

RESOLUTION NO. 2020- 94

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AGREEING TO PARTICIPATE IN FUNDING FOR AN AFFORDABLE HOUSING PROJECT WITH REDLANDS SUPPORTIVE HOUSING, L.P.

On Tuesday, June 9, 2020, on motion of Supervisor Gonzales, duly seconded by Supervisor Lovingood 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, under the California Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law") the Board of Supervisors (the "Board of Supervisors") of the County of San Bernardino (the "County") adopted and from time to time amended, the Redevelopment Plan (the "Redevelopment Plan") for the San Sevaine Redevelopment Project Area (the "Project Area"); and

WHEREAS, the Redevelopment Agency of the County of San Bernardino (the "Former Agency") was engaged in various activities in its efforts to remove the existing blighting conditions in the Project Area and to provide affordable housing that would be of benefit to the Project Area in accordance with the Redevelopment Plan, the Former Agency's most recent Implementation Plan ("Implementation Plan"), and the Housing Element of the County's General Plan (the "Housing Element"); and

WHEREAS, Section 34176.1(c)(1) allows the County in its capacity as housing successor to expend housing funds anywhere within the County's territorial jurisdiction and without the need of making a finding of benefit to the Project Area; and

WHEREAS, pursuant to ABx1 26 enacted effective June 28, 2011, as clarified and amended by AB 1484 effective June 27, 2012 (collectively, the "Redevelopment Dissolution Law") all California redevelopment agencies, including the Former Agency, were dissolved on February 1, 2012; and

WHEREAS, Section 34176(a) of the California Redevelopment Law (CRL) provides that the community that authorized the creation of a redevelopment agency may elect to retain as the successor housing agency, the housing assets and functions previously performed by the Former Agency; and

WHEREAS, the Board of Supervisors adopted Resolution No. 2012-01 electing to retain the housing assets and functions previously performed by the Former Agency; and

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, Redlands Supportive Housing, L.P., a California limited liability partnership (the "Partnership") has requested the County to commit: (1) HOME Investment Partnerships (HOME) funds in the amount of **One Million Three Hundred Five Thousand Dollars (\$1,305,000)** (the

"County HOME Loan"); (2) County Special Needs Housing Program Funds in the amount of **One Million Fifty Thousand Dollars (\$1,050,000)** (the "County SNHP Fund Loan"); (3) County Housing Asset Funds Program Funds in the amount of **One Million Fifty Thousand Dollars (\$1,050,000)** (the "County Housing Asset Fund Loan"); (4) County Housing Funds in the amount of **One Million Four Hundred Thirty-Seven Thousand Five Hundred Ten Dollars (\$1,437,510)** (the "County Housing Fund Loan"); (5) County Neighborhood Initiative Program Funds in the amount of **Six Hundred Thousand Dollars (\$600,000)** (the "County NIF Fund Loan", and collectively with the County SNHP Fund Loan, County Housing Asset Fund Loan, and the County Housing Fund Loan, the "County Affordable Housing Loans"); to develop 80-units of low income housing and a community building in order to provide increased affordable housing opportunities in the City of Redlands; 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 **Twenty Million Nine Hundred Ninety-Four Thousand Two Hundred Sixty Nine Dollars (\$20,994,269)** in Tax Credit equity and other subordinate soft financing sources; and

WHEREAS, on December 17, 2019 by adoption of resolution 2019-185, the County committed up to Six Million Seven Hundred Thousand Dollars, consisting of the funds in the preceding recital, to fund the County Affordable Housing Loans and authorized the Chief Executive Officer to prepare and issue a commitment Letter, delays in obtaining additional financing from the State of California Department of Housing and Community Development resulted in a need to expiration of commitment approved under Resolution 2019-185;

WHEREAS, the application deadline for the second competitive 9% Tax Credits application round is expected to be due on July 1, 2021, with expected allocations to be announced by September 30, 2021, at which time all sources of Project construction funding must be identified and committed; and,

WHEREAS, subject to Board of Supervisors approval, the County will continue to participate in the funding for this affordable family housing project and expects to negotiate the terms of a HOME Loan Agreement and County Affordable Housing Loan agreements (collectively, the "County Loan Agreements") which would document Project 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 associated with the County Affordable Housing Loans; and,

WHEREAS, the City of Redlands has prepared a 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 County-prepared Notice of Determination, and the County has determined that no further CEQA analysis is required pursuant to 14 California Code of Regulations Section 15162; 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 County Loan Agreements. 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 Supervisor 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 Supervisor finds and determines that, since the Board of Supervisors certification of the Notice of Determination, there are no changes proposed in the Project, 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 Project, 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 County Loan Agreements are approved by the Board of Supervisors in the future between the Partnership and the County, the County commits to provide up to: (1) **One Million Three Hundred Five Thousand Dollars (\$1,305,000)** in HOME funds for the development of the Project; and (2) **One Million Fifty Thousand Dollars (\$1,050,000)** in County SNHP Funds for the development of the Project; (3) **One Million Fifty Thousand Dollars (\$1,050,000)** in County Housing Asset Funds for the development of the Project; (4) **One Million Four Hundred Thirty-Seven Thousand Five Hundred Ten Dollars (\$1,437,510)** in County Housing Funds for the development of the Project; and (5) **Six Hundred Thousand Dollars (\$600,000)** in County NIF Funds for the development of the Project.

Section 4. That the County Executive Officer or the Deputy Executive Officer, are authorized to prepare issue and execute a commitment letter for the County HOME Loan and the County Affordable Housing Loans 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 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 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 2021 (expected to be September 30, 2021), 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: Robert A. Lovingood, Janice Rutherford, Dawn Rowe,
Curt Hagman, Josie Gonzales

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 9, 2020. #21 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy