

RESOLUTION NO. 2021- 110

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AGREEING TO PARTICIPATE IN FUNDING FOR AN AFFORDABLE HOUSING DEVELOPMENT WITH RIALTO METROLINK SOUTH HOUSING PARTNERS, L.P.

On Tuesday, June 22, 2021, on motion of Supervisor Baca Jr., duly seconded by Supervisor Rowe and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

RESOLVED, by the Board of Supervisors (the "Board") of the County of San Bernardino (the "County") that:

WHEREAS, the California Tax Credit Allocation Committee ("TCAC") administers the federal and state Low-Income Housing Tax Credits ("Tax Credits") applications for allocations of Tax Credits to providers of housing units for Low-Income households; and

WHEREAS, in connection with applications for an allocation of Tax Credits, TCAC seeks affirmation from local agencies that proposed projects will receive additional financial assistance and that they meet specific housing objectives; and

WHEREAS, Rialto Metrolink South Housing Partners, L.P., a California limited liability partnership (the "Partnership") has requested the County to commit HOME Investment Partnerships (HOME) funds in the amount of **Two Million Two Hundred and Fifty Thousand Dollars (\$2,250,000)** (the "County HOME Loan"); to develop 55-units of low-income multifamily rental housing (the "Development") in order to provide increased affordable housing opportunities in the City of Rialto and the County; and

WHEREAS, the Partnership is seeking financial assistance from the County, and other funding sources, and will leverage the public assistance with private financing which is expected to include approximately **Sixteen Million Five Hundred Eighty-Five Thousand and Seventy-Eight Dollars (\$16,585,078)** in Tax Credit equity and other subordinate soft financing sources; and

WHEREAS, subject to Board of Supervisors approval, the County will continue to participate in the funding for this Development and expects to negotiate the terms of a HOME Loan Agreement and all related ancillary documents (the "HOME Loan Agreement") which would document compliance with the HOME Program Regulations and consistency with the housing needs identified in the County of San Bernardino's Consolidated Plan and the applicable regulations; and

WHEREAS, the City of Rialto has prepared a Mitigated Negative Declaration under the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) ("CEQA") requirements, pursuant to 14 CCR Section 15070 and filed a Notice of Determination under 14 CCR Section 15075. The County considered the environmental effects of the Development, and relied on the City-prepared Mitigated Negative Declaration, and the County has determined that no further CEQA analysis is required pursuant to 14 California Code of Regulations Section 15162, as there have been no changes to the Development that require any additional or supplemental environmental review; and

WHEREAS, in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4347) ("NEPA"), the County shall prepare or caused to be prepared the appropriate environmental documentation required under NEPA in connection with the approvals of the HOME Loan Agreement. Nothing in this resolution shall be construed to compel the County to approve or

make any particular findings with respect to such NEPA review, until completion of the environmental review by the County; and

NOW, THEREFORE, BE IT ORDERED by the Board of Supervisors of the County of San Bernardino as follows:

Section 1. The Board of Supervisors finds and determines that, the recitals of facts preceding this Resolution are true and correct and such recitals are incorporated into this Resolution by this reference.

Section 2. The Board of Supervisors finds and determines that, since the City's certification of the Mitigated Negative Declaration, there are no changes proposed in the Development, no new circumstances related to the project and no new information regarding the project that would require or allow any subsequent or supplemental environmental review of the Development, in accordance with Title 14 California Code of Regulations Section 15162.

Section 3. Provided that the terms and conditions of the HOME Program Requirements are met and NEPA review has been completed, and the HOME Loan Agreement is approved by the Board of Supervisors in the future between the Partnership and the County, the County commits to provide up to **Two Million Two Hundred and Fifty Thousand Dollars (\$2,250,000)** in HOME funds for the development of the Project.

Section 4. That the County Chief Executive Officer or the Deputy Executive Officer, are authorized to prepare issue and execute a commitment letter for the County HOME Loan in a form consistent with this Resolution and acceptable to the County Chief Executive Officer, or the Deputy Executive Officer, and County Counsel.

Section 5. That the County Chief Executive Officer or the Deputy Executive Officer, shall be authorized to execute any other form of document required by any lender, investor, regulator or other third party involved in the transaction, so long as the County Chief Executive Officer or Deputy Executive Officer and County Counsel determine that the substance of such resolution does not materially conflict with the substance and intent of this Resolution.

Section 4. This Resolution and the commitment related to the making of the HOME Loan and the County Affordable Housing Loans, hereunder shall terminate automatically without further action of the Board of Supervisors, and shall thereafter have no force or effect, on the later of: (i) the date set by TCAC for timely and complete applications for the second competitive 9% Tax Credits application round of 2021 (expected to be July 1, 2021), if the Partnership fails to submit a timely and complete application on such date; or (ii) the date set by TCAC to announce allocation awards for the second competitive 9% Tax Credits application round of 2022 (expected to be March 31, 2022), if the Partnership does not receive an allocation award on such date.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

ABSTENTIONS: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true, and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 22, 2021. #33 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy