SONOMA COUNTY COMMUNITY DEVELOPMENT COMMISSION

COUNTY FUND FOR HOUSING POLICY

Adopted ________________

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1. Overview

This County Fund for Housing Policy document has been prepared by the Sonoma County Community Development Commission (“Commission”) to articulate the policy priorities, criteria, and objectives for the development of affordable rental and ownership housing funded through the Sonoma County Fund for Housing (“CFH”). This document is updated periodically to reflect new and updated policy priorities, information, and/or regulations.

1.1. Purpose

The County of Sonoma (“County”) established the County Fund for Housing in 2003 to provide financial assistance for the development and preservation of affordable housing located in Sonoma County.

1.2. Parties

“Sonoma County Community Development Commission” refers to the staff of the Commission. “Board of Commissioners” refers to the members of the Sonoma County Board of Supervisors in their capacity as the Board of Commissioners of the Sonoma County Community Development Commission. “Board of Supervisors” refers to the Sonoma County Board of Supervisors.

1.3. Authority

The Sonoma County Board of Supervisors delegated the administration of the CFH to the Commission, which is governed by the members of the Board of Supervisors in their capacity as the Board of Commissioners. This Policy has been approved by the Board of Supervisors and the Board of Commissioners.

The Executive Director of the Commission is hereby authorized to interpret this Policy, to accept and process funding proposals per the provisions of this Policy and applicable funding source rules, to present eligible funding proposals to the Board of Supervisors and Board of Commissioners for their consideration, and to administer funding awards pursuant to the criteria established in this Policy, the Commission’s Loan Policies, and the Sonoma County Affordable Housing Program Homeownership Policies. The Executive Director may also, to the extent necessary, make minor changes to administrative and/or procedural provisions of this Policy.

Only the Board of Supervisors has the authority to make final approvals of funding decisions and any exceptions to this Policy.

1.4. Sonoma County Community Development Committee

The Sonoma County Community Development Committee (“CD Committee”), appointed by the Board of Commissioners, serves as the advisory body to the Commission. Generally, the Commission shall present CFH funding proposals to the CD Committee in a public hearing. The CD Committee’s recommendations, public comments, and Commission comments and recommendations shall be presented for approval to the Board of Supervisors.

1.5. Funding Sources

CFH receives funds from multiple local sources, including, but not limited to:

- County of Sonoma General Fund
- County of Sonoma Reinvestment and Revitalization Funds
- Developer In-Lieu Fees
- Transient Occupancy Tax
- CFH loan processing fees, interest, and loan repayments

2. Policy Priorities

The purpose of the CFH is to develop, preserve, and accelerate the pace of development of below market-rate housing for low-, very low-, and extremely low-income households. To achieve this purpose, CFH resources shall be used to provide loans and grants to qualified developers, public entities, groups, and individuals to undertake activities which create, maintain, or expand the County's affordable housing stock.

CFH resources shall be used to further the goals expressed in the County's General Plan Housing Element, and in the current Board of Supervisors Five Year Strategic Plan, adopted in March, 2021, and as periodically amended. The Commission or County may adopt more specific housing priorities from time to time, and may request proposals that address those goals more specifically through a request for proposals, or through a notice of funding availability. The following objectives are high priorities, and the weighting of each objective against others may vary at the Commission's or County's discretion:

a. Creation or preservation of the greatest number of affordable housing units, affordable to the lowest-income populations.
b. Creation of housing opportunities throughout the County, in incorporated cities as well as in the unincorporated County, so that housing is effectively distributed throughout the County. Specific locations may be prioritized based on the County's Regional Housing Needs Allocation or other needs assessments or market studies which may be periodically undertaken by the Commission or the County.
c. Utilization of Housing Opportunity Sites identified by the County and sites identified by the incorporated cities and town in Sonoma County.
d. Integration with health and human service systems and programs designed to aid those people experiencing poverty to live independently or to achieve economic self-sufficiency.
e. Collaboration with local jurisdictions and other funders of affordable housing.

3. Project Selection Process

3.1. Proposal Solicitation

3.1.1. Notice of Funding Availability / Request for Proposals

The Commission may solicit funding proposals by several competitive methods, including but not limited to an annual Notice of Funding Availability, and/or a request for proposals for a specific project or to address specific policy goals.

3.1.2. Commission-Sponsored Proposals

The Executive Director may also submit to the Board of Supervisors and the Board of Commissioners a funding proposal on the Commission's behalf. The Executive Director may bring the proposal to the CD Committee for its consideration and to gather public input before submitting the proposal to the Board of Supervisors and the Board of Commissioners.

3.1.3. Special Circumstances

In the event that the Commission offers publicly owned land for development as part of a request for proposals process under the auspices of a County or Commission program, the award may, with the approval of the Board of Supervisors and the Board of Commissioners, include a commitment of future years' CFH funding, to best facilitate the development process.

3.2. Project Evaluation / Funding Criteria

Proposals shall be evaluated based on how well the proposed project addresses the following policy areas:

- **County Fund for Housing Policy Priorities.** Proposals should address the priorities set forth in Section 2, Policy Priorities, as well as any additional priorities set forth by the Commission or the County via a notice of funding availability or request for proposals.
- **Project Sponsor Qualifications and Experience.** Project sponsors must demonstrate qualifications and experience per Section 3.3, Eligible Project Sponsors.
- **Cost Effectiveness and Feasibility.** Acknowledging that the CFH is a limited resource, project sponsors should demonstrate that the proposed project will be cost-effective and will leverage other funds in order to maximize the benefit to the community of the County's investment.

If necessary or appropriate, specific criteria shall be stated in a notice of funding availability or request for proposals.

3.3. Eligible Project Sponsors

Non-profit or for-profit project sponsors are eligible to receive funds for eligible activities as described in Section 4, Eligible Uses of Funds. Only project sponsors who are qualified to perform the activities for which they request funds shall receive money. For this purpose, "qualified" means that the sponsor has prior relevant experience and organizational capacity and is financially stable. Specific requirements, if any, shall be stated in a notice of funding availability or request for proposals.

Pursuant to the Sonoma County Housing Element, to increase the likelihood that units will remain affordable for a longer period of time, funding priority will be given to non-profit developers when it is practicable to do so.

3.4. Eligible Projects

Generally, eligible projects would include but not be limited to:

- Development projects which create affordable housing units
- Projects which preserve existing affordable housing units, through acquisition and/or rehabilitation
- Rental housing projects, including properties that provide Permanent Supportive Housing
- Below-market-rate homeownership projects
- Housing for special needs populations
- Emergency shelters, transitional housing, group homes, and other types of congregate facilities that serve special needs populations. Unless otherwise stated in this Policy, for these types of facilities, a bed is considered as a rental unit.
- Properties that will house residents receiving services from another County department, especially the Department of Health Services, the Human Services Department, and/or the Probation Department

CFH resources shall not be used to meet the inclusionary or workforce housing requirements required of developers by the jurisdiction in which the project is located.

3.5. Threshold Criteria / Other Conditions

3.5.1. General Plan Consistency

Proposed projects shall be consistent with the General Plan of the jurisdiction in which they are located. For projects in the unincorporated County, the Sonoma County “Permit Sonoma” Department shall review applications and determine whether or not proposed projects are consistent with the County’s General Plan. For projects within an incorporated city or town in Sonoma County, project sponsors shall obtain certification from the appropriate jurisdiction as to whether or not the proposed project is consistent with its General Plan.

3.5.2. Site Control

The project sponsor shall possess site control or own the site at the time of application. An executed long-term lease or option to execute a long-term lease, signed option or purchase agreement, or equivalent legally enforceable instrument may satisfy this requirement. The site control instrument shall be valid for at least twelve months after the anticipated date on which the Board of Supervisors approves the CFH awards.

3.6. Exceptions to Project Eligibility Criteria

Any requests for exceptions to these project eligibility criteria require the approval of the Board of Supervisors.

4. Eligible Uses Of Funds

4.1. Predevelopment

Eligible predevelopment expenses may include, but are not limited to, architecture and engineering fees, soils testing and other environmental review expenses, and project management expenses.

CFH funds shall not be used to pay for the project sponsor's overhead and general costs of operation or costs associated with site search.

4.2. Site Acquisition

Eligible site acquisition costs may include, but are not limited to, purchase agreement deposits, option payments, the purchase price of the site, due diligence studies and legal expenses related to the acquisition, repayment of the loan(s) that originally financed the purchase of the site (i.e., take-out financing), and other purchase costs such as buyer's share of closing costs (i.e., holding costs such as liability insurance and prorated property taxes, provided the project is not then currently operational). The purchase price shall not exceed the appraised value of the land.

4.3. Construction

Eligible direct construction costs may include, but are not limited to, demolition, on- and off-site improvements, construction of new residential units, construction of non-commercial common structures that are an integral part of a residential development, and rehabilitation of multifamily rental housing units.

Certain construction-related indirect costs are also eligible, including, but not limited to, project management, developer impact fees, building permit fees, and costs of state- and federally mandated tenant and business relocation.

4.4. General Cost Eligibility Provisions

CFH funds shall not be used to pay late or penalty fees, or the project sponsor's overhead and general costs of operation.

Eligible expenses initially paid for with the project sponsor's own or borrowed funds may be reimbursed with CFH proceeds provided such expenses were incurred in the three years prior to closing of the CFH financing.

5. Types Of Assistance

CFH resources may be invested in eligible projects in the form of loans or grants. In all cases, the Commission shall seek to minimize the amount of funds it invests in a single project, in order to maximize the number of projects and units facilitated with CFH. From time to time, the Commission, with guidance from the Board of Commissioners, may limit the amount of CFH assistance per affordable unit it will consider investing into certain project types.

The Commission shall generally prefer loans, to ensure that public funds are returned to the Commission over time to be reinvested.

The analysis of the amount and type of CFH required to render any project financially feasible will consider other factors, including whether the project will be competing for tax credits or other public resources.

5.1. Loans

The minimum CFH loan amount for any project shall be $100,000. The maximum loan amount shall vary over time, and in no case shall the maximum loan exceed the amount of CFH funds available in a single program year, unless a commitment of funding from future years is included by recommendation of the Executive Director and approval of the Board of Supervisors. Further, the amount of CFH invested as a loan in any single project shall not exceed the amount necessary to render the project financially feasible, considering then-current conventional underwriting standards, and capital available from other sources.

Loans shall carry interest rates approved by the Commission, and repayment obligations and schedules shall be based on the project’s available cash flow after payment of required operating expenses, reserves, and any required debt service, as applicable. For projects eligible for and utilizing federal Low Income Housing Tax Credits, CFH financing may be structured to be compatible with applicable program and investor requirements. Requirements related to residual receipts calculations and payment obligations are further described in the Commission’s Loan Policies.

5.2. Grants

The Commission may invest CFH funds in the form of grants for projects using the community housing land trust model to achieve affordability in perpetuity. The Commission may consider investing funds in the form of grants or equity contributions in other types of projects if repayment over time, even from residual receipts, is considered highly unlikely based on the project type, population served, and a related analysis of income potential from the property. This will generally not be the case for projects financed with tax credits.

6. Program Requirements

6.1. Regional Housing Needs Assessment Apportionment

With the exception of funding provided for emergency shelters, transitional housing, group homes, and other types of congregate facilities that serve special needs populations under Section 3.4 of this Policy, CFH funds may be awarded for projects that are located within the incorporated boundaries of municipalities only if the jurisdiction and County of Sonoma have executed a Regional Housing Needs Allocation (RHNA) Sharing Agreement.

6.2. Number of CFH-Assisted Units

The number of CFH assisted units will be calculated based on the Federal HOME Investment Partnerships (HOME) program per-unit subsidy limits model, which may be revised by the U.S. Department of Housing and Urban Development (HUD) periodically. The HOME program per-unit subsidy limits model refers to the State of California's per-unit maximum subsidy schedule, which is by unit size (e.g. number of bedrooms in the unit). The schedule of subsidy limits as of September 9, 2021, are as follows:

0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 & 5 Bedroom
$153,314	$175,752	$213,718	$276,482	$303,490

If the HOME program per-unit subsidy limits model is eliminated or substantially revised, the Commission shall apply a substantially similar calculation to determine the minimum number of CFH-assisted units, as approved by the Executive Director.

6.3. Compliance with Other Applicable Funding Policies

CFH-funded projects shall comply with this Policy, the Commission's Loan Policies, and the Sonoma County Affordable Housing Program Homeownership Policies.

6.4. Compliance with Applicable Laws and Regulations

6.4.1. Living Wage Ordinance

All project sponsors shall comply with Article XXVI – Living Wage, in Chapter 2 of the Sonoma County Code (http://sonomacounty.ca.gov/CAO/Living-Wage/Summary/).

6.4.2. California Environmental Quality Act

If applicable, all projects must receive local environmental clearance in accordance with the requirements of the California Environmental Quality Act (CEQA).

6.5. Timeliness

6.5.1. Site Acquisition Timeliness Requirements

Funds for site acquisition shall be spent within 18 months of Board of Supervisors approval of the CFH award. The project sponsor must satisfy all conditions of approval required for entering into a Funding Agreement within 12 months of Board of Supervisors approval of the CFH award.

If this timeliness requirement is not met, the funds shall be reprogrammed.

6.5.2. Construction Timeliness Requirements

Reimbursement for eligible expenses shall be initiated within 24 months of Board of Supervisors approval of the CFH award. The project sponsor shall satisfy all conditions of approval required for entering into a Funding Agreement within 12 months of Board of Supervisors approval of the award. All funds shall be disbursed within 30 months of Board of Supervisors approval of the CFH award.

If this timeliness requirement is not met, the funds shall be reprogrammed.

6.5.3. Extensions

Extensions of up to 12 months may be granted for good cause at the discretion of the Executive Director if they determine that there were unforeseen circumstances that caused the need for more time.

6.6. Specific Program Requirements for Rental Housing Projects

6.6.1. Affordable Rental Housing Agreement

Concurrently with recording of the CFH loan deed of trust, the Commission shall record an Affordable Rental Housing Agreement (ARHA) with the developer. The ARHA shall memorialize the affordability restrictions and other requirements that attach to the CFH loan and shall run with the land.

6.6.2. Affordability Period

All assisted units in rental developments shall remain affordable for a minimum of fifty-five (55) years.

6.6.3. Income Limits

Income limits for occupants of CFH-assisted units are published annually by the Commission. All CFH-assisted rental units shall initially be restricted and affordable to very low-income households with incomes up to 50 percent of area median income (AMI), as defined by the HUD, adjusted for household size. After initial qualification, a household occupying a very low-income unit may have its income increase up to 80 percent AMI (low-income), adjusted by household size.

6.6.4. Affordability and Physical Distribution of the Rental Units

The Commission shall approve the affordability mix of the development. The CFH-assisted units shall be distributed by unit size, amenity mix, and income affordability throughout the entire development.

CFH-assisted units in the development shall be floating units: Upon recertification of household income, if a household no longer qualifies as a low-income household, the developer may charge that household market rate for that unit, and the next available non-CFH-assisted unit shall be designated as a very low-income CFH-assisted unit.

6.6.5. Rent Limit

Maximum tenant-paid rent limits for CFH-assisted units are published annually by the Commission. The rent limit is calculated using the formula in California Health & Safety Code 50052.5 and 50053.

The appropriate utility allowance as published annually by the Sonoma County Housing Authority shall be deducted from the gross rent limit to determine the maximum tenant-paid rent.

6.7. Specific Program Requirements for Homeownership Projects

6.7.1. Affordable Housing Development Agreement

Concurrently with recording of the CFH loan deed of trust, the Commission shall record an Affordable Housing Development Agreement (AHDA) with the developer. The AHDA shall memorialize the affordability restrictions and other requirements that attach to the CFH loan and shall run with the land.

The Commission shall record the CFH AHDA against only the CFH-assisted parcels or units. In the same escrow in which an eligible home buyer purchases a CFH-assisted affordable unit, the Commission shall record either an affordability covenant or an option agreement with the buyer granting the Commission the first option to purchase the unit.

6.7.2. Occupancy and Income Limits

Income limits for CFH-assisted units are published annually by the Commission. CFH-assisted ownership units shall be reserved for and sold to homebuyer households at or below 120 percent of the area median income (AMI) for Sonoma County as established by the HUD, adjusted for household size. Further, at least 20 percent of all CFH-assisted ownership units must be restricted and affordable to low-income households with incomes at or below 80 percent AMI, adjusted for household size.

For example, to meet the <u>minimum</u> affordability requirements of the CFH program, an ownership development containing 10 CFH-assisted units would have the following affordability profile:

- 20 percent or two of the assisted units restricted and affordable to households at or below 80 percent AMI, adjusted for household size.
- The balance of the assisted units restricted and affordable to households at or below 120 percent AMI, adjusted for household size.

7. Staff Reporting

Commission staff will submit to the Board of Supervisors an annual progress report on the CFH. The report will include a narrative report of the activities that the CFH undertook during the previous fiscal year, the circumstances regarding any extensions of the timeliness requirements granted by the Executive Director, the funds the CFH disbursed during that year, funds available in the CFH at the close of the year, and the developments and units assisted during the year.

Appendix A: Definitions

Affordable housing. Housing which costs no more than 30 percent of a low-, very low-, or extremely low-income household's gross monthly income. For rental housing, the residents can pay up to 30 percent of gross income on rent plus tenant-paid utilities. For homeownership, residents can pay up to 30 percent on the combination of mortgage payments including PMI, taxes, insurance, and homeowners' association dues.

Amortized Payment Loan. A loan to be repaid, with interest and principal, by a series of regular payments that are equal or nearly equal, without any special balloon payment prior to maturity.

Area Median Income (AMI). The income figure representing the middle point of all Sonoma County household incomes. Fifty percent of households earn more than or equal to this figure and 50 percent earn less than or equal to this figure. The AMI varies according to the size of the household. The AMI for Sonoma County is published annually by the U.S. Department of Housing and Urban Development (HUD). As of May, 2022, the AMI for a four-person household in Sonoma County is $112,800.

Affordable Housing Agreement. A contract with the Commission executed by the developer of a residential project, and recorded against the subject property, that limits the sales price and/or monthly rent of specified dwelling units within the project, limits the income level of the household occupying the specified units, establishes a time period during which the specified units shall continue to be sold and/or rented at affordable prices, and which may contain administrative, enforcement, or other provisions to ensure that the specified units are sold and/or rented to targeted households at affordable sales prices and/or monthly rent over the entire term of the agreement.

CFH-assisted unit. A residential unit that is subject to rent or purchase price and occupancy restrictions as a result of the financial assistance provided by the CFH, as specified in the Affordable Housing Agreement.

Covenant. An agreement or promise to do or not to do a particular act or to use or not use property in a certain way (see Affordable Housing Agreement).

Deferred Payment Loan. A loan that is due and payable, with principal and either accrued interest or a share of appreciation, upon sale or transfer of the property or upon maturity on the loan. No regular payments are required with the final payment being due upon maturity as a balloon payment.

Density Bonus. A density increase allowed pursuant to the Sonoma County Zoning Regulations (Density bonus programs) over the otherwise maximum allowable residential density permitted in the applicable zoning district.

Executive Director. The executive director of the Sonoma County Community Development Commission, and/or the designee of the director.

Extremely low-income household. A household with a maximum income of the greater of (1) 30 percent of the area median income for Sonoma County, adjusted for household size, as established by the US Department of Housing and Urban Development; or (2) the poverty guideline, adjusted for household size, as established by the US Department of Health and Human Services.

Fair Market Value (FMV). For purposes of the initial sale of affordable ownership units, the fair market value as defined in the Sonoma County Zoning Regulations. For purposes of resale of affordable ownership units, the fair market value as determined according to the procedure set forth in the Option Agreement.

Funding Agreement. An unrecorded document setting forth the terms and conditions imposed upon the borrower in order to receive CFH or other Commission financing.

Housing Opportunity Site. A parcel or parcels of land designated by the County for affordable housing in compliance with the General Plan Housing Element and Section 26.89.050(F) of the Sonoma County Zoning Regulations.

HOME Maximum Per-Unit Subsidy Limits. The total amount of funds contributed to a project on a per-unit basis, not exceed the per-unit dollar limitations established by the State of California HOME Program.

Incentives. A modification of zoning code requirements (e.g., minimum open space, minimum lot size, setbacks, parking standards, etc.) or an allowance of other regulatory incentives or measures granted in exchange for the provision of affordable ownership housing or affordable rental housing pursuant to the Sonoma County Zoning Regulations.

Lien. A form of encumbrance that usually obligates specific property as security for the repayment of a debt.

Low-income household. A household with a maximum income of 80 percent of the area median income for Sonoma County as established by the US Department of Housing and Urban Development, adjusted for household size.

Market-rate unit. A dwelling unit in a residential project that is not restricted by an affordable housing agreement, and which is not expected to be provided as affordable to an extremely low-, very low-, or low-income household.

Option Agreement. An agreement granting the Commission a first right either to purchase an affordable ownership unit for a price established through a formula under the Agreement, or to assign the Commission's first right to an eligible buyer to purchase the affordable ownership unit at that price.

Permanent supportive housing. Rental housing with no limit on length of stay, occupied by a special needs population, which is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.

Reconveyance. An instrument used to transfer title to real property from a trustee to the equitable owner, when title is held as collateral security for a debt.

Regional Housing Needs Allocation (RHNA). The state-mandated process to identify the total number of housing units (by affordability level) that a jurisdiction must accommodate in its Housing Element.

Residual receipts. The amount by which a project's gross revenue exceeds its annual operating expenses in a particular calendar or fiscal year.

Share of Appreciation. A specified share of the appreciation in value of a particular affordable ownership unit equal to the ratio of the principal amount of the deferred payment loan to the FMV of the affordable ownership unit that the loan financed, at the time the loan was made, multiplied by the difference between the FMV at the time of resale and the FMV of the affordable ownership unit at the time the loan was made. To the extent permitted by applicable law, regulations, and any senior mortgage lender(s), the promissory note evidencing the deferred payment loan, a recorded covenant between the buyer and Commission, or another instrument shall require the seller of an affordable ownership unit, at resale, to pay the Commission the Commission's share of appreciation due under the promissory note, notwithstanding any prior prepayment by the seller of any principal or interest due on the loan.

Special needs populations. Special needs populations can include the elderly, persons with physical, mental, or behavioral disabilities, persons with HIV/AIDS, and/or persons with alcohol or drug addictions.

Sonoma County Community Development Commission. The Sonoma County Community Development Commission is established as a separate public and corporate entity pursuant to Section 34110 of the California Health and Safety Code, whose Board of Commissioners is comprised of the same members of the Sonoma County Board of Supervisors.

Sonoma County Community Development Committee ("CD Committee"). The advisory body for the Sonoma County Community Development Commission. The Committee reviews and makes recommendations on all matters that come before the Board of Commissioners, prior to any action being taken. The CD Committee is comprised of eight voting members. Seven members are appointed by the Board of Supervisors, two of whom are tenants of the Sonoma County Housing Authority, one of which is at least 62 years of age. One member is appointed by the Sonoma County Human Services Department Director.

Sonoma County Board of Commissioners. The governing Board of the Sonoma County Community Development Commission, comprised of the same members of the Sonoma County Board of Supervisors.

Sonoma County Board of Supervisors. The governing board of Sonoma County and of various special jurisdictions. The Board of Supervisors is comprised of five supervisors elected from supervisorial districts for four-year terms.

Very low-income household. A household with a maximum income of 50 percent of the area median income for Sonoma County as established by the US Department of Housing and Urban Development, adjusted for household size.