com

Subject: **Cost Proposal** for Engineering Services During Construction for
Phase 1 - Arcata Wastewater Treatment Facility Improvement Project

Dear Ms. Allred,

Our cost proposal for Engineering Services During Construction for the Phase 1 - Arcata Wastewater Treatment Facility Improvement Project is attached. The proposal is based on the scope presented in our technical proposal. It includes the tasks identified in the Request for Proposals, additional tasks required to complete the project, and optional tasks the City may elect the consultant to complete. The cost proposal also includes our fee schedule showing hourly rates for each classification of firm personnel working on the project and for each classification of anticipated reimbursement.

We look forward to working with you and successfully completing your project. Please contact us with any questions regarding the scope and cost proposal.

Sincerely,

CAROLLO ENGINEERS, INC.

Lydia Holmes
Vice President

Doug Wing
Project Manager

COST PROPOSAL
City of Arcata
Engineering Services During Construction
PHASE 1 - Arcata Wastewater Treatment Facility Improvement Project

Task	Task Description/ 2022 Fee Schedule Rates (6%)	Carollo										Total Hours	Carollo Labor Cost	GHD					Total Hours	GHD Labor Cost (1)	Total Hours	Sub (3) Amount	PECE(2) \$13.00	PECE(1,2) \$13.65	Expense	Mileage Trips	\$0.59 Amount	ODC Cost	Total Cost	
		TA	PM	PE	UV Tech	E	E&IE	SE	CAD	Support				PM	PE	E&IE	CAD	Support												
		\$330	\$330	\$307	\$307	\$260	\$307	\$307	\$160	\$142				\$318	\$246	\$268	\$157	\$128												
1.0	Submittal Review (300/100)	12	160	240	36	300	200	300	0	4	1252	\$373,722	44	120	100	0	4	268	\$74,375	1520	\$0	\$16,276	\$3,841	\$0	0	\$0	\$20,117	\$468,214		
2.0	RFI/RFC Review (250)	0	100	140	16	184	160	200	0	0	800	\$239,369	20	100	80	0	0	200	\$55,027	1000	\$0	\$10,400	\$2,867	\$0	0	\$0	\$13,267	\$307,662		
3.0	Change Orders Review (50)	4	16	16	0	0	16	24	0	0	76	\$23,808	8	8	8	0	0	24	\$6,990	100	\$0	\$988	\$344	\$0	0	\$0	\$1,332	\$32,129		
4.0	Design Clarifications (25)	4	24	80	0	0	44	68	0	0	220	\$68,251	12	44	24	0	0	80	\$22,126	300	\$0	\$2,860	\$1,147	\$0	0	\$0	\$4,007	\$94,384		
5.0	As-Built Record Drawings	2	16	80	0	54	24	40	400	2	618	\$128,531	8	40	24	200	0	272	\$52,703	890	\$0	\$8,034	\$3,898	\$0	0	\$0	\$11,932	\$193,167		
6.0	Review Assistance During Start-Up, Commissioning and Closeout	0	32	40	0	10	24	0	0	0	106	\$32,820	8	24	16	0	0	48	\$13,374	154	\$0	\$1,378	\$688	\$1,000	2	\$1,702	\$4,768	\$50,961		
7.0	Observation of Factory Testing for System Programming	0	8	8	40	8	40	0	0	0	104	\$31,766	0	0	16	0	0	16	\$4,505	120	\$0	\$1,352	\$229	\$1,000	2	\$1,702	\$4,283	\$40,555		
	Subtotal Requested Services	22	356	604	92	556	508	632	400	6	3,176	\$898,267	100	336	268	200	4	908	\$229,100	4,084	\$0	\$41,288	\$13,014	\$2,000	4	\$3,404	\$59,706	\$1,187,073		
REQUIRED ADDITIONAL SERVICES																														
8.0	Discipline Engineers Observations/Remote Reviews	0	16	8	0	8	48	60	0	0	140	\$43,011	0	8	24	0	0	32	\$8,824	172	\$0	\$1,820	\$459	\$1,000	2	\$1,702	\$4,981	\$56,815		
9.0	Project Management (36 months)	0	40	40	0	0	0	0	0	8	88	\$26,619	40	16	0	0	0	56	\$17,487	144	\$0	\$1,144	\$803	\$1,000	2	\$702	\$3,649	\$47,755		
10.0	Progress Meeting and Site Visits (36 months)	0	96	146	0	0	0	0	0	0	242	\$76,528	34	60	0	0	0	94	\$26,846	336	\$0	\$3,146	\$1,347	\$5,000	10	\$5,510	\$15,003	\$118,377		
11.0	Geotechnical Construction Support Services	0	16	24	0	0	0	40	0	0	80	\$24,948	0	0	0	0	0	0	\$0	80	\$147,400	\$1,040	\$0	\$1,000	2	\$1,102	\$150,542	\$175,490		
	Total with Required Services	22	524	822	92	564	556	732	400	14	3,726	\$1,069,373	174	420	292	200	4	1,090	\$282,257	4,816	\$147,400	\$48,438	\$15,622	\$10,000	20	\$12,420	\$233,880	\$1,585,510		
OPTIONAL SERVICES																														
12.0	O&M Manual Development (4)	4	40	100	24	50	60	0	60	40	378	\$109,271	16	48	24	40	24	152	\$37,748	530	\$0	\$4,914	\$2,179	\$500	1	\$82	\$7,674	\$154,693		
13.0	SRF Documentation Assistance	0	24	0	0	40	0	0	0	8	72	\$20,408	0	0	0	0	0	0	\$0	72	\$0	\$936	\$0	\$0	0	\$0	\$936	\$21,344		
14.0	Environmental Permit Coordination	0	24	0	0	40	0	0	0	8	72	\$20,408	0	0	0	0	0	0	\$0	72	\$0	\$936	\$0	\$0	0	\$0	\$936	\$21,344		
15.0	Contingency (10 % of Total Required Services)											\$100,000							\$50,000									\$150,000		
	Total with Optional Services	26	612	922	116	694	616	732	460	70	4,248	\$1,319,459	190	468	316	240	28	1,242	\$370,004	\$5,490	\$147,400	\$55,224	\$17,801	\$10,500	21	\$12,502	\$243,427	\$1,932,890		

Legend
 TA Technical Advisor (Lead Project Professional)
 PM Project Manager (Lead Project Professional)
 UV Tech UV Technologist
 PE Project Engineer (Professional)
 SE Structural Engineer (Lead Project Professional)
 ME Mechanical Engineer (Project Professional)
 E&IE Electrical and Instrumentation Engineer (Project Professional)
 CAD CAD Technician
 Support Support Staff
 ODC Other Direct Costs

Notes
 1. Includes a 5% markup on subconsultant.
 2. Project Equipment Communication Expense (PECE).
 3. Crawford Geotechnical services, as needed.
 4. O&M Manual fee escalated by 10%, based on fee schedule rate increase.

**CAROLLO ENGINEERS, INC.
FEE SCHEDULE
CALIFORNIA**

January 2022 to January 2025

	<u>Hourly Rate</u>
Engineers/Scientists	
Assistant Professional	\$200.00
Professional	260.00
Project Professional	307.00
Lead Project Professional	330.00
Senior Professional	351.00
Technicians	
Technicians	160.00
Senior Technicians	210.00
Support Staff	
Document Processing / Clerical	142.00
Project Equipment Communication Expense (PECE) Per DL Hour	13.00
Other Direct Expenses	
Travel and Subsistence	at cost
Mileage at IRS Reimbursement Rate Effective January 1, 2022	\$.585 per mile
Subconsultant	cost + 5%
Other Direct Cost	cost + 5%
Expert Witness	Rate x 2.0

Attachment: CarolloEngineers_CostProposal_ESDCPhaseIAWTFImprovementProject_0825 (4008 : Contract Award for the Wastewater

AWTF IMPROVEMENT PROJECT



STAFF REPORT – CITY COUNCIL MEETING

October 19, 2022

TO: Honorable Mayor and City Council Members

FROM: Netra Khatri, City Engineer
Netra Khatri, City Engineer

PREPARER: David Caisse, Assistant City Engineer

DATE: October 11, 2022

TITLE: **Reject All Bids for the Annual Sidewalk Improvements Project 2022 and Re-Bid the Project.**

RECOMMENDATION:

It is recommended that the Council:

- 1) Reject all bids for the Annual Sidewalk Improvements Project 2022; and
- 2) Re-bid the project.

INTRODUCTION:

This project is the City's annual sidewalk improvements project, and involves accessibility improvements at various street intersections throughout Arcata. The accessibility improvements will largely consist of: installing new concrete ramps and truncated domes, installing portions of new asphalt concrete, and relocating poles and other utilities as necessary.

BACKGROUND:

The plans and specifications for the bidding were finished in September of 2022, and the project was advertised for bids immediately.

DISCUSSION:

Two (2) sealed bids were received from contractors, as follows:

Sr. No.	Name of the Contractor	Total Base Bid
1	GR Sundberg, Inc.	\$183,218.00
2	Kernen Construction	\$613,585.00*

**Unit price calculation totals differed from the Base Bid which was listed as \$354,235.00*

Please see Attachment A, an itemized bid tabulation sheet, for a summary of bids received.

Sealed bids were received until 11:00 a.m. on October 12, 2022. The bids far exceeded the allocated project budget. The lowest bidder exceeded the project budget by approximately \$50,000.

Staff is proposing to revise the scope of work. Staff is planning to update the plans and specifications and re-bid the project in the upcoming months.

BUDGET/FISCAL IMPACT:

The bids received were in excess of the amount that has been budgeted for this project.

ATTACHMENTS:

BID SUMMARY_2022 Annual Sidewalk Improvement (PDF)

Bid Summary

Agency: City of Arcata Date of Bid Opening: 10/12/2022
 Project: 2022 Annual Sidewalk Improvement Project Time of Bid Opening: 11:00 AM

Item No.	Description	Quantity	Unit	GR Sundberg, Inc.		Kernen Construction	
				Quote Price	Total	Quote Price	Total
Base Bid							
1	Mobilization and Demobilization	1	LS	\$11,000.00	\$11,000.00	\$28,000.00	\$28,000.00
2	Traffic Control	1	LS	\$17,000.00	\$17,000.00	\$80,000.00	\$80,000.00
3	Portland Cement Concrete (PCC) Curb & Gutter Demolition and Disposal	345	LF	\$26.00	\$8,970.00	\$12.70	\$4,381.50
4	Portland Cement Concrete (PCC) Sidewalk Demolition and Disposal	2340	SF	\$4.50	\$10,530.00	\$130.00	\$304,200.00
5	Asphalt Concrete (AC) Demolition and Disposal	310	SF	\$16.50	\$5,115.00	\$11.55	\$3,580.50
6	Grading (Cut and Fill)	1	LS	\$6,000.00	\$6,000.00	\$55,000.00	\$55,000.00
7	One-Half Inch (1/2") Type-A Asphaltic Concrete	1	TON	\$3,300.00	\$3,300.00	\$4,400.00	\$4,400.00
8	Portland Cement Concrete (PCC) Sidewalk 4"	1470	SF	\$20.00	\$29,400.00	\$21.00	\$30,870.00
9	Portland Cement Concrete (PCC) Sidewalk 6"	540	SF	\$30.00	\$16,200.00	\$22.75	\$12,285.00
10	Portland Cement Concrete (PCC) Curb	9	LF	\$255.00	\$2,295.00	\$340.00	\$3,060.00
11	Portland Cement Concrete (PCC) Curb & Gutter	381	LF	\$118.00	\$44,958.00	\$68.00	\$25,908.00
12	Truncated Domes	190	SF	\$42.00	\$7,980.00	\$67.00	\$12,730.00
13	6" PVC Storm Drain Pipe	10	LF	\$285.00	\$2,850.00	\$1,215.00	\$12,150.00
14	French Drain System	1	LS	\$12,500.00	\$12,500.00	\$9,820.00	\$9,820.00
15	Salvage & Reinstall (E) Roadside Sign	9	EA	\$400.00	\$3,600.00	\$1,460.00	\$13,140.00
16	Thermoplastic Pavement Markings	38	SF	\$40.00	\$1,520.00	\$370.00	\$14,060.00
Base Bid Total				\$183,218.00		\$613,585.00	

Different bidder calcs for this item.

Base Bid Total as Written by Bidder: \$183,218.00 \$354,235.00

Additive Alternative #1							
A1-1	Portland Cement Concrete (PCC) Sidewalk Demolition and Disposal	208	SF	\$30.00	\$6,240.00	\$46.75	\$9,724.00
A1-2	Asphalt Concrete (AC) Demolition and Disposal	308	SF	\$30.00	\$9,240.00	\$14.25	\$4,389.00
A1-3	Portland Cement Concrete (PCC) Sidewalk 4"	243	SF	\$30.00	\$7,290.00	\$30.00	\$7,290.00
A1-4	Portland Cement Concrete (PCC) Sidewalk 6"	78	SF	\$60.00	\$4,680.00	\$48.00	\$3,744.00
A1-5	Portland Cement Concrete (PCC) Curb	9	LF	\$260.00	\$2,340.00	\$270.00	\$2,430.00
A1-6	Portland Cement Concrete (PCC) Curb & Gutter	89	LF	\$160.00	\$14,240.00	\$105.00	\$9,345.00
A1-7	Salvage & Reinstall (E) Roadside Sign	4	EA	\$400.00	\$1,600.00	\$325.00	\$1,300.00
A1-8	One-Half Inch (1/2") Type-A Asphaltic Concrete	1	TON	\$4,500.00	\$4,500.00	\$4,560.00	\$4,560.00
A1-9	6" PVC Storm Drain Pipe	10	LF	\$300.00	\$3,000.00	\$1,187.00	\$11,870.00
A1-10	Trench Drain System	1	LS	\$3,500.00	\$3,500.00	\$18,000.00	\$18,000.00
A1-11	Truncated Domes	75	SF	\$50.00	\$3,750.00	\$67.85	\$5,088.75
Add. Alt. 1 Total				\$60,380.00		Add. Alt. Total \$77,740.75	

Add. Alt. 1 Total as Written by Bidder \$60,380.00 \$77,740.75

Additive Alternative #2							
A2-1	Remove (E) Trees & Install Root Barrier in Tree Well	8	EA	\$2,500.00	\$20,000.00	\$3,900.00	\$31,200.00
Add. Alt. 2 Total				\$20,000.00		\$31,200.00	

Add. Alt. 2 Total as Written by Bidder \$20,000.00 \$31,200.00

Grand Total (Base Bid + Additive Alternates) \$263,598.00 \$722,525.75

Attachment: BID SUMMARY_2022 Annual Sidewalk Improvement (4014 : Bid Rejection for the Annual



STAFF REPORT – CITY COUNCIL MEETING

October 19, 2022

TO: Honorable Mayor and City Council Members

FROM: David Loya, Director of Community Development

PREPARER: David Loya, Director of Community Development

DATE: October 12, 2022

TITLE: **Provide Direction for Amendments to the Short-Stay Vacation Rental Program.**

RECOMMENDATION:

Staff recommends the Council direct staff to amend the Short-Stay Vacation Rental Ordinance No. 1545 and return in December for Adoption.

INTRODUCTION:

The Council initiated amendments to the Short-Stay Vacation Rental Ordinance on June 22, 2022. The Council discussed changes to the cap, changes to the exemptions, proximity limitations, a desire to issue permits by unit, limitations on total permits any one owner can have, phone number posting requirements, regulations for hotels, and how transient occupancy taxes are collected. This report brings forward information requested by the Council as well as input from the public on amendments to the Vacation Rental Ordinance. Staff is seeking specific direction for amendments to the ordinance at this meeting.

BACKGROUND:

The Council provided direction on June 22, 2022, to research regulations related to hotels and on options for allowing application-based services to collect Transient Occupancy Tax (Tax). In addition, in that meeting the Council identified areas for further discussion. This report provides responses to those requests and collates the public comment received to date on these issues. In addition to the comment letters the City has received (Attachment A), staff held a listening session open to the public on October 5, 2022.

DISCUSSION:

Cap/Exemptions

The City currently has a cap of 100 Short-Stay permits with exemptions for long-term tenancy or owner occupancy. The Council previously considered eliminating the exemptions and either setting the cap at a fixed number (150 permits was floated) or a percentage of total housing stock (2% was floated). Eliminating the exemptions would simplify the permit process for staff and the public.

However, at the listening session, several attendees indicated that the ownership exemption ensured that the beneficiary of the permit use would be community members and that the allowance provided additional homeownership opportunities.

While there are no data to identify the magnitude of this exemption on these factors, it does stand to reason that the ownership exemption has or can provide these net benefits. Operators also indicated that Short-Stay rentals with owner occupancy are more likely to be operated in ways that have fewer impacts on the neighborhood. We currently have 52 owner occupancy permits.

The rental tenancy exemption has had some unintended outcomes. There are few operators that have multiple units on a site with the majority of the units being operated as Short-Stay rentals providing less long-term housing. Even just one unit that is occupied by long-term tenants allow the parcel to be exempt from the cap. This yields less potential benefit for the long-term housing market. There are 44 properties with a long-term tenancy exemption. Of those, three have multiple units with more than half in Short-Stay use. Seven of the properties have more than two units on the property with only one being operated as a Short-Stay rental. So, while currently only 10 of the 44 parcels operate in a way that does not meet the intention of the program, it is not currently a significant proportion of the units in the Short-Stay rental market. Although, it could become a problem in the future.

Eliminating the cap would simplify the program. Owners and long-term tenants would still be able to apply and compete for permits, but the guarantee that any owner can convert would be eliminated. It is unlikely that a significant proportion of the Accessory Dwelling Unit (ADU) housing stock would convert to this use, but eliminating the exemption ensures a limitation on the number of conversions.

Direction to staff:

1. Should the exemption for long-term tenancy be eliminated?
2. Should the exemption for owner occupancy be eliminated?
3. If one or both exemptions are eliminated, what should the cap on permits be?

Proximity Limitations

The City does not currently regulate proximity. Some neighbors feel their neighborhoods have been significantly impacted by Short-Stay rental conversions. Some jurisdictions require separation of 300' or more. This would be approximately no more than one Short-Stay per block.

Proximity limitations would complicate, not simplify, the program. However, we do have the ability to regulate proximity.

Direction to staff:

1. Should the ordinance include a proximity limitation?
2. If so, what metric should be used?

Operator Limitation

The Council considered whether to limit the total number of Short-Stay permits any one individual could hold in June 2022. There are only a few operators that hold several permits. In effect, they are operating a business. The majority of permits are held by individual property owners. This does not seem to be a significant issue.

Adding an ownership limitation would complicate the program, but staff is prepared to implement this as needed.

Direction to staff:

1. Should the ordinance include a limitation on number of permits any one owner can possess?
2. What should the number be if so?

Phone Number Posting

Current regulation provides a size requirement for listing a phone number of the operator. This was established to provide a first point of contact for problems in the neighborhood with the units. Short-Stay rentals have not posed significant issues with parties or other similar impacts to date. This requirement is almost universally unliked by operators. Staff supports removing this requirement. This would simplify the program.

Direction to staff:

1. Should the ordinance eliminate the phone number requirement?

Hotel Regulations

Some hotels advertise on Air BnB, VRBO, and other similar platforms. However, they are not regulated under the Short-Stay program because they are not housing units. There are some examples of units that are currently enrolled in the program that could be hotels or long-term rentals. This is particularly challenging for boutique hotels that are not associated with a chain. Staff recommends these be excluded from the Short-Stay program. If the Council wishes to include them, then all hotels that advertise on Short-Stay sites should be included in the program – even if they are clearly traditional hotels. If they are included in the program, Council should consider providing these venues an exemption.

Direction to staff:

1. Should hotel rooms be regulated by the Short-Stay ordinance?
2. If so, should an exemption be created for hotel Short-Stays?

Transient Occupancy Tax

Operators have requested that we allow their listing platforms to collect and remit the Taxes on their rooms. Allowing the platforms to collect the Tax relieves the operators from the burden of collecting, accounting, and remitting the Tax.

There are several operational challenges for the City allowing Tax collection by these platforms. First, each operator may use multiple platforms, which would create an accounting challenge for the City appropriately attributing the taxes. Second, each platform has a different method for remitting and accounting Taxes. Most platforms do not provide a detailed account of the tax. Instead, they send a single check. This also presents challenges for accounting. In addition, creating multiple pathways for each individual operator to remit Taxes creates operational and tracking challenges that are not insignificant. In short, we would either need to dedicate significant staff resources to accounting or we would have to accept the Tax remitted on faith that it is accurate.

Staff does not have the capacity to fully impellent this provision. If the Council would like to pursue contracts with the platforms, staff will provide an estimate of staffing costs necessary to monitor and account for the TOT.

Direction to staff:

1. Should the City pursue contracts with listing platforms (Air BnB, VRBO, Vacasa and the like)?

Historic Resource Exemption

During the listening session, a recommendation from the public to exempt listed historic properties from the cap was suggested. The City has a long record of supporting adaptive reuse of historic buildings to incentivize preservation. Adaptive reuse allows for uses that may not be offered to other similarly situated non-historic resources to ensure that the historic buildings are economically viable. There is an existing body of General Plan policy that would support an exemption for historic buildings as an adaptive reuse exemption, however The City Council did specifically not exempt one historic property from the cap when it was requested by the selling property owner.

While this would not simplify the program, staff does have the capacity to administer this exemption.

Direction to staff:

1. Should the Short-Stay cap include an exemption for Historic Landmarks?

POLICY IMPLICATIONS:

This regulation helps balance the needs for transient occupancy and housing in the City.

Short-Stay rentals can help offset the loss of hotel revenues.

COMMITTEE/COMMISSION REVIEW:

None.

ENVIRONMENTAL REVIEW (CEQA):

This action is not subject to CEQA. Any subsequent regulatory amendment would include an evaluation for CEQA.

BUDGET/FISCAL IMPACT:

The budget impact will depend on Council Direction. The program is self-funding. In increase in regulatory complexity may require a commensurate increase in fee for the program.

Several operators pointed out the fiscal impact to the City both directly from Taxes and direct spending in the community from vacationers, as well as the indirect benefits associated with the revenue streams staying in our local economy as important fiscal factors.

ATTACHMENTS:

- A. Public Comment (PDF)

David Loya

From: Amber wills <amberwills7@gmail.com>
Sent: Wednesday, October 5, 2022 1:50 PM
To: Short-Stay & Vacation Rental Program
Subject: SSVR Public Input

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a community member who runs an airbnb out of my personal home and I also manage rentals in our community. I would like the city to know that this provides income for me as a single mother to support myself and my kids. I hope the city leaves the exemption in place so I can continue to make a living for myself and my family largely due to this exemption.

Thank you

Amber Wills
DRE # 02116648
Coldwell Banker Sellers Realty
985 G Street | Arcata, CA 95519
Cell 707-601-9074
Office 707-822-5971
www.ColdwellBankerSellersRealty.com

Attachment: A. Public Comment (4017 : SSVR Review)

David Loya

From: Redwoods gm [REDACTED]
Sent: Monday, October 3, 2022 3:09 PM
To: Short-Stay & Vacation Rental Program
Subject: SSVR Oct 5th listening session

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi David,

It's all good. I know you and your team have your hands very full and the work world doesn't stop for a Jewish Holiday :)

My feeling is that the Cap should be raised to 150 and that the exemption of long term or owner occupied on the same property should stay. My reasons are the following:

1. Vacation Rentals allow many locals to gain some livelihood for the growing tourism market rather than just hotel owners. This is not just the property owners but those doing the cleanings and all of the small retail locations that are frequented by these guests.
2. Many people would prefer to stay in a home rather than a hotel - if you do not offer them here, they will just move to other homes in the area and it will mean less income to our community and property owners
3. Housing is housing - short term stays are still serving a need. Doesn't the county actually consider 7 days and longer to not be a short term stay? Why 30 nights here in Arcata?
4. Many property owners maintain the short term properties better than they do long term due to the online review affect - this is good for neighborhoods.
5. By applying the cap you will cause some to still do it but without paying the taxes and doing it above board.
6. Let the market dictate the number. With too many, like in McKinleyville and Eureka, many owners are actually switching back to long term rentals because of lower demand, pricing, occupancy and thus income.

Thank you for sharing these thoughts with the working team.

Regards,
 Michael Steven Reinman
 GM, Casago Redwood Coast
 CA RE #02124156
 [REDACTED]

On Fri, Sep 30, 2022 at 4:59 PM Short-Stay & Vacation Rental Program <ssvr@cityofarcata.org> wrote:

Hi Michael,

Attachment: A. Public Comment (4017 : SSVR Review)

This is unfortunate, and due largely to my ignorance. I apologize. I'd be happy to host another if you'd prefer an in-person format. Feel free to give me a call. You may also submit your thoughts in writing if you prefer.

David Loya (him)

Community Development Director

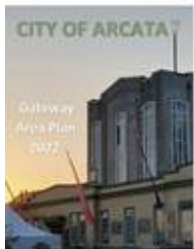
City of Arcata

p. 707-825-2045

I acknowledge my residence in Goudi'ni (Arcata), part of the ancestral territory of the Wiyot peoples. I offer my reconciliation and respect to their elders past and present.

<https://www.wiyot.us/162/Wiyot-Placename-Video>

To grow opportunity and build community equitably.



Exciting work is happening in the **Arcata Gateway** – 138 acres once used for mostly industrial purposes. The **Arcata Gateway Plan** allows innovative residential development, using streamlined permitting while protecting working forests, ag lands, open space and natural resources. You are encouraged to take part in the public process that will affect the City for years to come.

[READ THE GATEWAY PLAN](#)

[Learn More About Public Meetings and Planning](#)

Some services, such as water bills and police services, are available on-call. Please check our website www.cityofarcata.org for the latest information on accessing City services.

Attachment: A. Public Comment (4017 : SSVR Review)



From: Redwoods gm [REDACTED]
Sent: Thursday, September 29, 2022 11:58 AM
To: Short-Stay & Vacation Rental Program <ssvr@cityofarcata.org>
Subject: Oct 5th listening session

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon. I am glad that you are having this listening session and really wanted to attend since we own and manage SSVR's in Arcata. Unfortunately, the date chosen is Yom Kippur, one of the holiest days for Jewish people. So I will send in my input, but that is not the same as being there in person. Just letting you know.

Thank you for your efforts,

Michael Steven Reinman

GM, Casago Redwood Coast

CA RE #02124156

[REDACTED]

Attachment: A. Public Comment (4017 : SSVR Review)

David Loya

From: Ann Wallace [REDACTED]
Sent: Sunday, October 2, 2022 8:11 PM
To: Short-Stay & Vacation Rental Program
Subject: Re: vacation rental exemptions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi David,

Thank you for your reply.

I ask you to consider encouragement and appreciation for vacation rental owners, rather than more regulations and complaints.

I do not make more money on my vacation rentals than with long term rentals, as any profits go right back into the maintenance of the houses and yards. I am pleased to have nice looking properties for the community to enjoy. I have provided comfortable and attractive housing for visitors to the area, parents of Cal Poly Humboldt students, as well as faculty and administration. The city of Arcata has benefited from the hotel tax I have paid, in addition to property taxes.

I have never had a noise complaint about my vacation rentals, but I have had many noise complaints from my vacation rental guests about nearby long term rentals. How about more regulations for noise and upkeep of long term rentals? I feel both vacation rentals and long term rentals are self-regulating, as vacation rentals require more work and money, and long term rentals need to be kept up to be competitive on the rental market. I do not encourage more regulation, but I would like to see support from the city and community for the important local business of vacation rentals. These rentals bring many customers to all the local businesses, and provide important housing options for people working in the area on a temporary basis.

Let's support our local businesses, including vacation rentals!

Best wishes, Ann

> On Sep 30, 2022, at 4:57 PM, Short-Stay & Vacation Rental Program <ssvr@cityofarcata.org> wrote:
 >
 > Hi Ann, In short, without the exemption, all SSVRs would be subject to a cap, assuming the Council maintains a cap.
 >
 > David Loya (him)
 > Community Development Director
 > City of Arcata
 > p. 707-825-2045
 >
 > I acknowledge my residence in Goudi'ni (Arcata), part of the ancestral territory of the Wiyot peoples. I offer my reconciliation and respect to their elders past and present.

Attachment: A. Public Comment (4017 : SSVR Review)

> https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.wiyot.us%2f162%2fWiyot-Placename-Video&c=E,1,Uvtkn0efZcQnzkvIDrvcMc62hI8_T9kxFjWTqk1cBCoL5ZWVizgTfTDP67OfdkM5TQwECtCng-d7dmPPOvPGAMH4Bj9q5R-Z6qBwz-B7BE1CmM4PaO0A50bbHooy&typo=1

>
>
> To grow opportunity and build community equitably.

>
> READ THE GATEWAY PLAN
> Learn More About Public Meetings and Planning

>
> Some services, such as water bills and police services, are available on-call. Please check our website https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.cityofarcata.org&c=E,1,Zya5rWIZUMC_RDwZecdFhL6EP-ovSA8GkeeEU9c4F4yO9B5MrTU0W06tErp_HvsT-L5FX0rBH6aEJNdH82K9AZ9keT_tAtoqcNkzK8k7iNzXQGTmYw6R1-LN6g,,&typo=1 for the latest information on accessing City services.

>
>
>
>
>
> -----Original Message-----
> From: Ann Wallace [REDACTED]
> Sent: Monday, September 26, 2022 9:45 AM
> To: Short-Stay & Vacation Rental Program <ssvr@cityofarcata.org>
> Subject: vacation rental exemptions

>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>
> Hello,
>
> Please explain what it would mean to eliminate owner occupant and long term tenant exemptions.
>
> Thank you, Ann Wallace

Attachment: A. Public Comment (4017 : SSVR Review)

David Loya

From: Phil Lazzar [REDACTED]
Sent: Wednesday, September 28, 2022 3:34 PM
To: Short-Stay & Vacation Rental Program
Subject: Short-Term Rentals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I own 5 single family homes in Arcata. I live in one and rent out the others. Except for a short time living in Eureka, I've lived in Arcata since 1980 when I came here to attend HSU.

I'm also a real estate broker with about 40 years experience. I'm also building homes, some for rent, and some for sale. I also have land in Arcata that I hope to be able to develop for rental housing in the near future.

In short, I'm a housing provider. As I understand it, the city is interested in more housing being offered in the city. To accomplish this, I believe that it is important that the city not have laws and ordinances in place that discourage housing providers.

The SSVR ordinance puts unnecessary complications and costs on housing providers. Also, I believe, on principle, that people that are providing housing should be free to offer their properties out as they see fit. In other words, I believe that to truly be free, a person must have economic freedom too.

Short-term rentals (STRs) provide a valuable service to those who are thinking of moving to an area, to traveling nurses, to parents wanting to come visit with their children attending CPH, and more.

By limiting the number of STRs, the city is actually building in protections from the marketplace for those who set theirs up first by stopping competition. Also, the marketplace itself will limit the number of STRs since as more become available, guests will have more to choose from and prices can be expected to adjust downwards making STRs less profitable which will naturally (as opposed to legally) limit the number of STRs.

Also, by limiting the number of STRs, the city is building in priority to one race...the race that has been dominant here both in numbers and in financial resources. If the city wants to see diversity, it needs to stop having laws that favor those who set up an STR first. As the university grows we can expect to see more diversity in our population and we need to not have laws that are in their way of their financial aspirations.

I'm sure that I have more thoughts on this but this is enough for now. I'm happy to have the city contact me for more details about any of this.

Thank you for asking for the public's opinion.

Attachment: A. Public Comment (4017 : SSVR Review)

Yours,

Phillip Lazzar

Attachment: A. Public Comment (4017 : SSVR Review)



STAFF REPORT – CITY COUNCIL MEETING

October 19, 2022

TO: Honorable Mayor and City Council Members

FROM: David Loya, Director of Community Development
Jennifer Dart, Deputy Director of Community Development

PREPARER: Jennifer Dart, Deputy Director of Community Development

DATE: September 24, 2022

TITLE: **Public Hearing to Adopt Resolution No. 223-18 Authorizing the Submission of an Application for Funding Under the Permanent Local Housing Allocation Program (PLHA) 2022 Notice of Funding Availability (NOFA) and the Execution of a Grant Agreement and Any Amendments Thereto; and Adopt Resolution No. 223-20 Authorizing Approval of a Contract Agreement with the City of Fortuna's Subgrant of Its 2019 PLHA Allocation.**

RECOMMENDATION:

It is recommended that the Council:

- 1) Open the Public Hearing and receive public comment on potential projects for funding under the PLHA NOFA;
- 2) Adopt Resolution No. 223-18 authorizing the submission of an application for funding under the Permanent Local Housing Allocation; and
- 3) Adopt Resolution No. 223-20 authorizing approval of the contract agreement for the subgrant of the City of Fortuna's 2019 allocation of the PLHA funds to the City of Arcata.

INTRODUCTION:

The State Department of Housing and Community Development (HCD) released the Permanent Local Housing Allocation (PLHA) Program Notice of Funding Availability (NOFA) on August 17, 2022. The NOFA has an application deadline of November 30, 2022. It is recommended that the Council authorize submission of the PLHA application.

The City of Fortuna does not have the employee capacity to manage a PLHA award and desires to participate in the PLHA program by subgranting its 2019 allocation of \$109,619 to the City of Arcata. It is recommended that the Council approve the Contract Agreement for the proposed subgrant.

BACKGROUND:

The City Council held a Public Hearing on September 21, 2022, to discuss eligible potential programs or projects. Staff recommends the Council adopt Resolution 223-18 authorizing three applications not to exceed the City's estimated 5-year funding amount of \$1,056,372 in total for the eligible activities described below. The eligible programs and projects reviewed at the September 21, 2022 meeting and are listed in the PLHA Five-Year Plan (Attachment B).

The City meets the threshold requirements and is eligible for the PLHA allocation upon adopting a 5-year plan, Application for Funding, and PLHA Program Income Reuse Plan (Attachment B). PLHA is currently partway through its third year, so the 2019 appropriation must be expended by April 30, 2024. If the City does not apply for PLHA this round, it will lose \$176,062 in funding from the 2019 calendar year (which will revert to the Housing Rehabilitation Loan Fund and be used for the Multifamily Housing Program).

The City of Fortuna is eligible for a PLHA allocation, and desires to subgrant their 2019 allocation of \$109,619 to the City of Arcata so that the funding from the 2019 calendar year will stay local. A subgrant requires a contract agreement between the local jurisdictions (Attachment D).

DISCUSSION:

At the Public Hearing on September 21, 2022, the Council reviewed several proposed projects and programs. Based on the funding amount available, Staff recommends that the Council include the following eligible activity in the 5-year plan:

1) 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 (respectively, households making less than 30%, 50%, 80%, and 120% AMI).

The resolution format is required by the State Department of Housing and Community Development for the PLHA program.

The addition of the City of Fortuna's 2019 allocation will augment the City of Arcata's application for grant funding under the PLHA program.

ENVIRONMENTAL REVIEW (CEQA):

Environmental review levels will be determined for the proposed activity once a project is selected.

BUDGET/FISCAL IMPACT:

This NOFA allows for grantees to use a total of 5% of the award for administrative costs related to the execution of eligible activities. Staff and overhead costs directly related to carrying out eligible activities are "activity costs," and are not subject to the 5% cap on administrative costs.

ATTACHMENTS:

- A Resolution No. 223-18 (PDF)
- B. PLHA 5-Year Plan (PDF)
- C. Resolution No. 223-20 (PDF)
- D. PLHA Cooperation Agreement (PDF)

AUTHORIZING RESOLUTION OF _____

AUTHORIZING THE APPLICATION AND ADOPTING THE PLHA PLAN FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM

_____ of the _____ of _____ hereby consents to, adopts, and ratifies the following resolution:

- A. WHEREAS, the Department is authorized to provide up to \$335 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2))).
- B. WHEREAS the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 8/17/2022 under the Permanent Local Housing Allocation (PLHA) Program;
- C. WHEREAS _____ is an eligible Local government who has applied for program funds to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation.
- D. WHEREAS the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement, and other contracts between the Department and PLHA grant recipients;

NOW THEREFORE BE IT RESOLVED THAT:

- 1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.
- 2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA _____ in accordance with all applicable rules and laws.

Attachment: A Resolution No. 223-18 (4006 : PLHA 5-year plan adoption and application approval)

3. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard Agreement and other contracts between the Applicant and the Department.
4. **Pursuant to Section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for the 2019-2023 Allocations is attached to this resolution, and Applicant hereby adopts this PLHA Plan and certifies compliance with all public notice, public comment, and public hearing requirements in accordance with the Guidelines.**
5. **If applicable:** Applicant certifies that it was delegated by _____ to submit an application on its behalf and administer the PLHA grant award for the formula allocation of PLHA funds, pursuant to Guidelines Section 300(c) and 300(d), and the legally binding agreement between the recipient of the PLHA funds and the Applicant is submitted with the PLHA application.
6. **If applicable:** Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator, but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation.
7. **If applicable:** Applicant certifies that its selection process of these subgrantees was or will be accessible to the public and avoided or shall avoid any conflicts of interest.
8. **If applicable:** Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.
9. **If applicable:** Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).
10. **If applicable:** Applicant certifies that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with a Local government-approved underwriting of the Project for a term of at least 55 years.
11. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.
12. _____ is/are authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the _____ this _____ day of, _____ 2022, by the following vote:

AYES: _____ ABSTENTIONS: _____ NOES: _____ ABSENT: _____

Signature of Approving Officer: _____

INSTRUCTION: The attesting officer cannot be the person identified in the resolution as the authorized signor

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of _____ does hereby attest and certify that the _____ Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the _____ which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST: _____
Signature of Attesting Officer

Attachment: A Resolution No. 223-18 (4006 : PLHA 5-year plan adoption and application approval)

City of Arcata
Permanent Local Housing Allocation (PLHA) Plan
Five-Year Plan 2019-2023

§302(c)(4) Plan

Background Information:

In 2017, the State of California passed a 15-bill housing package to address the State's housing shortage and high housing costs. The package included the Building Homes and Jobs Act (SB2, 2017), which placed a \$75 recording fee on real estate documents to increase the supply of affordable housing. The Act established the Permanent Local Housing Allocation (PLHA) program administered by the California Department of Housing and Community Development (HCD).

The PLHA program provides a permanent source of funding to counties and cities to help meet their unmet needs for affordable housing and increase the supply of affordable housing statewide. These funds will be allocated as formula grants to entitlement and non-entitlement jurisdictions based on the formula prescribed under federal law through which Community Development Block Grants (CDBGs) are locally administered.

HCD announced the availability of approximately \$335 million in calendar year 2021 funds in addition to the remaining \$131 million in calendar year 2019 and calendar year 2020 funds for entitlement and non-entitlement local governments.

Purpose:

As a non-entitlement local government for PLHA funds, the City of Arcata will receive an estimated 5-year allocation of \$1,056,372. The City of Fortuna has requested a subgrant of their 2019 allocation of \$108,619 to the City of Arcata. This document provides a summary of Arcata's Five-Year Plan and application to HCD. Eligible PLHA-funded activities are as follows:

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; see appendix B for a list of 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 and/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 and/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 (up to 30 percent of AMI).
6. Assisting persons who are experiencing or at-risk of homelessness in conformance with 24 Code of Federal Regulations (CFR Section 578.3), (up to 30 percent of AMI), including
 - a. Rapid rehousing in conformance with federal rules contained in 24 CFR Section 576.104, except for legal services;
 - b. Rental assistance with a term of at least six (6) months (rental arrears is not eligible);
 - c. 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;
 - d. Operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.

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.

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, owner- occupied housing (up to 80 percent of AMI).
8. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments (up to 120 percent of AMI, or 150 percent of AMI in High-cost areas).
9. Homeownership opportunities including, but not limited to, down payment assistance to those earning up to 120 percent of AMI, or 150 percent of AMI in High-cost areas.

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 earning up to 120 percent of AMI, or 150 percent of AMI in High-cost areas.

Eligible activities must also be consistent and compliant with the City’s Adopted Housing Element, and at least 20% of the allocation statewide must be used for Affordable Owner-Occupied Workforce Housing (AOWH) (defined as housing that is affordable to persons and families of low or moderate income). Funds available for administrative expenses are limited to 5% of the allocation.

Permanent Local Housing Allocation Plan:

The chart below shows the City of Arcata’s funding allocation for the first three years (2019-2021) and estimates for 2022-2023. Note the amounts in 2022-2023 are estimates based on an equal division of HCD’s estimate for future funds. The actual annual funding allocation will be determined by HCD. The chart also shows the 5% allocation for City administrative costs that is allowed by the PLHA requirements.

The chart also shows the City of Fortuna’s funding allocation for 2019, and adds the amount to the total for the City of Arcata’s estimated five-year allocation.

<u>City of Arcata PLHA</u>	<u>Total 5 Year</u>					
<u>Funding</u>	<u>Allocation</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Allocation	\$ 1,056,372	\$ 176,062	\$ 284,687	\$ 208,201	\$ 193,711	\$ 193,711
5% Admin	\$ 52,819	\$ 8,803	\$ 14,234	\$ 10,410	\$ 9,686	\$ 9,686
95% Project Funding	\$ 1,003,553	\$ 167,259	\$ 270,453	\$ 197,791	\$ 184,025	\$ 184,025
					<i>Estimated Funding</i>	

<u>City of Fortuna 2019</u>	
<u>PLHA Funding</u>	
Allocation	\$ 108,619
5% Admin	\$ 5,431
95% Project Funding	\$ 103,188

<u>Combined 5-Year PLHA</u>			
<u>Funding</u>	<u>Arcata</u>	<u>Fortuna</u>	<u>Total</u>
Allocation	1,056,372	108,619	1,164,991
5% Admin	52,819	5,431	58,250
95% Project Funding	1,003,553	103,188	1,106,741

§302(c)(4)(A) The manner in which allocated funds will be used for eligible activities

Attachment: B. PLHA 5-Year Plan (4006 : PLHA 5-year plan adoption and application approval)

The City of Arcata plans to use the PLHA funds for predevelopment, development, acquisition, rehabilitation, and preservation of housing that is affordable to extremely low-income, very-low-income, low-income, and moderate-income households.

PLHA assistance will be offered in the form of low-interest, deferred residual receipts loans. The loans will be evidenced through a Promissory Note secured by a Deed of Trust, and a Regulatory Agreement will restrict occupancy and rents for a term of at least 55 years.

§302(c)(4)(B) Description of the way the City will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of AMI

PLHA funds will be made available to affordable housing developers through a competitive Request for Proposal (RFP) process, which the City has experience in through many years of successfully administering Federal Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds for affordable housing. The RFP will seek development proposals that include new affordable housing units for households with incomes at or below 120 percent of AMI, with priority consideration given to projects with units serving households 60 of AMI and below.

§302(c)(4)(C) Description of how the Plan is consistent with programs set forth in the City’s Housing Element

The City's 6th Cycle Housing Element established the following goals consistent with this PLHA Plan:

- Policy HE-14:** Support private and nonprofit developers through grants, loans, and other forms of assistance to voluntarily develop housing affordable to extremely low-, very low-, and low-income households.
- Policy HE-16:** Seek and support programs that address the housing needs of and prioritize housing for special groups such as seniors, disabled persons, farmworkers, those in need of temporary shelter, those in need of supportive housing, single-parent families, and large families.
- Policy HE-20:** Prioritize meeting the needs of low-income households, since they represent the most significant area of unmet need.

§302(c)(4)(E)(i) Detailed and complete description of how allocated funds will be used for each proposed Affordable Rental Housing Activity

PLHA assistance will be offered in the form of low-interest, deferred residual receipts loans. The loans will be evidenced through a Promissory Note secured by a Deed of Trust, and a Regulatory Agreement will restrict occupancy and rents for a term of at least 55 years. Funding priority will be given to those with units serving households below 60% AMI.

Attachment: B. PLHA 5-Year Plan (4006 : PLHA 5-year plan adoption and application approval)

§302(c)(4)(E)(iii) Description of major steps/actions and a proposed schedule for the implementation and completion of the Activity

The City will work with existing affordable housing partners or prepare and release a competitive RFP in the spring of 2023 to solicit proposals for development of an affordable housing project. The City will work with the award recipient to secure additional sources of funding as needed. The first-year funding will be used for predevelopment costs.

City of Arcata Program Income Reuse Plan

The City of Arcata commits to maintaining policies and procedures that separate out Permanent Local Housing Allocation (PLHA) program income for future reuse in accordance with the following policies:

1. All repayments of PLHA loan principal and interest shall be received by the City of Arcata Community Development Department and deposited into a separate reuse account maintained by the Department's Finance staff. The City's PLHA loan documentation will track information such as borrower name and address, loan/reference number, grant year, and principal and interest.
2. The reuse account shall be an interest-bearing account into which all earned interest shall be deposited. Interest earned shall be considered reuse funds and will be used in the same manner and with the same restrictions as principal and interest payments.
3. All funds deposited into the reuse account shall be the property of the City of Arcata.
4. All PLHA reuse funds shall be expended in accordance with PLHA regulations. This includes, but is not limited to, income levels, homebuyer education requirements, and coordinated entry requirements.
5. Reuse funds may be used for PLHA eligible activities (as outlined in Section 301 of the PLHA guidelines), and must be in alignment with the State-approved PLHA Plan.
6. Reuse funds may only be used within the boundaries of the City of Arcata.
7. The City shall allow HCD full access to the reuse account records for the purpose of determining compliance with PLHA regulations.

RESOLUTION 223-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA
APPROVING THE CONTRACT AGREEMENT FOR THE
SUBGRANT OF THE CITY OF FORTUNA'S 2019 ALLOCATION OF THE
PERMANENT LOCAL HOUSING ALLOCATION (PLHA) FUNDS TO THE CITY OF
ARCATA**

WHEREAS, in 2017, Governor Brown signed a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs, which included the Building Homes and Jobs Act (SB 2), which established a \$75 recording fee on real estate documents to increase the supply of affordable homes in California; and

WHEREAS, because the number of real estate transactions recorded in each county will vary from year to year, the revenues collected will fluctuate; and

WHEREAS, SB 2 directs the California Department of Housing and Community Development (State HCD) to use seventy percent (70%) of the annual revenue collected for locally administered affordable housing programs beginning in calendar year 2019, which establishes the Permanent Local Housing Allocation program (PLHA); and

WHEREAS, the California Department of Housing and Community Development (State HCD) announced the release of the 2022 Entitlement and Non-Entitlement Local government formula component Notice of Funding Availability (NOFA) for approximately \$335 million in calendar year 2021 funds plus an additional \$131 million in remaining calendar year 2019 funds for the Permanent Local Housing Allocation (PLHA) program; and

WHEREAS, the funding provides formula grants 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; and

WHEREAS, Section 300(c) of the PLHA Program Guidelines Section II.A.1 of the NOFA allow a local government to delegate or subgrant to another local government to submit an application for its formula allocation of Program funds, provided that the local government enter into a legally binding agreement and the funds are expended for eligible activities consistent with Program requirements; and

WHEREAS, each of the Parties is eligible to submit an application for and administer Permanent Local Housing; and

WHEREAS, the City of Fortuna does not have the employee capacity to manage a five-year PLHA award and desires to participate in the PLHA Program by subgranting its 2019 allocation of \$108,619; and

WHEREAS, Arcata will participate in 2022 PLHA NOFA and apply for estimated five-year funding amount of \$1,056,372 for eligible housing-related project(s); and

WHEREAS, Arcata agrees to accept the subgrant of \$108,619 and to administer the 2019 formula component of PLHA funds on behalf of Fortuna for the full term of the PLHA Plan, as set forth in PLHA Guidelines Section 300(c) and the 2022 NOFA Section II.A.1; and

WHEREAS, upon subgranting its 2019 formula to the City of Arcata, the City of Fortuna and the City of Arcata assume full responsibility for compliance with statutes and for meeting all State HCD requirements, for the full term of the PLHA Plan, which extends through 2023, including any penalties for noncompliance; and

WHEREAS, the City of Arcata desires to accept the City of Fortuna subgrant and to include the City of Fortuna allocation in its application Fortuna’s \$108,619 2019 formula allocation of PLHA Program funds by entering into a legally binding agreement to expend funds for eligible housing-related activities;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Arcata as follows:

1. The City Council has reviewed and hereby approves the draft Contract Agreement subgranting the City of Fortuna’s 2019 PLHA allocation of \$108,619 to the City of Arcata to be utilized for eligible housing-related activities (Attachment D).
2. The City of Fortuna in the Contract Agreement assigns the City of Arcata “lead applicant” fully responsible for the PLHA application and acknowledges their responsibility for compliance with governing statutes including administration and compliance.
3. The City of Arcata acknowledges compliance with state and federal public participation requirements in the approval of the PLHA allocation and Contract Agreement.
4. If the City of Arcata proposes allocation of funds for any Activity to another entity, Arcata’s selection process shall avoid conflicts of interest and shall be accessible to the public. For the purposes of this section, “entity” means a housing developer or program operator; “entity” does not mean an administering Local government to whom a Local government delegates its PLHA formula allocation, pursuant to Section 300(d).
5. The City of Arcata hereby authorizes the City Attorney to make minor modifications to the Contract Agreement as necessary.
6. The City of Arcata hereby authorizes and directs the City Manager or designee to sign this Contract Agreement and any other subsequent amendments with the State of California for the purposes of this agreement as it pertains to the City of Arcata’s PLHA application and act on the City of Arcata’s behalf in all matters pertaining to this agreement.

The remainder of this page is intentionally blank.

DATED: October 19, 2022

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

Attachment: C. Resolution No. 223-20 (4006 : PLHA 5-year plan adoption and application approval)

**CONTRACT AGREEMENT (AGREEMENT) FOR THE
SUBGRANT OF THE CITY OF FORTUNA’S 2019 ALLOCATION OF THE
PERMANENT LOCAL HOUSING ALLOCATION (PLHA) TO THE CITY OF ARCATA**

This Agreement is entered into by and between the City Fortuna (SUBGRANTOR) and the City of Arcata (SUBGRANTEE) in which the SUBGRANTEE shall submit a 2022 PLHA application on behalf of the SUBGRANTOR and wholly administer the entire formula component of the PLHA funds on behalf of the SUBGRANTOR for the full term of the PLHA Plan, as set forth in PLHA Guidelines 300(c).

WITNESSETH

WHEREAS, in 2017, Governor Brown signed a 15-bill housing package aimed at addressing the state’s housing shortage and high housing costs, which included the Building Homes and Jobs Act (SB 2), which established a \$75 recording fee on real estate documents to increase the supply of affordable homes in California; and

WHEREAS, because the number of real estate transactions recorded in each county will vary from year to year, the revenues collected will fluctuate; and

WHEREAS, SB 2 directs the California Department of Housing and Community Development (State HCD) to use seventy percent (70%) of the annual revenue collected for locally administered affordable housing programs beginning in calendar year 2019, which establishes the Permanent Local Housing Allocation program (PLHA); and

WHEREAS, the California Department of Housing and Community Development (State HCD) announced the release of the 2022 Entitlement and Non-Entitlement Local government formula component Notice of Funding Availability (NOFA) for approximately \$335 million in calendar year 2021 funds plus an additional \$131 million in remaining calendar year 2019 funds for the Permanent Local Housing Allocation (PLHA) program; and

WHEREAS, the funding provides formula grants 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; and

WHEREAS, Section 300(c) of the PLHA Program Guidelines allows a local government to subgrant to another local government to submit an application on its behalf a portion of its formula allocation of Program funds, provided that the local government enter into a legally binding

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

agreement and the funds are expended for eligible activities consistent with Program requirements; and

WHEREAS, each of the Parties is eligible to submit an application for and administer Permanent Local Housing; and

WHEREAS, Fortuna does not have the employee capacity to manage a PLHA award and desires to participate in the PLHA Program by delegating its 2019 allocation of \$108,619; and

WHEREAS, Arcata will participate in 2022 PLHA NOFA and apply for estimated five-year funding amount of \$1,056,372 for eligible housing-related project(s); and

WHEREAS, Arcata agrees to accept the delegation of the City of Fortuna's 2019 allocation of \$108,619 on behalf of Fortuna, as set forth in PLHA Guidelines Section 300(c) and the NOFA Section II.A.1; and

WHEREAS, upon delegating its 2019 allocation to the City of Arcata, the City of remains fully accountable and responsible for compliance with statute and for meeting all of the Department's requirements, including any penalties for non-compliance.

NOW, THEREFORE, the City of Fortuna delegates the City of Arcata to submit an application and administer on its behalf Fortuna's 2019 allocation of PLHA Program funds and will enter into a legally binding agreement to expend funds for eligible housing-related activities.

1. **TRUE AND CORRECT.** The above recitals are true and correct.
2. **BENEFICIARY.** A beneficiary is a member of the low-income public that will reside in an affordable housing unit, shelter, or utilize one or more housing-related services provided in the City of ARCATA'S PLHA Plan.
3. **CITY FUNDS.** CITY funds are the PLHA Funds identified by State HCD that would have been allocated to FORTUNA. By execution of this Agreement, FORTUNA authorizes that its PLHA funds be allocated to ARCATA restricted for use by the eligible uses contained in the PLHA Plan.
4. **COMPLIANCE WITH LAW.** ARCATA agrees to comply with the State of

California PLHA program and any guidelines, rules, policies, or standards of general application as may be revised from time-to-time by the State Department of Housing and Community Development.

5. **ELIGIBLE APPLICANT.** Eligible Applicant is a jurisdiction identified in the PLHA Guidelines as Eligible Applicant, is in the County of Humboldt, and receives an annual allocation of PLHA funds from the State.
6. **FISCAL YEAR.** The fiscal year is the period July 1 through June 30.
7. **GEOGRAPHIC BOUNDARIES.** The geographic areas where PLHA Funds may be used or from which beneficiaries are located, include the jurisdictional boundaries of Humboldt County;
8. **GUIDELINES.** Guidelines are the Permanent Local Housing Allocation Final Guidelines, dated October 2019 and attached hereto as Exhibit A, as amended from time to time by State HCD.
9. **NOFA.** The 2022 Entitlement and Non-Entitlement Local government formula component Notice of Funding Availability (NOFA) is attached as Exhibit B.
10. **HCD.** HCD is the State of California Department of Housing and Community Development.
11. **LEAD ENTITY.** ARCATA will serve as Lead Entity of the PLHA application and by FORTUNA's signature to this Agreement, FORTUNA consents to ARCATA applying for, receiving, committing, and managing PLHA Funds as authorized by this Agreement and Guidelines.
12. **PLHA PROGRAM.** PLHA is the Permanent Local Housing Allocation program established by the State of California pursuant to Senate Bill 2 (2017) and administered by State HCD.
13. **PLAN.** The Plan is the document submitted by ARCATA to the State HCD as part of a complete application in which the ARCATA proposes to use allocated funds for at least one eligible Activity. The Plan shall have a term of five years. In succeeding years, ARCATA is required to obtain the approval of State HCD for any amendments made to the Plan, as set forth in Section 302(c)(5) of the Guidelines. Attached hereto as Exhibit C is a list of Eligible Activities selected by ARCATA to be included in the initial five (5) year Plan submitted to State HCD. Reallocations of more than 10% of funds among activities require amendment of the Plan, with approval granted by the governing body of the Lead Entity at a publicly noticed public meeting. Amendments to the Plan for the succeeding five (5) years must be approved by State HCD.

- 14. PROGRAM INCOME.** Program Income includes funds returned by a Recipient of PLHA Funds due to non-use of the funds for an eligible use as described in the Guidelines, or recaptured by ARCATA for ineligible uses, or funds paid by a Recipient pursuant to the terms and conditions of a loan agreement executed by the Recipient and ARCATA to use PLHA Funds for an eligible use. ARCATA reserves the right to administer and service such loans, collect payments, and reuse the funds for other eligible uses as described in the Plan without consideration of the origin of the funds, whether from ARCATA or FORTUNA's allocations. Such funds shall be considered PLHA Funds and be utilized for eligible uses. This provision will survive the termination of this Agreement pursuant to Section 15 of this Agreement and, if the PLHA Program ceases to exist and State HCD does not otherwise restrict the uses of Program Income, ARCATA may, at ARCATA's discretion, use Program Income for any other community benefit that serves low-income persons, defined as household income that does not exceed eighty-percent (80%) of the area median income as published annually by the U.S. Department of Housing and Urban Development for the County of Humboldt Area.
- 15. RECIPIENT.** Recipient is a non-profit 501 (c)(3) charitable organizations or for-profit entity authorized by written agreement (Recipient Agreement) entered into with ARCATA to expend funds eligible uses of PLHA Funds as authorized by the Recipient Agreement.
- 16. TERM OF AGREEMENT.** This legally-binding agreement is a permanent delegation of the 2019 allocation and the State Standard Agreement will not allow for cancellation. The term of this Agreement shall begin on the date signed by ARCATA and will terminate when a) the end of the fiscal year in which ARCATA or FORTUNA are no longer Eligible Applicants as defined in the Guidelines, or b) State HCD has terminated its agreement with ARCATA or c) the end of the fifth year of the five (5) year Plan currently in effect and submitted to HCD by ARCATA as required by the Guidelines, subject to the Automatic Renewal provisions as described in Section 16, or e) the State of California discontinues the PLHA program.
- 17. AUTOMATIC RENEWAL.** This Agreement shall automatically renew for the next five Fiscal Years of the Plan. ARCATA will submit to the State of California a new five-year Plan as required by the State HCD outlining the planned uses of PLHA Funds allocated by State HCD unless FORTUNA provides ARCATA with notice of termination at least sixty (60) days prior to the end of the fifth (5th) Fiscal Year of the Plan period.
- 18. AMENDMENTS.** Any amendments to this Agreement must be in writing. In the event that amendments to this Agreement are required by State HCD to meet the requirements of the Guidelines, ARCATA and FORTUNA will not unreasonably withhold their consent to amend the Agreement. Notwithstanding, if an amendment is necessary to comply with the Guidelines and no other substantial changes reallocating funds by more than 10% amongst eligible activities are made, such changes may be made administratively by ARCATA upon notifying FORTUNA.

19. PROGRAM ADMINISTRATION.

The Lead Entity assumes overall responsibility for the PLHA application and Funds, and will ensure that funds are used in accordance with the Guidelines and Plan. In coordination with the Lead Entity, the Subgrantor shall remain fully accountable and responsible for compliance with the governing statute and for meeting all Department requirements as described in the NOFA. The Lead Entity will perform the following activities:

- i. Ensure that PLHA activities are carried out in compliance with Guidelines and the Plan;
- ii. Prepare the five (5) year plan PLHA Plan and submit to State HCD;
- iii. Award and distribute PLHA Funds in accordance with the Guidelines;
- iv. Prepare and submit to State HCD required reports pursuant to the Guidelines;
- v. Monitor uses of PLHA Funds, including long-term monitoring of affordable housing developments;
- vi. Process applications through HCD's established application review procedures.

20. RESPONSIBILITIES OF FORTUNA.

FORTUNA authorizes ARCATA to act as Lead Entity of the PLHA application and authorizes ARCATA to administer FORTUNA Funds pursuant to this Agreement, the Plan, and Guidelines. FORTUNA shall, as required by the Guidelines or when otherwise requested by State HCD, provide written confirmation of FORTUNA's participation in the PLHA application and authorizes ARCATA to administer its FORTUNA Funds. Such written authorization will be provided by the method described in the Guidelines, which may require a resolution passed FORTUNA's governing body. FORTUNA will not reasonably withhold executing this Agreement or passing a required resolution and will ensure that this Agreement and resolution are executed and provided by FORTUNA to ARCATA in a timely manner to meet any deadlines imposed by State HCD as described in the Guidelines and/or PLHA Notice of Funding Availability.

21. INDEMNIFICATION AND INSURANCE.

A. INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the parties pursuant to California Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead all parties agree that pursuant to California Government Code Section 895.4, each of the parties hereto shall fully indemnify and hold each of the other parties, their officers, board members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by California Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, board members, employees or agents, under or in

connection with or arising out of any work, authority or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of other parties hereto, their officers, board members, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other parties under this Agreement.

B. INSURANCE

Each party to this Agreement shall maintain its own insurance coverage, through commercial insurance, self-insurance or a combination thereof, against any claim, expense, cost, damage, or liability arising out of the performance of its responsibilities pursuant to this Agreement.

- 22. NOTICE.** Any notice or notices required or permitted to be given pursuant to this agreement must be provided either by certified mail or personal service.
- 23. EXCLUSION OF FUNDS.** This Agreement applies only to those funds received under the PLHA Program and Program income generated by the uses of PLHA Funds and any matching contributions. This Agreement does not apply to or control funds other than those described herein.
- 24. ARCATA'S OBLIGATION TO DISTRIBUTE FUNDS.** If PLHA Funds are not awarded to ARCATA by State HCD or if the State HCD agreement with the ARCATA is terminated or suspended, then this Agreement shall also terminate and ARCATA as Lead Entity has no obligation under this Agreement or to State HCD to distribute PLHA Funds or otherwise administer the PLHA Program.
- 25. PLAN IMPLEMENTATION.** In the event that there are insufficient responses to the NOFA requesting funds for an eligible activity in a given Fiscal Year, ARCATA has authority to deviate from eligible uses in the Plan and fund other eligible activities as permitted by State HCD. Reallocation of PLHA Funds by more than 10% among eligible activities in the Plan shall require ARCATA City Council approval.
- 26. RECORDS AND REPORTS.** The Lead Entity shall maintain records as required by State HCD for a minimum of three (3) years, including and not limited to records identified in Sections 500 and 501 of the Guidelines and each participating jurisdiction respecting individual projects and programs shall be open and available for inspection by auditors assigned by State HCD and/or the FORTUNA during normal business hours of ARCATA.

- 27. COOPERATION IN UNDERTAKING ELIGIBLE USES UNDER PLHA.** ARCATA agrees to cooperate to undertake or to assist in the undertaking of eligible activities specified in the Plan.
- 28. SEVERABILITY.** Every provision of this Agreement is intended to be severable. If any provision of this Agreement shall be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.
- 29. COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be considered an original for all purposes; provided, however, that all such counterparts shall together constitute one and the same instrument.

Remainder of page is intentionally blank

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written. This agreement may be executed in counterparts, each of which shall be an original and all of which together constitute one and the same agreement.

By: _____ Date: _____
City of Fortuna City Manager

By: _____ Date: _____
City of Arcata City Manager

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Permanent Local Housing Allocation Final Guidelines



**Gavin Newsom, Governor
State of California**

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Douglas R. McCauley, Acting Director
California Department of Housing and Community Development**

2020 West El Camino Avenue, Suite 150
Sacramento, CA 95833

October 2019

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999)

In consultation with stakeholders, the California Department of Housing and Community Development (Department) may adopt Guidelines to implement this Section, including determining allocation methodologies. Any guideline, rule, policy, or standard of general application employed by the Department in implementing this chapter shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Title 2 Government Code, Part 1 of Division 3).

NOTE: Authority Cited: Health and Safety Code Section 50470, subdivision (d).

The Department reserves the right, at its sole discretion, to suspend or amend the provisions of these Guidelines, including, but not limited to, grant award amounts.

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

INTRODUCTION

Chapter 364, Statutes of 2017 (SB 2, Atkins) was part of a 15-bill housing package aimed at addressing the state’s housing shortage and high housing costs. Specifically, it establishes a permanent source of funding intended to increase the affordable housing stock in California. The revenue from SB 2 will vary from year to year, as revenue is dependent on real estate transactions with fluctuating activity. The legislation directs the California Department of Housing and Community Development (Department) to use 70 percent of the revenue collected, beginning in calendar year 2019, to provide financial assistance to local governments for eligible housing-related projects and programs to assist in addressing the unmet housing needs of their local communities. This program is hereafter referred to as the Permanent Local Housing Allocation (PLHA) program.

Guidelines for the PLHA program are organized into five Articles as follows:

Article I. General provisions: This article includes information on the purpose of the Guidelines, program objectives, and definitions used throughout the document.

Article II. Program funding: This article describes allocation formulas and methodologies, and award amounts.

Article III. Formula allocation component: This article describes the requirements for Applicants to apply for funds under the formula allocation of the PLHA program.

Article IV. Competitive allocation component: This article describes requirements and uses for PLHA competitive allocation funds.

Article V. Administration: This article describes administrative functions such as terms, non-performance remedies, and reporting and monitoring requirements.

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Permanent Local Housing Allocation (PLHA) Program: 2019 Guidelines

Table of Contents

ARTICLE I. GENERAL PROVISIONS	5
Section 100. Purpose and Scope	5
Section 101. Definitions	5
ARTICLE II. PROGRAM FUNDING	9
Section 200. Allocations	9
Section 201. Award Amounts	10
ARTICLE III. FORMULA ALLOCATION COMPONENT	11
Section 300. Eligible Applicants	11
Section 301. Eligible Activities	12
Section 302. Threshold Requirements	13
Section 303. Application Review	16
Section 304. Deadlines and Funding Requirements	17
ARTICLE IV. COMPETITIVE ALLOCATION COMPONENT	17
Section 400. Eligible Applicants	17
Section 401. Eligible Activities	18
Section 402. Threshold Requirements	18
Section 403. Selection Criteria	20
Section 404. Application Review	22
Section 405. Deadlines and Funding Requirements	23
ARTICLE V. ADMINISTRATION	23
Section 500. Accounting Records	23
Section 501. Audits/Monitoring of Project Files	24
Section 502. Cancellation and Termination	25
Section 503. Reporting	26

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

ARTICLE I. GENERAL PROVISIONS

Section 100. Purpose and Scope

- (a) These Guidelines (hereinafter “Guidelines”) implement, interpret, and make specific Chapter 364, Statutes of 2017 (SB 2, Atkins - hereinafter “SB 2”) as authorized by Health and Safety Code (HSC) Section 50470, which created the Building Homes and Jobs Trust Fund and the PLHA program. The principal goal of this program is to make funding available to eligible local governments in California for housing-related projects and programs that assist in addressing the unmet housing needs of their local communities. Twenty percent of the funding in the Building Homes and Jobs Trust Fund is required to be expended for Affordable Owner-Occupied Workforce Housing, and the program prioritizes investments that increase the supply of housing to households that are at or below 60 percent of the Area Median Income (AMI), adjusted for household size.
- (b) These Guidelines establish terms, conditions, and procedures for local governments to submit applications to the Department for funds from the PLHA program’s three components, as listed below:
- (1) Entitlement formula component per HSC 50470(b)(2)(B)(i)(I)
 - (2) Non-entitlement formula component per HSC 50470(b)(2)(B)(i)(II)
 - (3) Non-entitlement competitive grant program component per HSC 50470(b)(2)(B)(i)(I) (eligible Applicants are the same as for component 2 above)
- (c) The non-entitlement competitive grant program component prioritizes assistance to persons experiencing or At risk of homelessness.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(A), subdivision (b)(2)(B)(i) and subdivision (b)(2)(B)(ii)(I-V).

Section 101. Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meanings of terms described in HSC Section 50470.

- (a) “Accessory dwelling unit” (ADU) means a dwelling unit which is attached, detached or located within the living area of the existing dwelling or residential dwelling unit and which provides complete independent living facilities for one or more persons pursuant to Government Code (GC) Section 65852.2 and 65852.22. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling. An Accessory dwelling unit also includes the following: an efficiency unit, as defined in Section 17958.1 of the HSC, or a manufactured home, as

defined in Section 18007 of the HSC.

- (b) "Activity" means any single eligible undertaking carried out as part of an Applicant's allocation(s) under the Program.
- (c) "Affordable" means a housing unit that satisfies at least one of the following criteria:
1. If the unit is being rented to low-income, Very low-income or Extremely low-income households, it complies with the Multifamily Housing Program guidelines Section 7312 and the Section 7301 definition of "Affordable Rent"; or
 2. If the unit is being sold, it is offered at an "Affordable housing cost", as published in the Fannie Mae Selling Guide, Part B, Debt to Income Ratios, as updated annually (<https://www.fanniemae.com/content/guide/selling/b3/6/02.html#DTI.20Ratios>), and it complies with the income limits stated in the definitions of Moderate-Income and Lower-Income in this section; or
 3. If the unit is being rented to Moderate-Income households, it is available at a gross rent, including a utility allowance, that does not exceed 30 percent of the applicable income eligibility level, and complies with the definition of Moderate-Income in these guidelines
- (d) "Affordable Owner-Occupied Workforce Housing" (AOWH) means owner-occupied housing per HSC Section 50092.1 that is affordable to persons and families of low or moderate income, as that term is defined in HSC Section 50093, except in High-cost areas where Moderate-income shall include households earning up to 150 percent of AMI.
- (e) "Annual Progress Report" (APR) means the Housing Element APR required by GC Section 65400 on the prior year's activities and due to the Department April 1 of each year.
- (f) "Annual Report" means a form issued by the Department and completed by a Local government awarded PLHA funds on which the Local government documents the uses and expenditures of any allocated funds and outcomes achieved.
- (g) "Applicant" means an eligible Local government applying for the program to administer one or more eligible activities. Applicant also means a Local or Regional Housing Trust Fund delegated by an eligible Local government to apply for the program and administer its allocation in accordance with all program rules.

- (h) “Area Median Income” or “AMI” means the most recent applicable county median family income published by the Department, available at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>
- (i) “At risk of homelessness” means the same as defined in Title 24 Section 578.3 of the Code of Federal Regulations and also includes any household receiving rental assistance funded by the California Emergency Solutions and Housing (CESH) program or the California Homeless Emergency Aid Program (HEAP).
- (j) “Capitalized Reserve for Services” means the reserve funded by the Local government pursuant to Section 301(a)(5) to address project supportive service budget deficits attributable to shortfalls in service funding sources.
- (k) “Comprehensive Housing Affordability Strategy” or “CHAS” means annual data compiled by the United States Census Bureau for the U.S. Department of Housing and Urban Development (HUD) to document the extent of housing problems and housing needs, particularly for low-income households.
- (l) “Community Development Block Grant” or “CDBG” means the program created pursuant to Title I of the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq., as amended.
- (m) “Department” means the California Department of Housing and Community Development.
- (n) “Extremely Low Income” has the meaning set forth in HSC Section 50106, which is a maximum of 30 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.
- (o) “Fund” means the Building Homes and Jobs Trust Fund pursuant to HSC Section 50470.
- (p) “High-cost area” means those counties defined as high cost by the Federal Housing Finance Agency (at: <https://www.fhfa.gov/DataTools/>) and those counties for which HUD adjusted the Very low income and low-income rents due to high costs (at: https://www.huduser.gov/portal/pdrdatas_landing.html), as published by the Department in the annual PLHA Notice of Funding Availability.
- (q) “Local government” means any city, including a charter city, any county, including a charter county, or a city and county, including a charter city and county.

- (r) "Local Housing Trust Fund" or "Regional Housing Trust Fund" means a public, joint public and private fund or charitable nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which was established by legislation, ordinance, resolution (including nonprofit articles of incorporation), or a public-private partnership organized to receive specific revenue to address local or regional housing needs.
- (s) "Low or Lower Income" has the meaning set forth in HSC Section 50079.5, which is a maximum of 80 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.
- (t) "Moderate-Income" has the meaning set forth in HSC Section 50093, which is a maximum of 120 percent AMI, or in High-cost areas, 150 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.
- (u) "Non-entitlement local government" means a Local government in an area which is not a metropolitan city or part of an urban county, a Local government that, as of September 1, 2017, was an incorporated city with a population of less than 50,000 or a county with an unincorporated area population of less than 200,000 persons which had not entered into a three-year Urban County Cooperation Agreement, or a Local government that was not otherwise entitled to receive CDBG funds directly from HUD.
- (v) "Operating subsidies" means payments to owners of affordable housing developments that make the housing more affordable by covering a portion of the ongoing costs of operating the development. Such payments would have the same effect as rental assistance.
- (w) "Owner-occupied" means a dwelling which is occupied by the owner and includes a single family dwelling or a dwelling unit in a stock cooperative, as defined by Business and Professions Code (BPC), Section 11003.2, a community apartment project, as defined by BPC Section 11004, or a condominium project, as defined by subdivision (c) of BPC Section 11004. 5.
- (x) "Plan" means the document submitted by the Applicant to the Department as part of a complete application in which the Applicant proposes to use allocated funds for at least one eligible Activity. The Plan shall have a term of five years. In succeeding years, the Local government is required to obtain the approval of the Department for any amendments made to the Plan, as set forth in Section 302(c)(5).
- (y) "Permanent Local Housing Allocation Program", "Program", or "PLHA" means the program developed to annually allocate 70 percent of the moneys deposited into the Fund pursuant to HSC Section 50470(b)(2)(B)(i).

- (z) “Permanent supportive housing” has the same meaning as in HSC Section 50675.14, that is, housing with no limit on the length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Permanent supportive housing may include associated facilities if used to provide services to housing residents. Permanent supportive housing does not include “health facility” as defined by HSC Section 1250 or any “alcoholism or drug abuse recovery or treatment facility” as defined by HSC Section 11834.02 or “Community care facility” as defined in HSC Section 1502, “Mental health rehabilitation centers” as defined in Section 5675 of the Welfare and Institutions Code (WIC), or other residential treatment programs.
- (aa) “Regional Housing Needs Allocation” or “RHNA” means the share of the regional housing need represented by persons at all income levels within the area significantly affected by the general plan of the city or county allocated to an Applicant Local government pursuant to GC Section 65584(b).
- (bb) “Sponsor” means the legal entity or combination of legal entities with continuing control of a Rental Housing Development. Where the borrowing entity is or will be organized as a limited partnership, Sponsor includes the general partner or general partners who have effective control over the operation of the partnership, or, if the general partner is controlled by another entity, the controlling entity. Sponsor does not include the seller of the property to be developed as the rental housing Project, unless the seller will retain control of the Project for the period necessary to ensure Project feasibility as determined by the Department.
- (cc) “Very Low Income” has the meaning set forth in HSC Section 50105, which is a maximum of 50 percent of AMI. Grantees shall utilize income limits issued by the Department at the following link:
<http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470.5 and 50470, subdivision (b)(2).

ARTICLE II. PROGRAM FUNDING

Section 200. Allocations

- (a) SB 2 created a dedicated revenue source for affordable housing and directed the Department to make available 70 percent of the moneys in the Building Homes and Jobs Trust Fund, collected on and after January 1, 2019, to Local governments through the following allocations:

- (1) Ninety percent of the moneys available shall be allocated based on the formula used under Federal law to allocate CDBG funds within California. This is the formula specified in Title 42 United States Code (USC), Section 5306.
- (A) The amount of funds awarded to each Local government eligible for the entitlement formula component shall be determined by the 90 percent of PLHA funds available pursuant to this paragraph (1) and the percentage of funds received by the entitlement Local government in the CDBG federal fiscal year 2017 allocation process performed by HUD.
- (B) Through the formula specified in paragraph (1), the percentage of funds allocated to Non-entitlement local governments shall be distributed to Non-entitlement local governments through a competitive grant program.
- (2) Ten percent of the moneys available shall be allocated equitably among Non-entitlement local governments. The equitable allocation awarded to each Local government eligible for the Non-entitlement formula component shall be based on the sum of: (1) 50 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) 50 percent of the funding 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 HUD Comprehensive Housing Affordability Strategy.
- (b) After funds are appropriated by the Legislature as part of the budget act, the Department will issue one or more Notices of Funding Availability (NOFA). Local governments shall submit an application under the NOFA pertaining to the specific allocation for which the Local government is eligible.
- (c) It is recommended that Local governments that were urban counties in accordance with the distribution of funds pursuant to the formula specified in 42 USC, Section 5306 for the federal fiscal year 2017 provide a proportional share of their allocations to Local governments within their county with which they had a three-year Urban County Cooperation Agreement as of September 1, 2017, provided that these Local governments meet the threshold requirements of the PLHA and expend sub-allocated funds for eligible activities within the deadlines of the Standard Agreement governing the sub-allocation.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B).

Section 201. Award Amounts

- (a) The formula allocation amounts derived pursuant to the formulas in Section 200 will be announced in the NOFA.

- (b) The maximum application amount and the minimum application amount for the competitive allocation will be stated in the NOFA.
- (c) An Applicant may apply for its formula allocation from the current and two prior NOFAs for which it did not receive an award, provided that the award meets the requirements of Section 304(a).

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B).

ARTICLE III. FORMULA ALLOCATION COMPONENT

Section 300. Eligible Applicants

- (a) Eligible Applicants for the entitlement formula component described in Section 100(b)(1) are limited to the metropolitan cities and urban counties allocated a grant for the federal fiscal year 2017 pursuant to the federal CDBG formula specified in 42 USC, Section 5306.
- (b) Eligible Applicants for the non-entitlement formula component described in Section 100(b)(2) and the competitive grant program component described in Section 100(b)(3) are limited to the Non-entitlement local governments.
- (c) A Local government may delegate another Local government to submit an application and administer on its behalf its formula allocation of Program funds, provided that the Local governments enter into a legally binding agreement and the funds are expended for eligible Activities and consistent with Program requirements. The delegating Local government shall be identified in the application. The administering Local government shall be responsible for all Program requirements.
- (d) A Local government may delegate a Local or Regional Housing Trust Fund to submit an application and administer on its behalf its formula allocation of Program funds, provided that the Local government enters into a legally binding agreement with the Local or Regional Housing Trust Fund and the funds are expended for eligible Activities and consistent with Program requirements. The delegating Local government shall be identified in the application. The Local or Regional Housing Trust Fund shall be responsible for all Program requirements.
- (e) An Applicant shall not be eligible to receive a new allocation of PLHA funds if it has an uncommitted amount of formula PLHA funds greater than the following:
 - (1) Four times the pending annual allocation if the pending annual allocation is \$125,000 or less;
 - (2) \$500,000 if the pending annual allocation is greater than \$125,000 and less than \$500,000;

- (3) The amount of the pending annual allocation if the pending allocation is \$500,000 or more.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B).

Section 301. Eligible Activities

- (a) Eligible Activities are limited to one or more of the following:
- (1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is Affordable to Extremely low-, Very low-, Low-, or Moderate-income households, including necessary Operating subsidies.
 - (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 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.
 - (3) Matching portions of funds placed into Local or Regional Housing Trust Funds.
 - (4) Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.
 - (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, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services 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 CESH program or 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 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, subdivision (b).

- (7) Accessibility modifications in Lower-income 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.
- (b) A Local government that receives an allocation shall use no more than 5 percent of the allocation for costs related to the administration of the Activity(ies) for which the allocation was made. Staff and overhead costs directly related to carrying out the eligible activities described in Section 301 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 that are administering its allocation.
 - (c) Two or more Local governments that receive PLHA allocations may expend those moneys on an eligible jointly funded project as provided for in Section 50470 (b)(2)(B)(ii)(IV). An eligible jointly funded project must be an eligible Activity pursuant to Section 301(a) and be located within the boundaries of one of the Local governments.
 - (d) Entitlement Local governments may use the flow of PLHA funds to incentivize private lender loans and to guarantee payments for some or all public agency bond financings for activities consistent with the uses identified in Section 301 “Eligible Activities”. This loan guarantee Activity must be identified and fully explained in the Applicant’s “Plan”.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivisions (b)(2)(B)(ii)(IV), (b)(2)(D)(i-x), and (b)(3).

Section 302. Threshold Requirements

Applicants must meet all the following threshold requirements for participation in the formula allocation:

- (a) **Housing Element compliance:** The Applicant and any delegating Local government, if applicable, must have a Housing Element that has been adopted by the Local

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

government's governing body by the application deadline and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585. A Local government's current Housing Element compliance status can be obtained by referencing the Department's website at <http://www.hcd.ca.gov/community-development/housing-element>.

- (b) **APR on the Housing Element submitted to the Department:** The Applicant and any delegating Local government, if applicable, must submit to the Department the APR required by GC Section 65400 for the current or prior year by the application deadline date.
- (1) Please be advised that the Department will not accept other reports in lieu of the APR. Housing Authority Financial Reports, Redevelopment Reports, and other similar reports will not be accepted as meeting this requirement. If uncertain of the status of the report submittal for a Local government, please contact the Department for more information.
- (c) Submit, by the deadline specified in the NOFA, on a form made available by the Department, a complete application which shall meet the following minimum requirements:
- (1) Application requests an allocation pursuant to Section 200 in order to carry out one or more of the eligible activities described in Section 301. Except for a jointly funded project as described in Section 301(c), any activities must be carried out within the jurisdiction of the Applicant Local government.
- (2) Submission of the application is authorized by the governing boards of the Applicant.
- (3) Certification in the resolution that, if the Local government proposes allocation of funds for any Activity to another entity, the Local government's selection process shall avoid conflicts of interest and shall be accessible to the public. For the purposes of this paragraph, "entity" means a housing developer or program operator; "entity" does not mean an administering Local government to whom a Local government delegates its PLHA formula allocation, pursuant to Section 300(d).
- (4) A Plan detailing:
- (A) The manner in which allocated funds will be used for eligible Activities.
- (B) A description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of AMI. Programs targeted at households at or below 60 percent of AMI will be deemed to meet this requirement.

- (C) A 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 its content.
- (E) The following for each proposed Activity:
 - (i) A description of each proposed Activity, pursuant to Section 301, and the percentage of funding allocated to it. The description shall specifically include the percentage of funds, if any, directed to AOWH.
 - (ii) The projected number of households to be served at each income level and a comparison to the unmet share of the RHNA 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 and level of affordability for each Activity. Rental Projects are required to have affordability periods of at least 55 years.
- (5) The Plan submitted in response to the NOFA shall be for a term of five years. Local governments shall obtain approval of the Department for amendments made to the Plan in each succeeding year of the term of the Plan. Reallocations of more than 10 percent of funds among Activities require amendment of the Plan, with approval granted by the governing body at a publicly noticed public meeting.
- (6) A certification that, if funds are used for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the following requirements if the property is no longer the primary residence of the homeowner due to sale, transfer or lease, unless it is in conflict with the requirements of another public funding source or law:
 - (A) The PLHA loan and any interest thereon shall be repaid to the Local government's PLHA account. The Local government shall reuse the repayments consistent with Section 301; or
 - (B) The initial owner and any subsequent owner shall sell the home at an Affordable housing cost to a qualified Lower-Income or Moderate-Income household; or
 - (C) The homeowner and the Local government shall share the equity in the unit pursuant to an equity-sharing agreement. The grantee shall reuse the proceeds

of the equity-sharing agreement consistent with this section.

- (7) A certification 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) A Program income reuse plan describing how repaid loans will be reused for eligible activities specified in Section 301.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii).

Section 303. Application Review

- (a) Applicants must submit a complete application by the deadline stated in the NOFA in order to be eligible for funding. Application forms provided by the Department will be available upon release of the NOFA and will require Applicants to submit the forms and other documents to demonstrate that the Local government has met threshold requirements.
- (b) The Department may request additional information to complete its review.
- (c) Applications recommended for funding are subject to conditions specified by the Department. Applicants will receive an official letter of award after the Department approves funding recommendations.
- (d) The Department may issue an Over-the-Counter formula allocation NOFA after completing the NOFA process so that Local governments who were not able to submit formula allocation applications by the application deadline will have another opportunity to do so.
- (e) 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.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(A).

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Section 304. Deadlines and Funding Requirements

- (a) The initial PLHA application, including the Plan, must be submitted within 48 months of the budget appropriation (for example, the budget appropriation for 2019 is July 1, 2019, so the application deadline is June 30, 2023).
- (b) Funds allocated to Local governments that do not submit a complete application by the deadline stated in subsection (a) will revert to the Housing Rehabilitation Loan Fund for the Multifamily Housing Program or for Department-administered technical assistance to Local governments.
- (c) A Local government may petition the Department to return any funds allocated to it to be used for the Multifamily Housing Program.
- (d) Except for predevelopment expenses for construction projects funded by PLHA and costs to develop and prepare the Plan and the PLHA application, no costs incurred more than one year prior to commitment by the Local government may be paid from PLHA funds. Reimbursement of expenses to prepare the Plan and the PLHA application are subject to the cap on administrative fees.
- (e) After the Standard Agreement and attachments have been finalized, the Local government will follow provided instructions for signing all required documents. The Local government must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instruction.
- (f) After the Standard Agreement has been executed by the state, the Local government may submit a request for 100 percent of the funds allocated to be used for eligible expenditures for the Activity(ies) that received the award, and subject to the terms and conditions of the Standard Agreement.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i) and subdivision (b)(2)(B)(ii)(VI).

ARTICLE IV. COMPETITIVE ALLOCATION COMPONENT

Section 400. Eligible Applicants

- (a) Eligible Applicants for the non-entitlement competitive allocation described in Section 100(b)(3) are limited to Non-entitlement local governments. For development of Rental Housing Projects, the Sponsor must be a co-Applicant.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i)(I).

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Section 401. Eligible Activities

- (a) Eligible Activities are limited to the following and must take place within the jurisdiction of the Applicant Local government:
 - (1) Development of new multifamily rental housing that is Affordable to households at or below 60 percent of AMI or substantial rehabilitation of multifamily rental housing that will be Affordable to households at or below 60 percent of AMI, but which is not currently restricted as Affordable housing; or
 - (2) Assistance to persons who are experiencing or At risk of homelessness, including, but not limited to, through rapid rehousing, or rental assistance, supportive services and case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers, or new construction, rehabilitation, or preservation of permanent or transitional rental housing.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i)(I)(ia), (b)(2)(B)(i)(I)(ib) and subdivision (b)(2)(B)(ii)(V).

Section 402. Threshold Requirements

Applicants must meet all the following threshold requirements for participation in the competitive allocation:

- (a) **Housing Element compliance:** The Applicant must have a Housing Element that has been adopted by the jurisdiction’s governing body by the application deadline date and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585. A Local government’s current Housing Element compliance status can be obtained by referencing the Department’s website at <http://www.hcd.ca.gov/community-development/housing-element>.
- (b) **APR on the Housing Element submitted to the Department:** The Applicant must submit to the Department the APR required by GC Section 65400 for the current or prior year by the application deadline date.
 - (1) Please be advised that the Department will not accept other reports in lieu of the APR. Housing Authority Financial Reports, Redevelopment Reports, and other similar reports will not be accepted as meeting this requirement. If uncertain of the status of the report submittal for a Local government, please contact the Department for more information.
- (c) Submit by the deadline specified in the NOFA, on a form made available by the Department, a complete application which shall meet the following minimum requirements:
 - (1) Application requests a grant pursuant to Section 100(b)(3) in order to carry out one

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

or both of the eligible Activities set forth in Section 401.

- (2) Submission of the application is authorized by the governing board of the Applicant and by the developer co-applicant, if any.
- (3) Certification in the resolution that, if the Local government proposes allocation of funds for any Activity to another entity, the selection process shall avoid conflicts of interest, and shall be accessible to the public.
- (4) Demonstration of readiness, including site control for development Projects, land use entitlements, environmental review and commitments of other funding and resources required, as further set forth in the NOFA;
- (5) Underwriting requirements:
 - (A) Uniform Multifamily Regulations Subchapter 19 of Title 25, Division 1, Chapter 7 (commencing with Section 8300), as amended from time to time, and the Multifamily Housing Program Guidelines (commencing with Section 7300), as amended from time to time, are hereby incorporated by reference into this subchapter and shall apply to Rental Housing Developments receiving assistance under the PLHA competitive allocation. In the event of a conflict between the provisions of Subchapter 19 and these Guidelines, the provisions of these Guidelines shall prevail.
 - (i) Section 8312(c) of the Uniform Multifamily Regulations is hereby amended to read:
 - (c) For Projects utilizing 4 percent tax credits, Developer Fee payments shall not exceed the amount that may be included in Project costs pursuant to 4 CCR, Section 10327. In addition, the Developer Fee paid from development funding sources shall not exceed the following:
 - (1) For acquisition and/or rehabilitation Projects, or adaptive reuse Projects, the lesser of the amount of Developer Fee in Project costs or \$2,000,000.
 - (2) For new construction Projects, the base limit shall be the lesser of the amount that may be included in Project costs or \$2,200,000. To arrive at the final limit on Developer Fee paid from development funding sources, the base limit shall then be multiplied by a ratio that is the average of (i) the difference between 2 and the Project's high-cost ratio, as calculated pursuant to 4 CCR, Section 10317(i)(6) or successor language and (ii) 100 percent.
 - (ii) Section 8312(d) of the Uniform Multifamily Regulations shall not apply.
 - (iii) Section 8314(a)(1)(A) of the Uniform Multifamily Regulations is amended to read:
 - (A) Approved deferred Developer Fee, pursuant to Section 8312, provided that the aggregate of the Developer Fee paid from sources and paid as deferred shall not exceed \$3,500,000.

(B) Period of affordability: All assisted rental units shall be restricted for not less than 55 years.

(C) All development Projects shall demonstrate fiscal integrity.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii).

Section 403. Selection Criteria

(a) Applications submitted within a competitive funding round shall be evaluated using the following criteria. Total available points shall equal 100.

1. Priority Points – 25 points

A. Population - 5 points

(i) If the Applicant is a county that has a population of 200,000 or less within the unincorporated areas of the county, the Applicant shall receive all points.

B. Prior Award – 5 points

(i) If the Applicant did not receive an award based on the formula specified in 42 USC, Section 5306 in 2016, the Applicant shall receive all points.

And either C (i) or C (ii) or C (iii) below:

C. Activity

(i) Assistance for Homeless Persons through Program Activities – 15 points

(a) Applications to assist persons experiencing or At risk of homelessness, including, but not limited to, through programs providing rapid rehousing, or rental assistance, or operating assistance to navigation centers shall receive all points.

Or

(ii) Assistance to Homeless Persons through Development of Navigation Centers– 15 points

(a) Applications for construction of navigation centers shall receive all points.

Or

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

(iii) Assistance for Homeless Persons through Rental Projects – 15 points

- (a) Applications for the new construction, rehabilitation, or preservation of permanent or transitional rental housing in which all or at least 10 percent of the units are restricted to occupancy by tenants who are homeless or At risk of homelessness shall receive all points.

2. Evaluation Criteria – 75 points

Precise scoring for these factors will be set forth in the NOFA.

A. Community Need – 30 points

- (i) Applicants will receive up to a maximum of 30 points based on the rate of households experiencing the most severe housing need according to the most recent HUD CHAS dataset in the Applicant Local government. Applicants will receive points in proportion to this percentage.

B. Applicant Administrative Experience – 15 points

- (i) Applicants with prior experience administering local, state or federal affordable housing or community development programs or who have entered into a contract with an entity with prior experience in the implementation of local, state or federal affordable housing or community development programs will receive up to 15 points.

C. Demonstrated Capacity – 30 points

- (i) Capacity points will be based on:

- (a) Sponsor experience in Affordable Rental Housing Development and ownership (Up to 30 points) or
- (b) Navigation center development experience (for development of these facilities) (Up to 30 points) or
- (c) Program Operator experience (for non-development Activities) (Up to 30 points)

- (b) Where applications requesting funds for more than one eligible Activity pursuant to Section 401 are permitted by the NOFA, each Activity will receive a separate score for each rating factor, and have an individual Activity total. It is possible that one Activity may score highly enough to receive an award, and the other Activity does not.

- (c) In the event of tied point scores and insufficient funding for both applications, the Department shall rank the tied applications as follows:

- (1) If one of the tied applications is for an Affordable Rental Housing Development and the other is for a program Activity or development of a navigation center, the

- Affordable Rental Housing Development application will be selected for funding;
- (2) If one of the tied applications is for a navigation center and the other is for a program Activity, the navigation center will be selected for funding;
 - (3) If both of the tied applications are for Affordable Rental Housing Developments, the Project with the lowest weighted average affordability of Restricted Units will be selected;
 - (4) If both of the tied applications are for navigation centers, the facility that provides overnight shelter to the greatest number of people will be selected;
 - (5) If both of the tied applications are for programs, the Local government with the highest rate of households experiencing the most severe housing need according to the most recent HUD CHAS dataset will be selected.
- (d) In the event there are insufficient funds to fulfill the entire funding request for the next highest scored application (Application A), the Department will determine whether Application A is feasible without the full funding request. If Application A is not feasible without full funding, the Department may offer the remaining funds to the application whose score is immediately below Application A. If the remaining funds are insufficient to fulfill the funding request for that application (Application B), the Department will again determine whether this application is feasible without the full funding request. If Application B is not feasible without the full funding request, the Department will perform the same analysis for the application whose score is immediately below Application B.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(i)(I)(ia) and subdivision (b)(2)(B)(ii)(V).

Section 404. Application Review

- (a) Applicants must submit a complete application by the deadline stated in the NOFA in order to be eligible for funding. Application forms provided by the Department will be available upon release of the NOFA and will require Applicants to submit the forms and other documents to demonstrate that the Local government has met threshold requirements. The application will require submission of documentation adequate to demonstrate that the application has earned the appropriate number of points.
- (b) The Department may request additional information to complete its review, provided that the new information would not affect scoring.
- (c) Applications recommended for funding are subject to conditions specified by the Department. Applicants will receive an official letter of award after the Department approves funding recommendations.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii).

Section 405. Deadlines and Funding Requirements

- (a) Applicants will be required to enter into a state Standard Agreement (Standard Agreement) that will set forth conditions for funding and milestones that are required to be met.
- (b) After the Standard Agreement and attachments have been finalized, the Local government will follow provided instructions for signing all required documents. The Local government must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instructions or risk forfeiting the grant award.
- (c) Except for predevelopment expenses for construction projects funded by PLHA and the costs to develop and prepare the PLHA application, no costs incurred more than one year prior to commitment by the Local government may be paid from PLHA funds. Reimbursement of expenses to prepare the PLHA application is subject to the cap on administrative fees.
- (d) Grant funds shall not be disbursed until:
 - (1) the Department authorizes loan closing, in the case of development projects; or
 - (2) all general and special conditions have been complied with, in the case of other Activities.
- (e) 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 Department-approved underwriting of the project for at least 55 years.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(VI).

ARTICLE V. ADMINISTRATION

Section 500. Accounting Records

- (a) The grantee shall establish a separate ledger account for receipts and expenditures of grant funds and maintain expenditure details in accordance with the approved work plan, budget, and schedule. Separate bank accounts are not required.
- (b) The grantee shall maintain documentation of its financial records for expenditures incurred during the course of the PLHA Activity in accordance with generally accepted accounting principles. Such records shall be kept for at least five years after the close-out report is submitted to the Department.

- (c) The Department or its designated representative shall have the right to review and copy any records and supporting documentation pertaining to the PLHA grant.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(III) and subdivision (b)(2)(B)(IV) and subdivision (b)(3).

Section 501. Audits/Monitoring of Project Files

- (a) Grantee shall maintain PLHA files which, at a minimum, should include the following information and reports:
- 1) Project/Activity description
 - 2) Land/site Information
 - 3) Planning & zoning history (as appropriate)
 - 4) Records of public hearings and public comments
 - 5) Relocation needs (as appropriate)
 - 6) Contracts, loan and grant agreements, Standard Agreement
 - 7) Environmental records & reports/findings (as appropriate)
 - 8) Design/engineering reports & plans (as appropriate)
 - 9) Description of targeted beneficiaries, services to be provided, household incomes, special needs
 - 10) PLHA Activity costs, invoices, purchase orders, sources and uses of funds for PLHA Activities, terms & conditions of financings, draws and all supporting documentation, change orders (as appropriate)
 - 11) Activity schedule and amendments
 - 12) History of Plan amendments
 - 13) Procurement policy used for PLHA Activity(ies)
- (b) The grantee shall maintain such records for possible audit for a minimum of three years after the close-out report is submitted, unless a longer period of records retention is stipulated in the Standard Agreement.
- (c) The grantee shall be responsible for monitoring Rental Housing Developments that received PLHA funds for the term of the loan, including, but not limited to, the Projects' compliance with the occupancy and rent requirements set forth in the Regulatory Agreement, compliance with reserve requirements, and the compliance with habitability standards.
- (d) The grantee shall be responsible for monitoring AOWH loans to assure that the homes remain Owner-occupied.
- (e) If requested by the Department, the grantee shall obtain a report from a qualified,

licensed third party that certifies to the amounts of disbursement and identifies the specific Activities for which the disbursements were made. Such a report is permitted to be a component of the A-133 audit.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(IV) and subdivision (b)(3).

Section 502. Cancellation and Termination

- (a) In the event that it is determined, at the sole discretion of the Department, that the grantee is not meeting the terms and conditions of the Standard Agreement, the Department shall issue a notice to stop work. Immediately upon receiving the written notice to stop work, the grantee shall cease all work under the Standard Agreement. The Department has the sole discretion to determine the grantee's compliance with the terms and conditions after issuance of a stop work order, and to deliver a written notice to the grantee to resume work under this Standard Agreement.
- (b) The Department shall terminate the Standard Agreement if the grantee is not in compliance with the Guidelines or the terms and conditions of the Standard Agreement. At least 30 days prior to the effective date of the termination of the Standard Agreement, the Department shall provide written notice to the grantee of its intent to cancel the funding allocation. The notice shall specify the reason for early termination and may permit the grantee or the Department to cure any deficiency(ies) prior to the early termination date. The grantee will submit requested documents to the Department within 30 days of the early termination notice.
- (c) Failure to meet reporting requirements will result in notice to the grantee that it must satisfactorily cure any deficiencies within three months of the notice or it will forfeit the following year's PLHA formula allocation and be ineligible for a competitive award. The Local government will forfeit subsequent PLHA formula allocations and be ineligible for a competitive award until the Department determines that the Local government has met reporting requirements.
- (d) The Department may, as it deems appropriate or necessary, request the repayment of funds from a Local government or offset future years' funds, or pursue any other remedies available to it by law for failure to comply with the Guidelines and/or the terms and conditions of the Standard Agreement.
- (e) Co-Applicants may be adversely impacted by a notice to stop work and/or termination if one grantee is deemed by the Department to not meet the terms and conditions of the Standard Agreement, or fails to meet the reporting requirements outlined in Section 503.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(IV) and subdivision (b)(3).

Section 503. Reporting

- (a) The Department shall provide grantees with reporting formats and instructions.
- (b) Annual Reports are required from all grantees pursuant to HSC Section 50470(b)(2)(B)(ii)(III) each year by July 31 for the term of the Standard Agreement. The Annual Report shall document the uses and expenditures of all awarded allocations and outcomes achieved. This report must be signed by both the Local government's PLHA administrator and the Local government's City Manager (or his/her designee), or Chief Executive Officer (or his/her designee) or Chief Financial Officer (or his/her designee). The Annual Report must describe any proposed amendment(s) to the approved Activity and schedule.
- (c) Upon expenditure of all allocated funds and completion of the Activities funded by PLHA, the grantee shall submit a close-out report, which will be part of the Annual Report.
- (d) The Department may request additional information as needed to meet other applicable reporting or audit requirements.

NOTE: Authority cited: HSC Section 50470, subdivision (d). Reference cited: HSC Section 50470, subdivision (b)(2)(B)(ii)(III) and subdivision (b)(2)(B)(ii)(IV).

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF STATE FINANCIAL ASSISTANCE

2020 W. El Camino Avenue, Suite 670
 Sacramento, CA 95833
 (916) 263-2771
www.hcd.ca.gov



August 17, 2022

MEMORANDUM FOR: All Potential Applicants *Jennifer Seeger*

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

SUBJECT: 2022 Permanent Local Housing Allocation
 Program 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 2022 Entitlement and Non-Entitlement Local government formula component Notice of Funding Availability (NOFA) for approximately **\$335 million** in calendar year 2021 funds in addition to the **\$131 million** in remaining calendar year 2019 and calendar year 2020 funds for the Permanent Local Housing Allocation (PLHA) formula allocation program. Appendix A details the total funds available to each eligible locality under this NOFA for housing-related projects and programs that assist in addressing unmet housing needs of their local communities.

First Time Applicants: This will be the last year for Applicants to apply for their 2019 calendar year allocation. Jurisdictions that have not previously applied must meet all threshold requirements as outlined in Part II, Section F, of the attached NOFA.

Second- or Third-Year Applicants: Jurisdictions that have previously applied and received an award of 2019 and/or 2020 funds are not required to resubmit all threshold documents but must demonstrate all threshold requirements continue to be met as noted in Part II, Section G, of this NOFA.

***** PLEASE NOTE *****

Any 2019 calendar year funds remaining after the close of the NOFA application period will revert to the Housing Rehabilitation Loan Fund established to be used for the Multifamily Housing Program (Chapter 6.7 commencing with Section 50675) pursuant to Health and Safety Code Section 50470 (b)((2)(B)(ii)(VI) to be made available through a future Multifamily Housing Program Notice of Funding Availability.

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

2022 Permanent Local Housing Allocation Program
Entitlement and Non-Entitlement Local Government NOFA
Page 2

The application submittal portal will be available and open for applications beginning August 17, 2022.

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 October 31, 2022 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

Entitlement and Non-Entitlement Local Government Formula Component

2022 Notice of Funding Availability



**Gavin Newsom, Governor
State of California**

**Lourdes M. Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
California Department of Housing and Community Development**

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833
Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml>

Email: PLHA@hcd.ca.gov

August 17, 2022

Table of Contents

- I. Overview 5
 - A. Notice of Funding Availability 5
 - B. Timeline 6
 - C. Authorizing Legislation and Regulations 6
- II. Program Requirements 6
 - A. Eligible Applicants 7
 - B. Eligible Activities 7
 - C. Allocation of funding and award limits 9
 - D. Program Administrative, Activity Delivery Costs, and Reimbursement of Costs.... 11
 - E. Application review 11
 - F. Threshold requirements for Previous Awardees..... 11
 - G. Threshold requirements for First-Time Applicants..... 13
 - H. Administration and reporting requirements..... 15
- III. Application submission and review procedures 15
 - A. Application submission process 15
 - B. Application Workshops..... 16
- IV. Appeals 16
 - A. Basis of appeals..... 16
 - B. Appeal process and deadlines 16
 - C. Decisions 17
 - D. Award announcements and contracts 17
- V. Other state requirements 17
 - A. Pet Friendly Housing Act of 2017 17
 - B. Accessibility and non-discrimination..... 17
- IV. Other terms and conditions..... 18
 - A. Right to modify or suspend..... 18
 - B. Disclosure of application 18
 - C. Conflicts 18
- APPENDICES 19

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

I. Overview

A. Notice of Funding Availability

The California Department of Housing and Community Development (Department or HCD) is announcing the release of the 2022 Permanent Local Housing Allocation (PLHA) Program's Formula Component Notice of Funding Availability (NOFA) for approximately **\$335 million** in calendar year 2021 funds in addition to the **\$131 million** in calendar year 2019 and calendar year 2020 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 2021 and includes any remaining unawarded funds not requested for calendar years 2019 and 2020.

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.

In 2022, the Department will issue two separate NOFAs to award the PLHA funds:

- Formula Component NOFA for Entitlement and Non-Entitlement Local governments
- Non-Entitlement Local Government Competitive NOFA (anticipated in June 2022)

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) 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 or 2021 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

***** PLEASE NOTE *****

Any 2019 calendar year funds remaining after the close of the NOFA application period will revert to the Housing Rehabilitation Loan Fund established to be used for the Multifamily Housing Program (Chapter 6.7 commencing with Section 50675) pursuant to Health and Safety Code Section 50470 (b)((2)(B)(ii)(VI) to be made available through a future Multifamily Housing Program Notice of Funding Availability.

B. Timeline

NOFA Release Date	August 17, 2022
Application Submittal	August 17, 2022 – October 31, 2022
Award Announcement	Ongoing through February 2023

C. Authorizing Legislation and Regulations

Senate Bill 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, to Local governments.

Section 50470 (b)(2)(B)(i)(I) of the HSC requires the Department to allocate 90 percent of PLHA funds available to Local governments 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 available to Local governments 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 Non-Entitlement Local governments and is not to be considered a complete representation of the eligibility, threshold, or other requirements, terms, and conditions.

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

This 2022 NOFA represents the third year of funding under the PLHA program for the Entitlement and Non-Entitlement Local Government Formula Component as detailed below:

Revenue Collection period	NOFA Issuance
2019 CY	2020
2020 CY	2021
2021 CY	2022

A. Eligible Applicants

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 of the NOFA contains the list of eligible Applicants.

1. Delegation of Formula Allocation

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 recipient of the PLHA Formula Allocation 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). Both the delegating Local government and the Applicant must meet the housing element compliance threshold requirement as outlined in Section II, Part F of this NOFA.

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 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

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

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, see appendix B for a list of 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 (up to 30 percent of AMI).
6. Assisting persons who are experiencing or At risk of homelessness in conformance with [24 Code of Federal Regulations \(CFR Section 578.3\)](#), (up to 30 percent of AMI), including
 - a. Rapid rehousing in conformance with federal rules contained in 24 CFR Section 576.104, except for legal services;
 - b. Rental assistance with a term of at least six (6) months (rental arrears is not eligible);
 - c. 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;
 - d. Operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and

transitional housing.

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.

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 Owner-occupied housing (up to 80 percent of AMI).
- 8. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments (up to 120 percent of Area Median Income (AMI), or 150 percent of AMI in High-cost areas).
- 9. Homeownership opportunities, including, but not limited to, down payment assistance to those earning up to 120 percent of Area Median Income (AMI), or 150 percent of AMI in High-cost areas.
- 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 earning up to 120 percent of Area Median Income (AMI), or 150 percent of AMI in High-cost areas.

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. There is a

column indicating allocations for calendar years 2021, 2020 and 2019. If a Local government applied for and received their 2010 or 2020 allocations, there is a blank in those columns. If a Local government **HAS NOT** applied before this NOFA, there will be an amount listed in each of the 2019, 2020, and 2021 columns.

The PLHA funds allocated to each Entitlement Local government is directly proportionate to each Entitlement Local Government's share of the total 2017 Community Development Block Grant Fund 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 (APR) 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. Please refer to Appendix D for more information on verifying housing element and APR status. 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 5 percent (5%) 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 that received awards from the 2021 Formula Allocation NOFA must meet all of the following threshold requirements:

1. Housing Element Compliance: The Applicant and delegating Local government, if applicable, must be a locality with an adopted housing element that has been found by the Department to be in substantial compliance with the requirements of Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code, pursuant to Government Code section 65585 at time of application. If the application is submitted within 120 days of the housing element due date, the Department may refer to the jurisdiction’s compliance from the prior cycle.
2. The Applicant must have submitted to the Department the Annual Progress Report on the Housing Element for the 2021 calendar year reporting period by the submittal date.
3. Applicant must have submitted to the Department the Annual PLHA Report if the application is submitted on or after July 31, 2022, 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 who 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 and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585 by the application date. If the application is submitted within 120 days of the housing element due date, the Department may refer to the jurisdiction’s compliance from the prior cycle.
- 2. The Applicant must have submitted to the Department the Annual Progress Report on the housing element for the corresponding calendar year based on the allocations for which the Applicant is applying by the application submittal date as follows:

Allocation Requested:	APR Reporting Period:
2019 allocation	2019 CY APR
2020 allocation	2020 CY APR
2021 allocation	2021 CY APR

- 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

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

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 ator 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~~ ^{PLHA}. 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 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 August 17, 2022.

Applicants must upload all application materials to the Department's website. The application portal is open beginning on **August 17, 2022** through **4:00 p.m. Pacific Standard Time on October 31, 2022**. Please note that the on-line support and technical assistance closes at 4:00 p.m. Pacific Standard Time on October 31, 2022.

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 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 Director of the Department or their designee 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 Director of the Department or their designee 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 to the Director of the Department or their designee a written appeal, 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:

1. **Previous Awardees:** For Local governments that have previously received an award and are applying for a new allocation of calendar year 2021 funds, awards will be made within 60 days of receipt.
2. **First Time Awardees:** 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 2022 with subsequent awards made in October 2022 and January 2023. 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.

IV. 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, 2020, and 2021.**

Please refer to Section II.A. Eligible Applicants for a discussion of the definition of Entitlement and Non-Entitlement Local Governments.

Entitlement Local Government				Non-Entitlement Local Government			
Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021	Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021
Alameda		\$868,493	\$955,750	Alpine County	\$68,065	\$106,216	\$116,768
Alameda County		\$1,451,516	\$1,597,349	Alturas	\$79,305	\$123,577	\$128,224
Alhambra			\$796,443	Amador City	\$65,861	\$100,869	\$112,445
Aliso Viejo	\$119,177	\$185,238	\$203,849	Amador County	\$134,185	\$203,299	\$275,316
Anaheim			\$3,686,550	American Canyon	\$117,435	\$178,785	\$199,555
Antioch		\$612,764	\$674,328	Anderson	\$103,770	\$163,160	\$178,480
Apple Valley		\$446,959	\$491,865	Angels	\$81,289	\$127,049	\$128,764
Bakersfield			\$2,960,656	Arcata	\$176,062	\$284,687	\$208,201
Baldwin Park		\$758,781	\$835,015	Artesia	\$135,728	\$204,479	\$213,605
Bellflower			\$878,539	Arvin		\$220,799	\$217,928
Berkeley			\$2,212,637	Atwater	\$158,209	\$247,535	\$269,804
Buena Park		\$573,917	\$631,578	Auburn	\$119,859	\$185,382	\$203,337
Burbank			\$816,205	Avenal	\$104,652	\$168,021	\$177,939
Camarillo			\$231,519	Benicia	\$141,459	\$222,187	\$229,276
Carlsbad	\$272,582	\$423,678	\$466,244	Biggs	\$70,710	\$109,341	\$121,739
Carson			\$709,383	Bishop	\$83,713	\$132,952	\$146,057
Cathedral City			\$484,445	Blue Lake	\$68,285	\$105,521	\$117,957
Cerritos	\$109,213	\$169,751	\$186,806	Brawley	\$151,156	\$240,243	\$234,139
Chico	\$390,348	\$606,721	\$667,678	Butte County	\$333,428	\$494,061	\$610,245
Chino	\$249,365	\$387,590	\$426,531	Calaveras County			\$429,217
Chino Hills			\$303,241	Calexico	\$203,832	\$307,951	\$284,935
Chula Vista		\$1,646,765	\$1,812,214	Calimesa	\$88,783	\$138,507	\$156,324
Citrus Heights		\$486,125	\$534,966	Calipatria	\$77,101	\$120,452	\$122,280
Clovis City			\$625,364	Calistoga	\$85,256	\$133,646	\$134,709
Compton	\$769,720	\$1,196,383	\$1,316,582	Capitola	\$105,092	\$180,868	\$195,772
Concord			\$836,053	Carmel-by-the-Sea	\$81,950	\$130,174	\$140,653
Contra Costa County			\$3,712,024	Chowchilla			\$164,970

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local Government				Non-Entitlement Local Government			
Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021	Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021
Corona			\$995,498	Clearlake	\$145,867	\$208,993	\$232,518
Costa Mesa			\$904,122	Coalinga		\$165,243	\$170,374
Cupertino City			\$283,100	Colfax	\$72,032	\$113,855	\$125,522
Daly City			\$875,455	Colusa	\$85,917	\$135,035	\$161,187
Davis		\$470,837	\$518,142	Colusa County	\$83,493	\$136,077	\$152,541
Delano City			\$556,115	Corcoran	\$113,908	\$178,438	\$179,560
Downey			\$889,923	Corning	\$92,529	\$143,368	\$150,380
El Cajon	\$645,382	\$1,003,123	\$1,103,906	Crescent City	\$80,848	\$125,660	\$142,274
El Centro (Colonia Only)	\$245,998	\$382,358	\$420,773	Del Norte County	\$140,797	\$210,729	\$214,685
El Monte			\$1,449,267	Dinuba			\$230,897
Elk Grove	\$439,787	\$683,565	\$752,243	Dixon	\$115,451	\$189,896	\$194,691
Encinitas	\$156,044	\$242,541	\$266,909	Dorris	\$66,522	\$103,785	\$116,876
Escondido	\$842,911	\$1,310,146	\$1,441,775	Dos Palos	\$82,832	\$120,799	\$143,355
Fairfield			\$668,640	Dunsmuir	\$72,032	\$111,424	\$124,441
Fontana			\$1,678,180	El Centro (Colonia Only)	\$216,175	\$311,076	\$283,314
Fountain Valley			\$247,348	El Dorado County			\$973,923
Fremont			\$1,096,685	Etna	\$67,183	\$105,521	\$114,714
Fresno			\$5,828,601	Eureka			\$346,539
Fresno County			\$2,810,897	Exeter			\$164,970
Fullerton			\$1,177,577	Farmersville			\$176,858
Garden Grove			\$1,700,794	Ferndale	\$71,150	\$108,994	\$121,739
Gardena	\$329,877	\$512,732	\$564,246	Firebaugh	\$95,395	\$144,410	\$159,566
Gilroy City			\$417,798	Fort Bragg	\$106,856	\$163,507	\$142,814
Glendale	\$867,025	\$1,347,626	\$1,483,020	Fort Jones	\$69,167	\$106,910	\$115,795
Glendora City	\$130,258	\$202,461	\$222,802	Fortuna	\$108,619	\$171,840	\$171,995
Goleta			\$160,810	Fowler	\$81,069	\$126,355	\$139,032
Hanford			\$505,389	Glenn County			\$201,716
Hawthorne			\$1,048,208	Grass Valley			\$225,493
Hayward		\$1,012,998	\$1,114,773	Greenfield	\$139,916	\$211,076	\$213,605
Hemet			\$688,525	Gridley	\$92,529	\$144,410	\$143,895
Hesperia	\$505,777	\$786,135	\$865,117	Grover Beach			\$181,182
Huntington Beach			\$938,184	Guadalupe	\$101,125	\$160,035	\$166,051

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local Government				Non-Entitlement Local Government			
Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021	Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021
Huntington Park	\$651,678	\$1,012,910	\$1,114,676	Gustine	\$73,575	\$118,021	\$150,920
Indio City			\$779,909	Hidden Hills	\$71,371	\$111,077	\$124,982
Inglewood	\$735,776	\$1,143,625	\$1,258,523	Hollister	\$180,249	\$280,173	\$290,339
Irvine			\$1,296,497	Holtville	\$82,611	\$131,563	\$121,739
Kern County			\$3,695,204	Humboldt County			\$595,871
La Habra		\$604,420	\$665,145	Huron		\$153,438	\$143,355
La Mesa		\$293,468	\$322,953	Imperial	\$91,427	\$147,535	\$169,834
Laguna Niguel			\$262,411	Imperial County	\$173,858	\$260,034	\$311,954
Lake Elsinore			\$425,098	Indian Wells	\$88,783	\$135,730	\$163,889
Lake Forest	\$221,070	\$343,611	\$378,133	Industry	\$65,596	\$101,632	\$110,824
Lakewood	\$270,847	\$420,981	\$463,277	Inyo County	\$103,770	\$166,285	\$220,630
Lancaster			\$1,188,528	Ione	\$75,338	\$118,716	\$141,734
Livermore			\$356,702	Jackson	\$87,460	\$133,299	\$143,355
Lodi			\$575,172	King City		\$205,868	\$173,616
Lompoc	\$227,027	\$352,871	\$388,324	Kings County	\$163,499	\$249,965	\$304,389
Long Beach			\$5,006,175	Lake County	\$241,741	\$360,728	\$401,658
Los Angeles			\$44,847,783	Lakeport	\$79,305	\$126,702	\$163,889
Los Angeles County			\$18,858,143	Lassen County	\$102,007	\$155,868	\$187,666
Lynwood		\$981,371	\$1,079,969	Lemoore	\$145,205	\$217,326	\$237,381
Madera	\$422,319	\$656,414	\$722,364	Lincoln	\$203,171	\$314,201	\$344,377
Marin County			\$1,241,068	Lindsay		\$189,201	\$197,393
Menifee			\$1,079,969	Live Oak	\$89,664	\$132,952	\$156,324
Merced			\$722,364	Livingston	\$108,839	\$172,882	\$179,560
Milpitas City	\$238,595	\$370,850	\$408,109	Loomis	\$81,730	\$123,577	\$147,678
Mission Viejo			\$353,526	Los Banos	\$188,184	\$292,326	\$289,258
Modesto			\$1,658,723	Loyalton	\$67,624	\$105,521	\$116,336
Montebello	\$316,758	\$492,340	\$541,805	Madera County			\$484,877
Monterey		\$180,952	\$199,132	Mammoth Lakes	\$81,730	\$123,924	\$154,162
Monterey County			\$1,109,035	Maricopa	\$66,742	\$105,869	\$116,336
Monterey Park	\$318,871	\$495,625	\$545,420	Marina	\$157,548	\$235,382	\$234,139
Moreno Valley			\$1,761,457	Mariposa County			\$235,220
Mountain View	\$256,551	\$398,761	\$438,824	Marysville		\$169,063	\$183,883
Napa City			\$544,289	McFarland	\$112,806	\$174,618	\$177,939

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local Government				Non-Entitlement Local Government			
Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021	Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021
National City			\$672,542	Mendocino County			\$578,903
Newport Beach			\$290,118	Merced County			\$625,917
Norwalk	\$592,762	\$921,336	\$1,013,902	Modoc County	\$76,440	\$120,105	\$146,597
Oakland		\$5,757,902	\$6,336,392	Mono County	\$77,101	\$113,855	\$136,870
Oceanside		\$1,008,982	\$1,110,353	Montague	\$68,726	\$105,174	\$116,876
Ontario			\$1,573,664	Mount Shasta	\$89,885	\$141,285	\$153,082
Orange			\$1,039,081	Napa County		\$220,451	\$261,158
Orange County			\$2,175,998	Nevada City			\$136,870
Oxnard			\$1,981,457	Nevada County			\$566,474
Palm Desert			\$293,014	Orange Cove	\$101,345	\$156,563	\$149,299
Palm Springs			\$328,816	Orland			\$143,355
Palmdale			\$1,332,565	Oroville			\$224,412
Palo Alto	\$231,496	\$359,817	\$395,967	Pacific Grove			\$188,207
Paradise	\$93,596	\$145,477	\$160,093	Palos Verdes Estates	\$96,717	\$157,257	\$170,914
Paramount City	\$438,197	\$681,094	\$749,523	Parlier		\$199,965	\$208,741
Pasadena		\$1,454,952	\$1,601,129	Pismo Beach	\$99,582	\$157,604	\$184,964
Perris City		\$725,136	\$797,990	Placer County			\$813,970
Petaluma			\$315,338	Placerville	\$110,823	\$173,924	\$181,182
Pico Rivera	\$338,973	\$526,870	\$579,804	Plumas County		\$187,118	\$217,387
Pittsburg			\$543,387	Plymouth	\$67,404	\$104,757	\$116,876
Placentia		\$333,825	\$367,364	Point Arena	\$67,404	\$103,785	\$114,174
Pleasanton City	\$151,089	\$234,839	\$258,433	Portola	\$75,338	\$119,757	\$120,659
Pomona			\$1,827,543	Rancho Mirage	\$172,094	\$282,257	\$335,191
Porterville			\$586,270	Red Bluff	\$124,047	\$189,201	\$200,095
Rancho Cordova City	\$285,366	\$443,548	\$488,110	Rio Dell	\$79,085	\$118,716	\$141,193
Rancho Cucamonga	\$450,476	\$700,179	\$770,526	Rio Vista	\$96,276	\$149,271	\$157,945
Rancho Santa Margarita			\$173,436	Riverbank		\$193,021	\$206,039
Redding			\$576,110	San Benito County	\$121,182	\$175,313	\$213,064
Redondo Beach	\$130,830	\$203,351	\$223,781	San Joaquin	\$78,644	\$123,924	\$128,764

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local Government				Non-Entitlement Local Government			
Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021	Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021
Redwood City			\$594,763	San Juan Bautista	\$75,999	\$114,549	\$122,280
Rialto	\$597,786	\$929,145	\$1,022,495	San Juan Capistrano	\$236,452	\$359,687	\$335,191
Riverside		\$2,521,285	\$2,774,596	Sand City	\$67,139	\$104,063	\$112,445
Riverside County			\$6,835,329	Santa Cruz County		\$895,101	\$916,102
Rocklin City			\$230,295	Scotts Valley	\$103,770	\$166,979	\$171,995
Rosemead	\$343,238	\$533,498	\$587,099	Shasta County			\$578,903
Roseville			\$536,004	Shasta Lake			\$174,157
Sacramento			\$4,031,691	Sierra County			\$124,441
Sacramento County		\$4,229,006	\$4,653,890	Siskiyou County			\$260,618
Salinas			\$1,722,182	Solano County		\$201,701	\$240,083
San Bernardino		\$2,521,132	\$2,774,428	Soledad	\$120,961	\$188,160	\$188,207
San Bernardino County			\$5,916,756	Sonora	\$91,427	\$138,507	\$143,895
San Buenaventura		\$555,571	\$611,389	South Lake Tahoe			\$299,525
San Clemente			\$323,348	St. Helena	\$89,003	\$137,118	\$149,299
San Diego			\$9,903,933	Suisun City	\$154,683	\$222,187	\$257,916
San Diego County		\$3,077,481	\$3,386,672	Susanville	\$93,191	\$141,632	\$146,597
San Francisco		\$13,550,527	\$14,911,935	Sutter County		\$181,910	\$211,983
San Joaquin County			\$2,241,046	Sutter Creek	\$78,644	\$121,841	\$128,764
San Jose			\$7,438,226	Taft	\$90,546	\$140,591	\$136,330
San Leandro		\$543,946	\$598,596	Tehama	\$65,596	\$101,632	\$111,256
San Luis Obispo County			\$1,492,388	Tehama County	\$186,685	\$318,784	\$414,843
San Marcos City	\$319,178	\$496,102	\$545,945	Trinidad	\$66,081	\$101,702	\$111,256
San Mateo			\$584,800	Trinity County	\$121,622	\$186,424	\$219,008
San Mateo County			\$2,068,899	Truckee			\$181,722
Santa Ana			\$4,795,654	Tulare County			\$969,060
Santa Barbara			\$775,030	Tulelake	\$68,506	\$106,563	\$115,795

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local Government				Non-Entitlement Local Government			
Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021	Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021
Santa Barbara County			\$974,603	Tuolumne County	\$242,182	\$368,367	\$476,771
Santa Clara			\$820,156	Ukiah	\$129,777	\$199,618	\$187,666
Santa Clara County			\$1,260,160	Vernon	\$65,376	\$100,591	\$111,472
Santa Clarita	\$588,259	\$914,338	\$1,006,200	Wasco	\$135,508	\$205,174	\$244,947
Santa Cruz			\$452,837	Weed	\$76,661	\$120,105	\$131,466
Santa Maria			\$1,254,581	Westmorland	\$72,693	\$113,507	\$117,957
Santa Monica			\$936,510	Wheatland	\$72,032	\$110,035	\$123,361
Santa Rosa			\$1,187,622	Williams	\$80,848	\$126,355	\$135,249
Santee	\$134,374	\$208,859	\$229,843	Willits	\$92,309	\$137,813	\$141,734
Seaside	\$193,124	\$300,175	\$330,334	Willows			\$138,491
Simi Valley		\$451,305	\$496,647	Winters		\$136,077	\$177,399
Sonoma County			\$1,538,385	Woodlake		\$136,424	\$150,380
South Gate			\$1,233,796	Yolo County		\$222,882	\$234,679
South San Francisco			\$372,849	Yountville	\$81,069	\$127,049	\$133,087
Stanislaus County			\$1,975,561	Yreka	\$102,007	\$154,827	\$162,268
Stockton		\$2,660,093	\$2,927,349	Yuba County			\$483,256
Sunnyvale	\$533,023	\$828,483	\$911,720				
Temecula			\$467,631				
Thousand Oaks			\$506,368				
Torrance			\$760,089				
Tulare		\$494,944	\$544,671				
Turlock	\$309,854	\$481,610	\$529,997				
Tustin			\$659,464				
Union City		\$394,694	\$434,349				
Upland		\$431,845	\$475,232				
Vacaville	\$240,500	\$373,812	\$411,368				
Vallejo			\$864,418				
Ventura County			\$1,470,575				
Victorville			\$1,082,334				
Visalia			\$1,078,990				
Vista		\$635,530	\$699,381				
Walnut Creek			\$236,813				
Watsonville	\$362,515	\$563,461	\$620,071				
West Covina	\$388,763	\$604,258	\$664,967				

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local Government				Non-Entitlement Local Government			
Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021	Local Gov	Funding Amount 2019	Funding Amount 2020	Funding Amount 2021

West Sacramento	\$236,679	\$367,872	\$404,832
Westminster			\$873,327
Whittier		\$595,595	\$655,434
Woodland		\$387,006	\$425,889
Yorba Linda			\$182,215
Yuba City		\$483,607	\$532,195

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

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

High-cost Area by County	High-cost Area pursuant to Federal Housing Finance Agency's Maximum Loan Limits for Mortgages Acquired in Calendar Year 2020	High-cost Area pursuant to Department of Housing and Urban Development Very Low-Income Adjustments due to High-Housing Cost for Fiscal Year 2020-21
Alameda	X	
Contra Costa	X	
El Dorado	X	
Imperial		X
Los Angeles	X	
Madera		X
Marin	X	
Merced	X	
Monterey	X	
Napa	X	
Orange	X	
Placer	X	
Sacramento	X	
San Benito	X	
San Diego	X	
San Francisco	X	
San Luis Obispo	X	
San Mateo	X	
Santa Barbara	X	
Santa Clara	X	
Santa Cruz	X	
Solano	X	
Sonoma	X	
Tulare		X
Ventura	X	
Yolo	X	

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

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

Entitlement Local government		Non-Entitlement Local government	
Local government	Estimate 5-Year Funding Amount	Local government	Estimate 5-Year Funding Amount
Alameda	\$3,352,590	Alpine County	\$408,390
Alhambra	\$2,793,768	Alturas	\$475,835
Aliso Viejo	\$715,062	Amador City	\$395,168
Anaheim	\$12,931,710	Amador County	\$805,115
Antioch	\$2,365,410	American Canyon	\$704,612
Apple Valley	\$1,725,366	Anderson	\$622,622
Bakersfield	\$10,385,412	Angels	\$487,737
Baldwin Park	\$2,929,068	Arcata	\$1,056,372
Bellflower	\$3,081,744	Artesia	\$814,372
Berkeley	\$7,761,504	Arvin	\$831,563
Buena Park	\$2,215,452	Atwater	\$949,257
Burbank	\$2,863,092	Auburn	\$719,158
Camarillo	\$812,124	Avenal	\$627,912
Carlsbad	\$1,635,492	Benicia	\$848,754
Carson	\$2,488,380	Biggs	\$424,261
Cathedral City	\$1,699,338	Bishop	\$502,283
Cerritos	\$655,278	Blue Lake	\$409,715
Chico	\$2,342,088	Brawley	\$906,940
Chino	\$1,496,190	Butte County	\$2,000,572
Chino Hills	\$1,063,710	Calaveras County	\$1,238,865
Chula Vista	\$6,356,898	Calexico	\$1,222,996
Citrus Heights	\$1,876,554	Calimesa	\$532,699
Clovis City	\$2,193,654	Calipatria	\$462,611
Compton	\$4,618,320	Calistoga	\$511,540
Concord	\$2,932,710	Capitola	\$630,557
Corona	\$3,492,018	Carmel-by-the-Sea	\$491,704
Costa Mesa	\$3,171,486	Chowchilla	\$662,295
Cupertino City	\$993,060	Clearlake	\$875,203
Daly City	\$3,070,926	Coalinga	\$618,655
Davis	\$1,817,544	Colfax	\$432,196
Delano City	\$1,950,744	Colusa	\$515,507
Downey	\$3,121,674	Colusa County	\$500,961
El Cajon	\$3,872,292	Corcoran	\$683,453
El Centro	\$1,475,988	Corning	\$555,180
Elk Grove	\$2,638,722	Crescent City	\$485,092
El Monte	\$5,083,752	Del Norte County	\$844,787

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local government		Non-Entitlement Local government	
Local government	Estimate 5-Year Funding Amount	Local government	Estimate 5-Year Funding Amount
Encinitas	\$936,264	Dinuba	\$889,749
Escondido	\$5,057,466	Dixon	\$692,710
Fairfield	\$2,345,460	Dorris	\$399,135
Fontana	\$5,886,732	Dos Palos	\$496,994
Fountain Valley	\$867,648	Dunsmuir	\$432,196
Fremont	\$3,846,960	El Centro	\$1,297,051
Fresno	\$20,445,618	El Dorado County	\$2,879,974
Fullerton	\$4,130,712	Etna	\$403,103
Gardena	\$1,979,262	Eureka	\$1,125,138
Garden Grove	\$5,966,058	Exeter	\$586,917
Gilroy City	\$1,465,554	Farmersville	\$589,562
Glendale	\$5,202,150	Ferndale	\$426,906
Glendora City	\$781,548	Firebaugh	\$572,371
Goleta	\$564,090	Fort Bragg	\$641,136
Hanford	\$1,772,808	Fort Jones	\$415,004
Hawthorne	\$3,676,914	Fortuna	\$651,715
Hayward	\$3,910,410	Fowler	\$486,414
Hemet	\$2,415,216	Glenn County	\$641,136
Hesperia	\$3,034,662	Grass Valley	\$813,049
Huntington Beach	\$3,290,970	Greenfield	\$839,497
Huntington Park	\$3,910,068	Gridley	\$555,180
Indio City	\$2,735,772	Grover Beach	\$727,093
Inglewood	\$4,414,656	Guadalupe	\$606,754
Irvine	\$4,547,862	Gustine	\$441,452
Laguna Niguel	\$920,484	Hidden Hills	\$428,228
La Habra	\$2,333,202	Hollister	\$1,081,498
Lake Forest	\$1,326,420	Holtville	\$495,671
Lake Elsinore	\$1,491,162	Humboldt County	\$2,066,693
Lakewood	\$1,625,082	Huron	\$597,497
La Mesa	\$1,132,854	Imperial	\$548,568
Lancaster	\$4,169,130	Imperial County	\$1,043,148
Livermore	\$1,251,240	Indian Wells	\$532,699
Lodi	\$2,017,590	Industry	\$393,581
Lompoc	\$1,362,162	Inyo County	\$622,622
Long Beach	\$17,560,704	Ione	\$452,032
Los Angeles	\$157,317,438	Jackson	\$524,764
Lynwood	\$3,788,322	King City	\$805,115
Madera	\$2,533,914	Kings County	\$980,995
Menifee	\$1,509,624	Lake County	\$1,450,450
Merced	\$3,112,314	Lakeport	\$475,835
Milpitas City	\$1,431,570	Lassen County	\$612,043
Mission Viejo	\$1,240,098	Lemoore	\$871,235

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local government		Non-Entitlement Local government	
Local government	Estimate 5-Year Funding Amount	Local government	Estimate 5-Year Funding Amount
Modesto	\$5,818,482	Lincoln	\$1,219,029
Montebello	\$1,900,548	Lindsay	\$703,289
Monterey	\$698,514	Live Oak	\$537,988
Monterey Park	\$1,913,226	Livingston	\$653,038
Moreno Valley	\$6,178,854	Loomis	\$490,382
Mountain View	\$1,539,306	Los Banos	\$1,129,105
Napa City	\$1,909,260	Loyalton	\$405,747
National City	\$2,359,146	Madera County	\$1,643,522
Newport Beach	\$1,017,678	Mammoth Lakes	\$490,382
Norwalk	\$3,556,572	Maricopa	\$400,458
Oakland	\$22,226,850	Marina	\$945,290
Oceanside	\$3,894,906	Mariposa County	\$770,732
Ontario	\$5,520,108	Marysville	\$662,295
Orange	\$3,644,898	McFarland	\$676,841
Oxnard	\$6,950,574	Mendocino County	\$2,099,753
Palmdale	\$4,674,384	Merced County	\$1,865,687
Palm Desert	\$1,027,836	Modoc County	\$458,644
Palm Springs	\$1,153,422	Mono County	\$462,611
Palo Alto	\$1,388,976	Montague	\$412,359
Paradise	\$561,576	Mount Shasta	\$539,311
Paramount City	\$2,629,182	Napa County	\$859,334
Pasadena	\$5,616,456	Nevada City	\$473,190
Perris City	\$2,799,192	Nevada County	\$1,837,916
Petaluma	\$1,106,142	Orange Cove	\$608,076
Pico Rivera	\$2,033,838	Orland	\$555,180
Pittsburg	\$1,906,098	Oroville	\$822,306
Placentia	\$1,288,644	Pacific Grove	\$712,546
Pleasanton City	\$906,534	Palos Verdes Estates	\$580,305
Pomona	\$6,410,670	Parlier	\$801,148
Porterville	\$2,056,524	Pismo Beach	\$597,497
Rancho Cordova City	\$1,712,196	Placer County	\$2,730,542
Rancho Cucamonga	\$2,702,856	Placerville	\$664,940
Rancho Santa Margarita	\$608,376	Plumas County	\$727,093
Redding	\$2,020,884	Plymouth	\$404,425
Redondo Beach	\$784,980	Point Arena	\$404,425
Redwood City	\$2,086,314	Portola	\$452,032
Rialto	\$3,586,716	Rancho Mirage	\$1,032,569
Riverside	\$9,732,750	Red Bluff	\$744,284
Rocklin City	\$807,828	Rio Dell	\$474,513
Rosemead	\$2,059,428	Rio Vista	\$577,661
Roseville	\$1,880,196	Riverbank	\$732,382
Sacramento	\$14,142,402	San Benito County	\$727,093

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local government		Non-Entitlement Local government	
Local government	Estimate 5-Year Funding Amount	Local government	Estimate 5-Year Funding Amount
Salinas	\$6,041,082	San Joaquin	\$471,868
San Bernardino	\$9,732,162	San Juan Bautista	\$455,999
San Clemente	\$1,134,240	San Juan Capistrano	\$1,418,712
San Diego	\$34,741,098	Sand City	\$402,838
San Francisco	\$52,308,210	Santa Cruz County	\$3,395,713
San Jose	\$26,091,876	Scotts Valley	\$622,622
San Leandro	\$2,099,760	Shasta County	\$1,721,544
San Marcos City	\$1,915,068	Shasta Lake	\$613,366
San Mateo	\$2,051,364	Sierra County	\$405,747
Santa Ana	\$16,822,236	Siskiyou County	\$852,722
Santa Barbara	\$2,718,654	Solano County	\$769,410
Santa Clara	\$2,876,946	Soledad	\$725,770
Santa Clarita	\$3,529,554	Sonora	\$548,568
Santa Cruz	\$1,588,464	South Lake Tahoe	\$994,219
Santa Maria	\$4,400,826	St. Helena	\$534,021
Santa Monica	\$3,285,096	Suisun City	\$928,099
Santa Rosa	\$4,165,950	Susanville	\$559,147
Santee	\$806,244	Sutter County	\$698,000
Seaside	\$1,158,744	Sutter Creek	\$471,868
Simi Valley	\$1,742,142	Taft	\$543,278
South Gate	\$4,327,920	Tehama	\$393,581
South San Francisco	\$1,307,880	Tehama County	\$1,120,113
Stockton	\$10,268,580	Trinidad	\$396,491
Sunnyvale	\$3,198,138	Trinity County	\$729,738
Temecula	\$1,640,358	Truckee	\$627,912
Thousand Oaks	\$1,776,240	Tulare County	\$3,501,506
Torrance	\$2,666,244	Tulelake	\$411,037
Tulare	\$1,910,598	Tuolumne County	\$1,453,095
Turlock	\$1,859,124	Ukiah	\$778,667
Tustin	\$2,313,270	Vernon	\$392,259
Union City	\$1,523,610	Wasco	\$813,049
Upland	\$1,667,022	Weed	\$459,966
Vacaville	\$1,443,000	Westmorland	\$436,163
Vallejo	\$3,032,214	Wheatland	\$432,196
San Buenaventura	\$2,144,634	Williams	\$485,092
Victorville	\$3,796,620	Willits	\$553,857
Visalia	\$3,784,890	Willows	\$561,792
Vista	\$2,453,292	Winters	\$532,699
Walnut Creek	\$830,694	Woodlake	\$539,311
Watsonville	\$2,175,090	Yolo County	\$819,661
West Covina	\$2,332,578	Yountville	\$486,414
Westminster	\$3,063,462	Yreka	\$612,043

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Entitlement Local government		Non-Entitlement Local government	
Local government	Estimate 5-Year Funding Amount	Local government	Estimate 5-Year Funding Amount
West Sacramento	\$1,420,074	Yuba County	\$1,634,265
Whittier	\$2,299,140		
Woodland	\$1,493,934		
Yorba Linda	\$639,174		
Yuba City	\$1,866,840		
Alameda County	\$5,603,190		
Contra Costa County	\$13,021,068		
Fresno County	\$9,860,088		
Kern County	\$12,962,064		
Los Angeles County	\$66,150,756		
Marin County	\$4,353,426		
Monterey County	\$3,890,280		
Orange County	\$7,632,984		
Riverside County	\$23,977,026		
Sacramento County	\$16,324,956		
San Bernardino County	\$20,754,846		
San Diego County	\$11,879,796		
San Joaquin County	\$7,861,158		
San Luis Obispo County	\$5,235,012		
San Mateo County	\$7,257,300		
Santa Barbara County	\$3,418,722		
Santa Clara County	\$4,420,398		
Sonoma County	\$5,396,358		
Stanislaus County	\$6,929,892		
Ventura County	\$5,158,494		

Attachment: D. PLHA Cooperation Agreement (4006 : PLHA 5-year plan adoption and application approval)

Appendix D
Housing Element and Annual Progress Report (APR) Submittal Status
Requirement stated in Guidelines Section 302(a) and (b)

To be eligible to apply, jurisdictions are required to have a housing element that has been adopted by the jurisdiction's governing body and subsequently determined to be in substantial compliance with state Housing Element Law pursuant to GC Section 65585 by the application date. If the application is submitted within 120 days of the housing element due date, the Department may refer to the jurisdiction's compliance from the prior cycle.

To verify current status and eligibility for PLHA funds, please consult the following resources:

Housing Element Compliance: [Housing Element Review and Compliance Report | California Department of Housing and Community Development](#)

Annual Progress Report Submittal: [Annual Progress Reports - Data Dashboard and Downloads | California Department of Housing and Community Development](#)

Please note that PLHA is an over-the-counter program, allowing Applicants to apply at any point during the OTC application window of August 17 to October 31. If a jurisdiction is currently out of compliance, that jurisdiction, once it reaches compliance with the housing element and APR requirements, will be eligible for these funds.

For questions about Housing Element Compliance, please email housingelements@hcd.ca.gov. For inquiries on status of APR submittal, please email APR@hcd.ca.gov.

Exhibit C

Eligible Activities

The City will work with existing affordable housing partners or prepare and release a competitive RFP in the spring of 2023 to solicit proposals for development of an affordable housing project. The City will work with the award recipient to secure additional sources of funding as needed. The first-year funding will be used for predevelopment costs.

The City of Arcata plans to use the PLHA funds for predevelopment, development, acquisition, rehabilitation, and preservation of housing that is affordable to extremely low-income, very-low-income, low-income, and moderate-income households.



STAFF REPORT – CITY COUNCIL MEETING

October 19, 2022

TO: Honorable Mayor and City Council Members

FROM: Emily Sinkhorn, Director of Environmental Services

PREPARER: Emily Sinkhorn, Director of Environmental Services

DATE: September 21, 2022

TITLE: **Discuss and Consider Adoption of Resolution No. 223-19, Establishing Regulations Governing Sidewalk Vending on City Property and Rights-of-Way.**

RECOMMENDATION:

It is recommended that the Council discuss and consider adoption of Resolution No. 223-19 establishing regulations governing sidewalk vending on City property and rights-of-way.

INTRODUCTION:

In 2018 Senate Bill 946 was signed into law and limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039. The City has the opportunity create a sidewalk vending program in compliance with SB 946 while facilitating entrepreneurship and ensuring safe sidewalk access. Staff have prepared Resolution No. 223-19 for the Council's review and approval.

BACKGROUND:

Senate Bill 946 allows local agencies to adopt regulations administering sidewalk vending to protect public health, safety and welfare. The law outlines what Cities can and cannot do to regulate sidewalk vending. Sidewalk vending is defined as vending from a cart or table or from one's person upon a public sidewalk, parkway or other public right-of-way and does not include vendors associated with permitted special events. SB 946 does not apply to food trucks or anything with a motor.

Arcata Municipal Code Section 10006 regulates the use of public parks, buildings and grounds and allows a variety of uses, such as the sale of merchandise, food or beverages, if a permit is obtained from the City manager. AMC Section 10011 outlines that the City Manager is responsible for establishing reasonable rules and regulations and that these rules and regulations shall be formalized by resolution. The regulations for the City's thriving special event permit program were established via Resolution 112-36. This proposed resolution governing sidewalk vending would be complementary to that outlined for special event permits in Resolution 112-36.

SB 946 prohibits cities and counties from restricting sidewalk vendors from operating in a specific area unless the City makes findings to restrict vending to protect the community's health, safety or welfare. In addition, SB 946 prohibits local authorities from requiring vendors to ask permission

from businesses or anyone besides the government or prohibiting sidewalk vendors from operating in public parks, unless the park has a concession agreement or the park is restricting vending to protect the community's health, safety or welfare. SB 946 does allow cities to limit hours of operation, prohibit stationary sidewalk vending in residential areas, prohibit sidewalk vending near farmers markets and temporary special permit areas, require sanitary conditions, require vendors comply with the Americans with Disability Act, require a permit or license and request certain information about the business's operations.

DISCUSSION:

The City has received numerous inquiries from community members, business owners in brick-and-mortar locations in the downtown area and special event permittees about the current rules and regulations for where people can vend on sidewalks.

The goal for drafting this resolution is to make findings for regulating sidewalk vending consistent with state law, outline a clear pathway for sidewalk vending businesses to operate, and address concerns from community members about unregulated sidewalk vending blocking pedestrian access and other businesses.

City staff have drafted a resolution with accompanying rules and regulations as Exhibit A to regulate sidewalk vending consistent with SB 946 and benefit the City as a whole. If the resolution is adopted, the City would provide education to any current sidewalk vendors about the pathway for obtaining a permit.

The City's current Plaza Vending Program is the mechanism through which community members can apply for a permit to vend for a fee in one of three vending spaces on the Plaza. The proposed Resolution 223-19 would replace the Plaza Vending Program for governing sidewalk vending.

Food trucks would continue to be regulated through the Plaza Vending Program. Environmental Services staff are in process of drafting specific regulations for food trucks to operate on City properties and anticipate bringing a separate resolution to the Council at a later date to update the regulations governing the City's food truck vending program.

POLICY IMPLICATIONS:

The proposed resolution is consistent with and directly ties to Arcata Municipal Code Title X Chapter 1 Sections 10006 and 10011.

ENVIRONMENTAL REVIEW (CEQA):

This proposed program has been determined to be exempt from the California Environmental Quality Act (CEQA) because pursuant to CEQA Section 15308, this ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of public parks, sidewalks and walkways in the city, and will not result in cumulative adverse environment impacts.

BUDGET/FISCAL IMPACT:

Staffing for this program can be covered under the normal operations of the Recreation division (funded through General Fund dollars) which currently processes special event permits. The program proposes a nominal annual processing fee for sidewalk vending permits which will be codified in the Master Fee Schedule.

ATTACHMENTS:

- Reso No 223-19 Governing Sidewalk Vending on City Property and ROW (PDF)
- Reso No 223-19 Exhibit A (PDF)

RESOLUTION NO. 223-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA
ESTABLISHING REGULATIONS GOVERNING SIDEWALK VENDING ON CITY
PROPERTY AND RIGHTS-OF-WAY**

WHEREAS, Senate Bill 946 was signed into law on September 17, 2018, and became effective January 1, 2019 (Government Code §§ 51032 et seq., “SB 946”);

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039;

WHEREAS, the City Council finds that the establishment of a sidewalk vending program will benefit the City as a whole by facilitating entrepreneurship and providing economic opportunity for people to support themselves and their families, and by contributing to a diversity of food options and lively streets;

WHEREAS, the City Council finds that the act of vending on sidewalks and other areas of the public right-of-way also creates the potential for increased safety hazards, such as, but not limited to, inhibiting accessibility along a safe path of travel; interfering with the performance of police, firefighter, and emergency medical personnel services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic;

WHEREAS, the City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safe-guarding the flow of pedestrian movement on sidewalks and in the public right-of-way, and ensuring no interference with the performance of police, firefighter, and emergency medical personnel services;

WHEREAS, requiring licenses and permits to vend on sidewalks and parks benefits the health and safety of the public because it increases vendor accountability in following the City’s rules and regulations by identifying vendors out of compliance with the City’s vending program and protects vendors assigned to vend in certain locations;

WHEREAS, the City Council finds that the regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning;

WHEREAS, the City Council finds that regulations related to the collection and disposal of trash or other debris generated by sidewalk vending are necessary to ensure that such trash or debris is not left, thrown, discarded, or deposited on City streets, sidewalks, pathways, gutters, or storm drains, or upon public or private lots, so that the same might be or become a pollutant;

WHEREAS, the City Council finds that restrictions on sidewalk vending in public parks is necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks;

WHEREAS, the City Council adopts this Resolution under the authority provided in SB 946 and Arcata Municipal Code §10011, and finds that the time, place, and manner regulations and requirements provided herein are directly related to the City’s purpose of protecting of the health, safety, and welfare of its residents, businesses and visitors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcata as follows:

1. The City hereby adopts Exhibit A, Rules and Regulations Governing Sidewalk Vending on City Property and Rights-of-Way, attached hereto and incorporated herein, establishing the fees, rules, regulations and policies pertaining to the use of public sidewalks and rights-of-way.

This Resolution shall be effective upon its adoption.

DATED: October 19, 2022

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

CLERK’S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the Resolution No. _____ passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Bridget Dory, City Clerk, City of Arcata

Attachment: Reso No 223-19 Governing Sidewalk Vending on City Property and ROW (4004 : Sidewalk Vending Regulations)

**EXHIBIT A
TO RESOLUTION 223-19**

**City of Arcata
Rules and Regulations Governing Sidewalk Vending on City
Property and Rights-of-Way**

DEFINITIONS

“Farmers market” shall mean the temporary use of a site for the outdoor sales of food and farm produce items from vehicles, in compliance with California Food and Agriculture Code Section 1392 et seq.

“Roaming sidewalk vendor” shall mean a sidewalk vendor who moves from place to place and stops only to complete a transaction.

“Sidewalk vendor” shall mean a person who vends from a vending cart or from one’s person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians, and shall not include vendors associated with special events that have received permits pursuant to Arcata Municipal Code (AMC) Sec. 10006.

“Stationary sidewalk vendor” shall mean a sidewalk vendor who vends from a fixed location.

“Special Event” shall refer to any non-spontaneous activity or event occurring on City property or right-of-way and governed by the regulations adopted in Resolution 112-36.

“Spontaneous” activity or event means any activity or event for the purpose of expressive activity which is occasioned by news or affairs coming into public knowledge fewer than 48 hours prior to any such activity or event. All other activities or events are considered “non-spontaneous” events or activities as specified in the AMC Sec. 10006.

“Temporary use permit” shall mean a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special activity permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerns, and issued pursuant to, but not limited to, AMC Title X Chapter 1.

“Vend” or “vending” shall mean the act of conveying or transporting goods, ware, merchandise, food, offering and exposing the same for sale or making sales deliveries of articles to purchasers, or taking or attempting to take order for the sale of goods.

“Vending cart” shall mean a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

“Vendor” shall mean any person by foot, wagon, table or other conveyance, who is conveying or transporting goods, ware, merchandise, food, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who takes or attempts to take orders for sale of goods, ware and merchandise, books or magazines, personal property of any nature for future delivery, or for services to be furnished or performed in the future, whether or not such an individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.

PERMIT REQUIREMENT

1. Permits are required for the sale of merchandise, food or beverages on City property as specified in the Arcata Municipal Code (AMC) Sec. 10006.
2. No person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the city without first obtaining a sidewalk vending temporary use permit pursuant to these regulations. A Minor Use Permit shall not be required for outdoor retail sales and activities pursuant to Arcata Land Use Code Article 2 Chapter 9.26 Table 2-10 if a sidewalk vending temporary use permit is obtained.
3. To apply for a sidewalk vending temporary use permit, a person must file an application with the City Manager, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the City Manager and shall contain, at a minimum, the following:
 - A. The legal name and current address and telephone number of the applicant;
 - B. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
 - C. A description of the food or merchandise offered for sale;
 - D. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
 - E. A copy of a valid business license issued pursuant to AMC Title VI Chapter 1;
 - F. Certification by the applicant that the information contained in the application is true to their knowledge and belief;
 - G. If a vendor of food or food products, certification to completion of a food handler course and proof of all required approvals from the Humboldt County Department of Environmental Health; and
 - H. Any other reasonable information regarding the time, place, and manner of the proposed vending.
4. The City Manager, or their designee, shall approve the issuance of a sidewalk vending temporary use permit unless he or she determines that:
 - A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
 - B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or

- C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in these regulations.

If the sidewalk vending temporary use permit is denied, written notice of such denial and the reasons therefore shall be provided to the applicant.

5. A sidewalk vending temporary use permit shall be valid for twelve (12) months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a sidewalk vending temporary use permit renewal on a form provided by the city prior to the expiration of their active sidewalk vending temporary use permit.
6. The City Manager may rescind a sidewalk vending temporary use permit issued to a sidewalk vendor for a fourth violation. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending temporary use permit upon the expiration of the term of the rescinded permit.
7. No sidewalk vending temporary use permit granted pursuant to these regulations shall be transferable.

OPERATING REQUIREMENTS

1. Sidewalk vendors shall comply with the following operating requirements:
 - A. No sidewalk vendor shall vend in the following locations:
 1. Within thirty (30) feet of any street intersection;
 2. Within twenty (20) feet of any fire hydrant, fire call box, electric transformer, or other facility dedicated to the emergency and public infrastructure functions of the city;
 3. Within twenty (20) feet of any driveway or driveway apron;
 4. Upon or within any roadway, median strip, or dividing section;
 5. Within two hundred (200) feet of a permitted farmers' market, special event, or an area designated for a temporary use permit. This prohibition shall be limited to the operating hours of the farmers' market or special event, or the limited duration of the temporary use permit;
 6. Upon landscaping or lawn within public a park or open space.
 - B. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. No sidewalk vendor shall vend in a manner that blocks or obstructs the required Americans with Disabilities Act of 1990 access standards for accessibility. Sidewalk vendors must at all times provide a clearance of not less than three (3) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices;
 - C. Sidewalk vending is permitted one half hour after sunrise to one half hour before sunset daily,

except as follows:

1. On the Plaza (defined under AMC Title X, Chapter 1, Sec. 10800), sidewalk vending shall be permitted between 10:00 a.m. and 1:30 a.m.
 2. In residential areas, sidewalk vending shall be permitted one hour after sunrise to one hour before sunset.
 3. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
- D. Stationary sidewalk vendors shall not vend at any park where the city has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- E. Sidewalk vendors shall provide a minimum of one solid waste receptacle and one recyclable materials receptacle for customers and ensure compliance with AMC Title V Chapter 3 Solid Waste Management and the City's organic material diversion requirements. Prior to leaving any vending location, the sidewalk vendor shall pick up, divert, and dispose of all trash, recyclables and organic waste generated by the vending operations or the vendor's customers within a fifteen (15) foot radius of the vending location. All waste shall be removed to an off-site, non-City of Arcata disposal site on a daily basis. Vendors must be familiar with and adhere to the Single-Use Disposable (SUD) requirements found in AMC Title V, Chapter 3.5, Article 3, Foodware Waste Reduction. All single-use disposable foodware must be fiber-based compostable and free of poly-fluorinated chemicals. Food vendors must charge a \$0.25 fee per order for food served in a disposable foodware. Food Vendors must offer a \$0.25 discount per order for customers who bring their own reusable foodware for takeout.
- F. Vendors of food or food products shall possess and display in plain view on the vending cart a valid health permit from Humboldt County Department of Environmental Health.
- G. Sidewalk vendors shall possess at all times while vending a valid sidewalk vending temporary use permit issued pursuant to these regulations, as well as any other permit or license required by the city and any other appropriate governmental agency.
- H. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).
- I. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.

ENFORCEMENT AND ADMINISTRATIVE CITATIONS

1. Pursuant to state law the following are the enforcement mechanisms the City can utilize related to sidewalk vending.
2. The City shall take appropriate steps to educate and inform the public about the sidewalk vending permit requirements.

3. In addition to any other remedy available, any violation of these regulations by any person is subject to Administrative fines pursuant to California Government Code Section 53069.4, and pursuant to Title I, Chapter 3 of the Arcata Municipal Code.
4. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.
5. When assessing administrative citations pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The city shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
6. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the city shall accept, in full satisfaction, twenty (20) percent of any administrative citation penalty amount imposed pursuant.
7. The City Manager may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.