

HOME NOFA Application

Governing Board Resolution Instructions

A Resolution granting authority to make an application to the HOME Program, duly executed by the governing board of the local jurisdiction, CHDO or Native American Entity, is required for submission of the application. An executed resolution must be included with every application submitted to the Department no later than the application deadline. The resolution must authorize:

- submittal of the application and the execution of the HOME Standard Agreement;
- the activity being proposed in the application;
- the amount of HOME funds being requested; and
- signature authority for HOME documents.

A sample resolution is included with this application form, on the following page. The Department highly encourages Applicants to use this resolution or, at a minimum, incorporate all elements of the sample into the Applicant's own resolution and put on organization letterhead. The resolution should be dated after the issuance date of the NOFA. **Please note that this resolution specifically includes the requested HOME Award amount in dollars, which is a mandatory element of the resolution.** The resolution also identifies the position(s) that will be authorized to sign reports and drawdown requests. The person attesting to the validity of the resolution cannot be the same individual as the one granted the authority in the resolution. If the Applicant Certification and Commitment of Responsibility form is submitted unsigned or is signed by someone not in a position authorized in the resolution, the Department may, in its sole discretion, reject the application.

This is intended to be a sample resolution authorizing submittal of an application to the Department and execution of various required documents. An Applicant may use another format if it contains the dollar amount of the application and all the authorizations contained in this sample.

City Jurisdiction applicants:

Pursuant to California Government Code sections 40601 and 40602, City Jurisdiction applicants must have the Mayor or Mayor pro tempore sign any written contracts and conveyances made or entered into by the city, unless the city has an ordinance in effect that specifically allows or designates contracts to be signed by an officer other than the mayor or mayor pro tempore.

Accordingly, if the city does not have a city ordinance described above, then the Department requires that the Mayor or Mayor pro tempore sign the HOME Standard Agreement as the authorized signer for the city and provide to the Department a resolution from the City Council authorizing the Mayor to sign the Agreement and related documents on behalf of the city. The mayor or mayor pro tempore may not delegate to a third party his or her authority to sign documents.

If the city does have an ordinance as described above, the Department requires the city to provide a copy of such ordinance, as well as a resolution that indicates the name and title of the city official(s) authorized to sign the Agreement and related documents. All required resolutions must be in form and content acceptable to the Department.

CHDO, Developer, and Native American Entities applying as a developer applicants:

CHDO Applicants and Developer applicants, including Native American Entities applying as a developer, must name the **title and current occupant** in the resolution. If the person occupying the position changes, the applicant must submit meeting notes or some other official documentation evidencing the change in persons occupying the authorized position. The additional documentation evidencing the name and title of authorized signatories need not be HOME-specific but may provide general authority evidencing the name and title of individuals authorized to legally bind the governing body.

Note: Resolution sample is on next page.

(SAMPLE) GOVERNING BOARD RESOLUTION

RESOLUTION NO. _____

THE GOVERNING BOARD OF

[Name of Applicant]

HEREBY AUTHORIZES: Submittal of an application to the California Department of Housing and Community Development for funding under the HOME Investment Partnerships Program; and if selected, the execution of a Standard Agreement, any amendments thereto, and of any related documents necessary to participate in the HOME Investment Partnerships Program.

WHEREAS:

- A. The California Department of Housing and Community Development (the "Department") is authorized to allocate HOME Investment Partnerships Program ("HOME") funds made available from the U.S. Department of Housing and Urban Development ("HUD"). HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and in Title 25 of the California Code of Regulations commencing with section 8200.
- B. On [date on HOME NOFA header], the Department issued a Notice of Funding Availability announcing the availability of funds under the HOME program (the "NOFA").
- C. In response to that HOME NOFA, _____ [insert name of Applicant] a _____ [insert the legal form of entity, e.g., municipal corporation, subdivision of the State of California, nonprofit corporation] (the "Applicant"), wishes to apply to the Department for, and receive an allocation of, HOME funds.

IT IS NOW THEREFORE RESOLVED THAT:

1. In response to the above-referenced HOME NOFA, the Applicant shall submit an application to the Department to participate in the HOME program and for an allocation of funds not to exceed _____ Dollars (\$_____) for the following activities and/or programs:

[Briefly describe the proposed activities and/or programs here]

to be located in _____ [activity/program location(s)].

2. If the application for funding is approved, then the Applicant hereby agrees to use the HOME funds for eligible activities in the manner presented in its application

as approved by the Department in accordance with the statutes and regulations cited above. The Applicant will also execute a Standard Agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program (collectively, the required documents).

3. The Applicant authorizes _____ [position title(s) of person(s) authorized, separated by "or", not by "and" or "and/or"] or their designee(s) to execute, in the name of the Applicant, the HOME Standard Agreement. ^{1, 2, 3}

4. The Applicant authorizes _____ [position title(s) of person(s) authorized, separated by "or", not by "and" or "and/or"] or their designee(s) to execute, in the name of the Applicant, all other required documents. ^{2, 3, 4}

Footnotes:

1. For cities, this must be the Mayor or Mayor pro tempore unless there's a city ordinance authorizing/designating a different officer to sign contracts on behalf of the city.
2. For counties, cities, and Native American Entities applying for Program Activities, the Department recommends that only titles, without names, be inserted in Sections 3 and 4 above, to avoid the need for an additional authorizing resolution whenever a personnel change occurs.
3. For CHDOs, developers, and Native American Entities applying for Project Activities as a developer, both a title and name must be included. CHDOs must also provide both for Program Activities.
4. Section 4 above is for all applicants who desire that a different, or additional signatories, be authorized to sign documents other than the HOME Standard Agreement.

PASSED AND ADOPTED THIS _____ DAY OF _____ 20__, BY THE FOLLOWING VOTE:

AYES: _____ **NAYS:** _____ **ABSTAIN:** _____ **ABSENT:** _____

The undersigned _____ [title of officer] of the Applicant does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing board of the Applicant passed and adopted at a duly convened meeting on the date set forth above, and said resolution has not been altered, amended, or repealed.
¹

Footnote ¹: An official cannot attest and certify, if listed as an authorized signer in Sections 3 or 4 above.

Name	Signature	Date
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