

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A FIVE-YEAR EXPENDITURE PLAN FOR THE PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PROGRAM FORMULA ALLOCATION OF AN ESTIMATED \$26 MILLION OVER FIVE YEARS FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD); AND AUTHORIZING STAFF TO APPLY FOR PLHA FUNDS AND, WHEN AWARDED, TO ACCEPT THE AWARD, AND TO NEGOTIATE AND EXECUTE AN HCD STANDARD AGREEMENT AND ALL OTHER NECESSARY RELATED DOCUMENTS**

**WHEREAS**, in 2017, Governor Brown signed a 15-bill housing package aimed at addressing the State of California’s (“State”) housing shortage and high housing costs, which included the Building Homes and Jobs Act of 2017 (“SB 2”); and

**WHEREAS**, SB 2 established a \$75 recording fee on documents for certain real estate transactions, designed to generate ongoing revenues to increase the supply of affordable homes in California. Because the number of real estate transactions recorded in each county will vary from year to year, the revenues collected will fluctuate.

**WHEREAS**, the State’s Department of Housing and Community Development (“Department”) is authorized to provide up to \$195 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))); and

**WHEREAS**, the Department issued a Notice of Funding Availability (“NOFA”) dated February 26, 2020 under the Permanent Local Housing Allocation (“PLHA”) Program; and

**WHEREAS**, the City of San José (“Applicant”) is an eligible Local government applying for the program 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; and

**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 BY THE COUNCIL OF THE CITY OF SAN JOSE 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 \$26 million in the PLHA formula allocations, as stated in Appendix C of the current NOFA in accordance with all applicable rules and laws.
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. 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.
5. 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.
6. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.
7. 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.
8. The Director of Housing, Jacky Morales-Ferrand, is 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.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

Signature of Approving Officer  
**TONI J. TABER, CMC**

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, **TONI J. TABER, CMC**, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the **COUNCIL OF THE CITY OF SAN JOSE** 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:

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TONI J. TABER, CMC  
City Clerk