RESOLUTION NO. 21-016

A RESOLUTION OF THE CITY OF PACIFIC GROVE CITY COUNCIL
AUTHORIZING THE APPLICATION FOR THE PERMANENT LOCAL HOUSING
ALLOCATION PROGRAM

The City Council of the City of Pacific Grove ("Applicant") hereby consents to, adopts, and
ratifies the following resolution:

A. WHEREAS the 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)).

B. WHEREAS the State of California (the "State"), Department of Housing and Community
Development ("Department") issued a re-opening of Notice of Funding Availability
("NOFA") dated 10/23/2020 under the Permanent Local Housing Allocation (PLHA)
Program;

C. WHEREAS the City of Pacific Grove 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 BY THE CITY COUNCIL OF THE CITY OF
PACIFIC GROVE:

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 $712,546 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. Pursuant to section 302(c)(4) of the Guidelines, Applicant’s PLHA Plan is attached to this
resolution, and Applicant certifies compliance with all public notice, comment, and hearing
requirements in accordance with the Guidelines.

5. Applicant certifies that it has or will subgrant some or all 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.

6. 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.

7. Pursuant to Applicant’s certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.

8. 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).

9. 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.

10. 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.

11. The City Manager 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.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 2nd day of June 2021 by the following vote:

AYES: Mayor Peake, Councilmembers Amelio, Coletti, McAdams, Poduri, Smith and Tomlinson
ABSTENTIONS: None.
NOES: None.
ABSENT: None.

APPROVED:

BILL PEAKE, MAYOR
ATTEST: 6/4/2021
DATED: 

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney