

Ann Sewill, General Manager  
Tricia Keane, Executive Officer

Daniel Huynh, Assistant General Manager  
Anna E. Ortega, Assistant General Manager  
Luz C. Santiago, Assistant General Manager

City of Los Angeles



Karen Bass, Mayor

LOS ANGELES HOUSING DEPARTMENT  
1910 Sunset Blvd, Ste 300  
Los Angeles, CA 90026  
Tel: 866.557.7368  
[housing.lacity.org](http://housing.lacity.org)

October 8, 2024

Council File: 23-0038-S8  
Council District: Citywide  
Contact Person(s): Ann Sewill  
Greg Good

Honorable Members of the City Council  
City of Los Angeles  
c/o City Clerk, City Hall  
200 North Spring Street  
Los Angeles, CA 90012

**CORRECTION MEMO: REVISED REPORT FROM THE LOS ANGELES HOUSING DEPARTMENT  
RECOMMENDING APPROVAL OF THE UNITED TO HOUSE LOS ANGELES (ULA) PROGRAM  
GUIDELINES, WITH REVISED IMPLEMENTATION RECOMMENDATIONS (C.F. No. 23-0038-S8)**

The Los Angeles Housing Department (LAHD) respectfully submits a revised report containing the proposed ULA Program Guidelines (C.F. No. 23-0038-S8), on behalf of the United to House LA (ULA) Citizen Oversight Committee (COC), and recommendations relative to adoption of the guidelines for eleven programs and key implementation actions.

The Fiscal Year (FY) 2024-2025 ULA Expenditure Plan, currently pending consideration by the City Council under Council File No. 23-0038-S7, requires minor revisions to allocate ULA revenue generated in the form of accrued interest through June 30, 2024. These revisions represent additional funding available to all ULA programs for the coming fiscal year. Where relevant, the enclosed report has been revised to reflect the updated FY 24-25 ULA Expenditure Plan. This includes revisions to the program funding amounts referenced in LAHD Recommendations 3 through 7, summary descriptions of potential program impact in Tables 1 through 3, and the FY 24-25 Quarterly Spending Plan in Table 6 and Attachment 2.

LAHD therefore recommends that the attached revised LAHD report dated October 8, 2024 replace the report submitted on August 26, 2024 under C.F. No. 23-0038-S8.

Approved By:

ANN SEWILL  
General Manager  
Los Angeles Housing Department

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Tricia Keane, Executive Officer

Daniel Huynh, Assistant General Manager  
Anna E. Ortega, Assistant General Manager  
Luz C. Santiago, Assistant General Manager

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**REVISED**

October 8, 2024

Council File: 23-0038-S8  
Council District: Citywide  
Contact Person(s): Ann Sewill  
Greg Good

The Honorable Karen Bass  
Mayor, City of Los Angeles  
Room 300, City Hall  
200 North Spring Street  
Los Angeles, CA 90012  
Attn: Heleen Ramirez, Legislative Coordinator

Honorable Members of the City Council  
City of Los Angeles  
c/o City Clerk, City Hall  
200 N. Spring Street  
Los Angeles, CA 90012  
Attn: Jason Lopez, Legislative Assistant

### **REVISED REPORT FROM THE LOS ANGELES HOUSING DEPARTMENT RECOMMENDING APPROVAL OF THE UNITED TO HOUSE LOS ANGELES (ULA) PROGRAM GUIDELINES, WITH MINOR AMENDMENTS, AND IMPLEMENTATION RECOMMENDATIONS**

#### **SUMMARY**

The General Manager of the Los Angeles Housing Department (LAHD) respectfully submits this report, including ULA Program Guidelines, on behalf of the United to House LA (ULA) Citizen Oversight Committee (COC), in accordance with the ULA measure and ordinance. This report recommends that the City Council adopt the guidelines for eleven programs as provided by the ULA ordinance, and recommends key actions needed to implement those programs. The attached proposed ULA Program Guidelines were approved by the COC at their meetings held on June 13, 2024, and August 15, 2024. Under separate cover, via email, the ULA Interim Inspector General also submitted the attached proposed ULA Program Guidelines to the City Council on August 26, 2024.

The ULA Program Guidelines recommended for Council approval in this transmittal are separate and distinct from ULA Interim Program Guidelines that Council and the Mayor approved last fiscal year. In the Fiscal Year 2023-2024 City budget, LAHD was authorized to spend up to \$150 million in ULA tax revenue on six program areas: Multifamily Affordable Housing, Short-Term Emergency Assistance, Eviction Defense and Prevention, Protections from Anti-Tenant Harassment, Tenant Outreach and Education, and Income Support for Rent-Burdened At-Risk Seniors and Persons with Disabilities. LAHD, on behalf of the COC, submitted Interim Program Guidelines for five of those expenditure categories, and Council approved those in Fall 2023. The sixth — Income Support for Rent-Burdened At-Risk Seniors and Persons with Disabilities (Income Support) — is still in development, as LAHD works to ensure that program participants who may currently receive existing public benefits do not have those benefits compromised as a result of participation in the program. The Department will soon be before Council with a proposal to finalize those *interim* guidelines and move forward with that one-time support program. The other interim programs have been implemented and the funds have either been spent or currently encumbered.

Due to concerns surrounding litigation challenging the validity of ULA, those Interim Program Guidelines facilitated a more limited launch of the ULA programs. The goal of the interim approach was to quickly start up programs that met urgent needs and could be quickly deployed without the start-up costs and long-term staffing commitments associated with creation of new City programs. As approved by Council and the Mayor, they were not intended to serve as the

long-term ULA program guidelines for those six programs.

Notwithstanding those interim efforts, the ULA measure and ordinance require the COC to develop long-term program guidelines to prioritize and guide the allowable uses of the House LA program funds for all eleven program categories. Toward that end, these attached ULA Program Guidelines were developed by the COC, with assistance from LAHD, within the framework of, and pursuant to, the ULA measure. They will replace any interim program guidelines, including the still-to-be-approved Interim Income Support Guidelines once that short-term program is completed.

The long-term ULA program guidelines provide information on how the use of ULA program funds will be prioritized and establish parameters for implementation. The program guidelines contain guidance on eligibility priorities, and on requirements concerning housing and program operations. The guidelines are not the equivalent of Notices of Funding Availability (NOFAs), Requests for Proposals (RFPs), or Applications; instead, they provide the parameters for the drafting of those documents, as necessary. The implementation of the House LA programs must comply with the requirements in Measure ULA and other relevant sections of the City's Municipal and Administrative Codes.

When approved, the Program Guidelines will allow LAHD to move forward in implementing the ULA Affordable Housing Program by soliciting proposals for new construction of permanent affordable housing units; developing infrastructure and capacity to implement social housing models; launching a citywide Naturally Occurring Affordable Housing (NOAH) Acquisition program; preserving and rehabilitating at-risk properties while also providing emergency operating assistance to buildings suffering from short-term economic shocks; and expanding the City's Homeownership Lower Income Purchasing Assistance (LIPA) program. Now that Measure HHH funds are exhausted or committed, and state and federal contributions to the City's housing pipeline remain limited, ULA funds will be the crucial and primary source of money for affordable housing production in the City for the near future. Therefore, it is critical that ULA Affordable Housing Programs support the Council and Mayor's goals concerning production and preservation of affordable and supportive housing to the greatest extent possible.

Approval of these ULA Program Guidelines will also result in implementation of the ULA Homelessness Prevention Program, including programs that protect against tenant harassment, prevent at-risk renters from being evicted, inform tenants and landlords of their rights and obligations, and provide cash assistance to some of the City's most vulnerable populations.

## **RECOMMENDATIONS**

That the City Council, with approval of the Mayor:

1. APPROVE the enclosed ULA Program Guidelines in Attachment 1, with the following amendments:
  - a. Amend page 42 of the Alternative Models for Permanent Affordable Housing: New Construction Program Guidelines, to read as follows: Term of Affordability Covenant: ~~The term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.~~ Permanent affordability is fundamental to the goals of ULA and the Alternative Models for Permanent Affordable Housing Program. As such, the term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity, or such other maximum length of time as may be permitted by applicable law. Exceptions shall be limited to circumstances in which a Project's financial viability is contingent on other funding sources that require a more limited affordability covenant. Under no circumstances shall a term of less than 55 years be applicable.
  - b. Amend page 61 of the Alternative Models for Permanent Affordable Housing: Preservation Program Guidelines, to read as follows: Term of Affordability Covenant: ~~The term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.~~ Permanent affordability is fundamental to the goals of ULA and the Alternative

Models for Permanent Affordable Housing Program. As such, the term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity, or such other maximum length of time as may be permitted by applicable law. Exceptions shall be limited to circumstances in which a Project's financial viability is contingent on other funding sources that require a more limited affordability covenant. Under no circumstances shall a term of less than 55 years be applicable.

- c. Amend page 93 of the Acquisition and Rehabilitation of Affordable Housing: Small NOAH Program Guidelines, to read as follows: Term of Affordability Covenant: ~~The term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.~~ Permanent affordability is fundamental to the goals of ULA and the Alternative Models for Permanent Affordable Housing Program. As such, the term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity, or such other maximum length of time as may be permitted by applicable law. Exceptions shall be limited to circumstances in which a Project's financial viability is contingent on other funding sources that require a more limited affordability covenant. Under no circumstances shall a term of less than 55 years be applicable.
  - d. Amend page 109 of the Acquisition and Rehabilitation of Affordable Housing: Preserving Affordability Program Guidelines, to read as follows: Term of Affordability Covenant: ~~The term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.~~ Permanent affordability is fundamental to the goals of ULA and the Alternative Models for Permanent Affordable Housing Program. As such, the term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity, or such other maximum length of time as may be permitted by applicable law. Exceptions shall be limited to circumstances in which a Project's financial viability is contingent on other funding sources. Under no circumstances shall a term of less than 55 years be applicable.
  - e. Amend page 200 of the Eviction Defense & Prevention Program Guidelines, to read as follows: 3.2 Program Budget: The ULA measure and ordinance allocates ten percent (10%) of overall annual program revenue ~~minus administrative costs, for a~~ “for a right-to-counsel program to provide housing-related legal services to Lower Income Household tenants threatened with eviction” that shall be the Eviction Defense and Prevention Program. Funding will be allocated for all services identified in *Sections 2.3 and 3.1.*
2. REQUEST that the ULA Citizen Oversight Committee (COC) report back subsequent to the next housing needs assessment mandated by LA Administrative Code Section 22.618.6(c)(2), with findings from its review of ULA programs and expenditures based on the housing needs assessment, compliance with the Housing Element, progress towards the Regional Housing Needs Assessment allocations, and progress towards Affirmatively Furthering Fair Housing, and whether any recommended adjustments to the Program Guidelines should be considered to better achieve the goals of ULA, including increased access to affordable, healthy, and stable housing, the achievement of racial equity goals and reversing of exclusionary practices, expanding affordable housing into all Council Districts to meet the need and reverse segregation, and prioritizing funding for programs focused on Acutely Low Income, Extremely Low Income, Very Low Income, and Low Income Households, and prioritizing rental subsidies to Acutely Low and Extremely Low Income Households.
  3. DIRECT the General Manager of LAHD, or designee, to reopen the NOFA for the Accelerator Plus Program, for a total amount of \$10,212,464 in Multifamily Affordable Housing Program funds, with the following amendments to the previously-approved NOFA, in order to strategically advance qualifying affordable housing projects in the existing portfolio that require supplemental funding to move forward:
    - a. Projects must exceed 40 units and be signatory to the City of Los Angeles Department of Public Works Master Project Labor Agreement;

- b. Construction shall not be more than sixty percent complete at the time of application;
  - c. Total project per unit loan amounts shall not exceed \$200,000 in LAHD loans;
  - d. If the Project Sponsor has previously received an allocation of Fast Track or Accelerator Plus loan funds, the Sponsor shall identify a financial contribution to assist with filling at least fifteen (15) percent of the identified funding gap, which could be provided as new or additional deferred developer fee, an increase in Limited Partner equity, or an increase in another non-LAHD or non-City source already committed.
4. DIRECT the General Manager of LAHD, or designee, to prepare the following solicitations for the Alternative Models for Permanent Affordable Housing Program:
  - a. A NOFA for the Alternative Models for Permanent Affordable Housing: New Construction Program, for a total amount of \$39,486,846, which is 60% of the total Alternative Models Program Funds for FY 24-25, to prioritize the new construction of affordable housing projects with 40 or more units, and return to City Council within 90 days for approval. The total NOFA amount could increase upon identification of additional sources of funding;
  - b. A NOFA for the Alternative Models for Permanent Affordable Housing: Preservation Program, for a total amount of \$26,324,564, which is 40% of the total Alternative Models Program Funds for FY 24-25, to prioritize the preservation, recapitalization, and/or the rehabilitation of at-risk affordable housing, and return to City Council within 90 days for approval. The total NOFA amount could increase upon identification of additional sources of funding.
5. AUTHORIZE the General Manager of LAHD, or designee, to issue a Request for Qualifications/Proposals (RFQ/P) to solicit a Fund Administrator to administer up to a total amount of \$14,624,758 in program funds for the Acquisition and Rehabilitation: Small Naturally Occurring Affordable Housing (NOAH) Program, which is 50% of the total Acquisition and Rehabilitation Program Funds for FY 24-25, in alignment with the scope of services described in the Program Guidelines, and return to City Council for contract approval.
6. DIRECT the General Manager of LAHD, or designee, to prepare a NOFA for the Acquisition and Rehabilitation: Preserving Affordability Program, for a total amount of \$14,624,758, which is 50% of the total Acquisition and Rehabilitation Program Funds for FY 24-25, to prioritize the acquisition and rehabilitation of, or extension of affordability covenants for, existing affordable housing with expiring covenants, and return to City Council within 120 days for approval. The total NOFA amount could increase upon identification of additional sources of funding.
7. AUTHORIZE the General Manager of LAHD, or designee, to expend up to \$11,699,806 in ULA Homeownership Opportunities Program funds, through the City's existing Low Income Purchase Assistance Program using the previously-approved Low Income Purchase Assistance Program Guidelines (Council File 22-0038), to provide down payment assistance to qualifying lower-income households who are first-time homebuyers.

## **BACKGROUND**

Measure ULA establishes eleven programs to address the lack of affordable housing in Los Angeles and provide protections and support to tenants. The measure and ordinance establish specific funding allocations for each program, and require that ULA revenues be placed in the House LA Fund and used for these specifically designated purposes.

### **House LA Programs**

The House LA Fund supports Programs that fall under two broad categories.

The first is the Affordable Housing Program, which must comprise 70 percent of annual ULA Program expenditures

and supports the construction, rehabilitation, and preservation of affordable housing. Affordable Housing Programs include:

- Multifamily Affordable Housing
- Alternative Models for Permanent Affordable Housing
- Acquisition and Rehabilitation of Affordable Housing
- Homeownership Opportunities, Capacity-Building, and Operating Assistance

The second is the Homelessness Prevention Program, which must comprise 30 percent of the ULA Program funds and supports efforts to stabilize lower-income tenants and prevent their displacement from their homes. Homelessness Prevention Programs include:

- Short-term Emergency Assistance
- Income Support for Rent-burdened At-risk Seniors and Persons with Disabilities
- Eviction Defense and Prevention
- Tenant Outreach and Education
- Protections from Tenant Harassment

### ULA Program Guidelines Requirements

Pursuant to Section 22.618.6(c)(1) of the Los Angeles Administrative Code (LAAC), the ULA Citizen Oversight Committee (COC) is tasked with advising LAHD, the City Council, and the Mayor on priorities and Program Guidelines for the implementation of programs funded by the ULA ordinance. Specifically, the ULA ordinance states that the COC shall have the authority to develop Program Guidelines and submit recommended guideline language for adoption by the City Council. Within 120 days of receiving the COC's recommended Program Guidelines, the City Council may adopt or amend the recommended guidelines. Any amendments must be consistent with ULA's purpose. If the City Council does not act within 120 days of receiving the COC's recommendation, the Program Guidelines shall be deemed approved.

At least every three years, the COC is tasked with conducting a needs assessment with respect to homelessness, housing affordability, tenant protections, and the housing needs of vulnerable populations. Pursuant to Section 22.618.6(c) (10) of the LAAC, based on the results of that needs assessment, as well as progress towards ULA goals articulated in the Measure, the COC shall review the programs and expenditures and recommend adjustments to the Program Guidelines to better achieve the goals of the ULA measure. The COC, LAHD, Mayor and City Council would follow the same procedures with preparation, review, amendment or approval of the proposed guidelines.

### Program Guideline Development Process

The proposed ULA Program Guidelines recommended by the COC represent hundreds of hours of collaboration, discussion, and consensus-building among a wide range of stakeholders and City partners. Through this process, members of the ULA COC and LAHD have worked as partners to develop Program Guidelines that deliver on the goals and priorities of ULA while accounting for key implementation considerations as well as the realities of the City's housing and homelessness prevention needs.

On October 11, 2023, the COC created an Ad Hoc Subcommittee on Permanent Program Guideline Development ("Ad Hoc Subcommittee") and appointed five members to the subcommittee. Soon thereafter, the full COC began hearing program design recommendations from the ULA Coalition, beginning in its November 2023 meeting and concluding at its March 2024 meeting.

In parallel, the Ad Hoc Subcommittee began drafting Program Guidelines with two groups:

- Over 18 meetings with LAHD, to deliberate over key program administration considerations.
- Five (5) meetings with a broader Working Group composed of City Council staff, Mayor's Office staff, LAHD,

members of the Ad Hoc Subcommittee, and representatives from the ULA Coalition, to share preliminary Ad Hoc recommendations and provide stakeholders with a forum to provide feedback and raise questions and concerns.

Based on Working Group feedback and Ad Hoc Subcommittee recommendations, LAHD staff drafted Program Guidelines for the Ad Hoc Subcommittee. After the Ad Hoc Subcommittee completed its markup of the draft Program Guidelines, final versions were transmitted to the full COC for approval. These documents represent the recommendations of the Ad Hoc Subcommittee, as amended and approved by the full COC.

The COC voted on June 13, 2024 to approve and recommend the following Program Guidelines to the City Council:

- Eviction Defense and Tenant Protection
- Tenant Outreach and Education
- Protections from Tenant Harassment

The COC voted on August 15, 2024 to approve and recommend the following Program Guidelines to the City Council:

- Multifamily Affordable Housing
- Alternative Models for Permanent Affordable Housing
- Acquisition and Rehabilitation of Affordable Housing
- Homeownership Opportunities
- Capacity-Building
- Operating Assistance
- Short-term Emergency Assistance
- Income Support for At-Risk Seniors and Persons with Disabilities

## **ULA PROGRAM GUIDELINES**

The ULA Program Guidelines provide the necessary parameters for the implementation of House LA Programs. This includes detailed summaries of program requirements, implementation procedures, program administrators and pertinent procurement considerations, relevant frameworks for drafting of future Notices of Funding Availability (NOFAs) or project Applications, prioritization and selection criteria for competitive project and contract awards, and required reporting of program metrics. Program Guidelines have been developed to comply with the requirements in Measure ULA, other sections of the City Code, and the ULA goals and priorities. Program Guidelines, as recommended by the COC, are provided in Attachment 1. Projects awarded funding under the Affordable Housing Programs will be selected through a competitive or open window process to ensure that such projects meet the intent, requirements, and priorities of the Program Guidelines.

Tables 1 and 2 on the following pages provide a summary of the key highlights of each of the program categories in the Affordable Housing Program and Homelessness Prevention Program, respectively. This includes a summary of the relevant program features, anticipated project types or program recipients, and projected outcomes.

These projected outcomes are intended to estimate the potential number of units that may be funded or the number of households that may be served by each Program category, based on the parameters of the proposed Program Guidelines. Projections for FY 2024-2025 are based on the Expenditure Plan for this same year. The FY 2024-2025 Expenditure Plan, endorsed by the COC and currently awaiting Council consideration via a separate transmittal, does not fund all ULA programs at full allocation due to the requirement that the City "true up" the previous year's anomalous allocations. To provide a point of comparison, Tables 1 and 2 also include projections for potential outcomes that may occur in a more typical program year, once the true up has been completed.

To further contextualize the proposed Program Guidelines, Table 3 provides examples of the potential types of project activities that could be supported by each of the ULA Affordable Housing Programs. ULA funds must be used to support the construction, preservation, or maintenance of deed-restricted affordable housing in a variety of potential project

types. While a range of possible projects is possible, not all project types are eligible for ULA funds.

Ineligible uses include interim housing, shelters, and non-residential facilities, except for mixed-use projects such as residential apartment buildings with services space or retail. LAHD will provide additional parameters for use of ULA funds in mixed-use projects in the upcoming NOFAs. Funds also cannot be used to support non-income-restricted units, except for the up to 20% unrestricted units provided in the Alternative Models Program.

Finally, it will be critical that ULA-funded projects demonstrate long-term financial feasibility, and supplemental underwriting requirements will be included in each NOFA. Given the limited allocation to the Operating Assistance Program, and the variability of the real estate market, that program will not have sufficient funding, at least in initial years, to reliably provide open-ended commitments of rental subsidies, such as the Project-Based Vouchers (PBVs) commonly used to subsidize Permanent Supportive Housing (PSH) projects. The Operating Assistance Program funds would instead be prioritized as an economic shock absorber to provide time-limited financial assistance to projects facing unexpected shortfalls.



Table 1. Program Summaries, Housing Production Programs

Program	Key Features	Anticipated Project Types	Assumption	Potential Output FY 24/25 (\$167m total revenue)	Potential Output Typical Year (\$296m total revenue)
Multifamily Affordable Housing	<ul style="list-style-type: none"> <li>40+ units</li> <li>Project Labor Agreement (PLA)</li> <li>Loan limits assume leveraging up to 2 additional public sources</li> </ul>	<ul style="list-style-type: none"> <li>New affordable housing with 40+ units</li> <li>Project Homekey (PHK) conversions if 40+ units and if project has vouchers</li> </ul>	\$150,000 per unit subsidy	Up to 60 units, funded by \$8,951,103	Up to 410 units, funded by \$61,409,115
Alternative Models - New Construction	<ul style="list-style-type: none"> <li>40+ units</li> <li>PLA</li> <li>Higher loan limits assume leveraging up to only 1 additional public source, rather than 2-3</li> <li>Tenant participation in governance</li> <li>Encourage tenant ownership</li> </ul>	<ul style="list-style-type: none"> <li>New affordable social housing with 40+ units</li> </ul>	\$300,000 per unit subsidy	Up to 130 units, funded by \$39,486,846	Up to 175 units, funded by \$52,197,748
Alternative Models - Preservation	<ul style="list-style-type: none"> <li>No minimum project size</li> <li>Prevailing wage, if below 40 units</li> <li>PLA, if 40+ units</li> <li>Loan limits assume leveraging up to 2 additional public sources</li> <li>Tenant participation in governance</li> <li>Encourage tenant ownership</li> </ul>	<ul style="list-style-type: none"> <li>Recapitalizations of financially insolvent affordable housing</li> <li>Capital improvements for deteriorated affordable housing</li> </ul>	\$200,000 per unit subsidy	Up to 130 units, funded by \$26,324,564	Up to 50 units, funded by \$9,211,367
Acq/Rehab - Small NOAH	<ul style="list-style-type: none"> <li>Administered by a contracted Fund Administrator that pre-approves loans</li> <li>3-20 units</li> <li>Prevailing wage</li> <li>Higher loan limits reflect the assumption that projects lack the cash flow to service hard debt and that the City will not obligate the applicants to pursue external soft sources of financing</li> <li>Tenant participation in governance</li> <li>Encourage tenant ownership</li> </ul>	<ul style="list-style-type: none"> <li>Acquisitions and capital improvements for small multifamily residential properties</li> </ul>	\$500,000 per unit subsidy	Up to 30 units, funded by \$14,624,758	Up to 30 units, funded by \$16,375,764
Acq/Rehab - Preserving	<ul style="list-style-type: none"> <li>No minimum unit size</li> <li>Prevailing wage, if below 40 units</li> </ul>	<ul style="list-style-type: none"> <li>Acquisitions and capital improvements for covenanted</li> </ul>	\$200,000 per unit subsidy	Up to 70 units, funded by	Up to 55 units, funded by \$10,917,176

Affordability	<ul style="list-style-type: none"> <li>• PLA, if 40+ units</li> <li>• Loan limits assume leveraging of additional public sources</li> <li>• Must have expiring affordability covenants within 10 years</li> <li>• Tenant participation in governance</li> <li>• Encourage tenant ownership</li> </ul>	affordable housing properties		\$14,624,758	
Homeownership Opportunities	<ul style="list-style-type: none"> <li>• 1 unit per loan</li> <li>• Interest-free loan program for lower-income first-time homebuyers</li> <li>• Shared appreciation model</li> </ul>	<ul style="list-style-type: none"> <li>• Purchases of detached single-family homes and attached single units within condominiums, shared-equity cooperatives, or tenancies-in-common</li> </ul>	\$200,000 to \$300,000 per unit subsidy	Up to 40-60 households served, funded by \$11,699,806	Up to 35-55 households served, funded by \$10,917,176
Operating Assistance	<ul style="list-style-type: none"> <li>• Term-limited financial assistance (equivalent to 2 years of operating deficits) to affordable housing projects facing economic shocks</li> <li>• Applicants must demonstrate viable stabilization strategy to exit assistance within 2 years</li> <li>• Prioritizes projects owned by nonprofits, CLTs, and tenants in shared-equity models, as well as ALI/ELI</li> </ul>	<ul style="list-style-type: none"> <li>• Nonprofit-managed projects that have LAHD loans</li> </ul>	\$10,000 per unit subsidy per year	Up to 1,460 units assisted for multiple years, funded by \$14,624,758	Up to 1,365 units assisted for multiple years, funded by \$13,646,470
Capacity Building	<ul style="list-style-type: none"> <li>• Facilitates tenant ownership and governance training for CLTs and other organizations that serve disadvantaged communities</li> </ul>	<ul style="list-style-type: none"> <li>• Alt Models and Acq/Rehab projects</li> </ul>	Projected Units Funded through Alt Models + Acq/Rehab	Up to 365 households served, funded by \$2,924,952	Up to 310 households served, funded by \$2,729,294

Table 2. Program Summaries, Homelessness Prevention Programs

Program	Key Features	Anticipated Recipients of Funding	Assumptions	Potential Output FY 24/25 (\$167m total revenue)	Potential Output Typical Year (\$296m total revenue)
Short-term Emergency Assistance	<ul style="list-style-type: none"> <li>May cover up to 6 months of rental assistance</li> </ul>	<ul style="list-style-type: none"> <li>Tenants below 30% AMI and at risk of displacement</li> <li>Landlords on behalf of tenants</li> </ul>	\$7,064 average rental arrears	0 households served, funded by \$0	Up to 1,930 households served, funded by \$13,646,470
Income Support for Rent-burdened and At-risk Seniors and Persons with Disabilities	<ul style="list-style-type: none"> <li>Monthly payments to households</li> <li>Households must be VLI, ELI, or ALI</li> <li>Households must have a member who is a senior or person with disability</li> <li>Includes benefits counseling to minimize disruption to other benefits.</li> </ul>	<ul style="list-style-type: none"> <li>Households must be VLI, ELI, or ALI</li> <li>Households must have a member who is a senior or person with disability</li> </ul>	\$800 in income support per month	Between 305 - 1,525 households served, funded by \$14,654,191	Between 570 - 2,840 households served, funded by \$27,292,940
Eviction Defense and Prevention	<ul style="list-style-type: none"> <li>Provides funding for a right-to-counsel program for Low Income Households to receive housing-related legal services</li> </ul>	<ul style="list-style-type: none"> <li>Nonprofits and legal aid providers</li> <li>Tenants in the form of rental debt settlement funding</li> </ul>	195 households served per \$1,000,000	Up to 1,220 households served, funded by \$6,249,515	Up to 5,330 households served, funded by \$27,292,940
Protections from Tenant Harassment	<ul style="list-style-type: none"> <li>Monitors and investigates tenant harassment claims and enforces tenant protections</li> <li>At least 30% of the allocation to this program must be to nonprofits for outreach</li> </ul>	<ul style="list-style-type: none"> <li>LAHD, for housing investigators and inspectors, and web development services</li> <li>City Attorney, for paralegals and attorney</li> <li>CBO's contracted with for tenant outreach</li> </ul>	2,176 cases per year per staff member	Up to 6,525 cases reviewed, funded by \$11,219,694 remaining from FY 23-24	Up to 10,445 cases reviewed, funded by \$8,187,822
Tenant Outreach and Education	<ul style="list-style-type: none"> <li>Provides tenant outreach, education, and housing navigation services</li> </ul>	<ul style="list-style-type: none"> <li>LAHD and nonprofits for outreach, marketing, training, and housing navigation</li> </ul>	43,548 households reached per \$1,000,000	Up to 15,100 households reached, funded by \$329,903	Up to 250,000 households reached, funded by \$5,458,588

**Total Units Produced, Preserved or Purchased:**

- *FY 2024-2025:* 460 to 480 units
- *Typical Year:* 755 to 775 units

**Total Households Served by Operating Assistance, Capacity Building:**

- *FY 2024-2025:* 1,825 households served
- *Typical Year:* 1,675 households served

**Total Households Annually Served by Homelessness Prevention Programs:**

- *FY 2024-2025:* 23,150 to 24,370 households served or contacted
- *Typical Year:* 268,275 to 270,545 households served or contacted

Table 3. Potentially Eligible Project Types by Production Program

<b>Project Type</b>	<b>Multifamily</b>	<b>Alt Models: New Construction</b>	<b>Alt Models: Preservation</b>	<b>Acq/Rehab: Small NOAH</b>	<b>Acq/Rehab: Preserving Affordability</b>	<b>Operating Assistance</b>
<i>Program Funding Allocation for FY 24-25</i>	<i>\$8,951,103</i>	<i>\$39,486,846</i>	<i>\$26,324,564</i>	<i>\$14,624,758</i>	<i>\$14,624,758</i>	<i>\$14,624,758</i>
New Construction of Affordable Housing	<b>Eligible<sup>1</sup></b>	<b>Eligible<sup>1,4</sup></b>	Ineligible	Ineligible	Ineligible	<b>Eligible</b>
Rehabilitation of Physically Deteriorating Affordable Housing Properties	<b>Eligible<sup>1</sup></b>	Ineligible	<b>Eligible<sup>4</sup></b>	Ineligible	<b>Eligible<sup>2,4</sup></b>	<b>Eligible</b>
Preservation of Financially Distressed Affordable Housing Properties	<b>Eligible<sup>1</sup></b>	Ineligible	<b>Eligible<sup>4</sup></b>	Ineligible	<b>Eligible<sup>2,4</sup></b>	<b>Eligible</b>
Preservation of Expiring Covenants	Ineligible	Ineligible	<b>Eligible<sup>4</sup></b>	Ineligible	<b>Eligible<sup>2,4</sup></b>	<b>Eligible</b>
Adaptive Reuse and Conversion to Permanent Affordable Housing	<b>Eligible<sup>1</sup></b>	<b>Eligible<sup>4</sup></b>	Ineligible	Ineligible	Ineligible	<b>Eligible</b>
Adaptive Reuse and Conversion to Permanent Supportive Housing	<b>Eligible<sup>1,3</sup></b>	<b>Eligible<sup>3,4</sup></b>	Ineligible	Ineligible	Ineligible	<b>Eligible</b>
Acquisition and Conversion of Properties to Interim Housing	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Acquisition and Rehabilitation of Naturally Occurring Affordable Housing (NOAH)	Ineligible	Ineligible	Ineligible	<b>Eligible<sup>4</sup></b>	Ineligible	<b>Eligible</b>
Interim Housing, Non-permanent Housing, or Shelters - New Construction, Conversion, Acquisition,	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible

Leasing						
Population-Specific New Construction Affordable Housing Projects (e.g., supportive housing <sup>3</sup> , transition-aged youth, domestic violence survivors)	Eligible <sup>1</sup>	Eligible <sup>1,4</sup>	Ineligible	Ineligible	Ineligible	Eligible

Notes:

- 1. Project must result in at least 40 deed-restricted affordable housing units.
- 2. Project must have affordable housing units with covenants that will expire within 10 years of project onset.
- 3. Project must secure external commitment of long-term rental subsidies such as Project-Based Vouchers (PBVs).
- 4. Project must comply with ULA social housing requirements, including resident governance.

## **KEY ISSUES**

While the proposed Program Guidelines recommended by the ULA COC represent consensus and agreement between LAHD and program partners on the vast majority of issues, there remains one outstanding issue area in which LAHD recommends amended language.

### **Term of Affordability Covenant and Leveraging**

The ULA ordinance includes a central requirement that all units funded by the ULA Affordable Housing Program be affordable in perpetuity, or such other maximum length of time as may be permitted by applicable law. The ULA ordinance provides an exception to this requirement, to permit an affordability covenant of no less than 55 years only if necessary to meet requirements of other funding sources (see LAAC Section 22.618.3(d)(1)(i)(b)(6)). Some public funding sources, including Low Income Housing Tax Credits (LIHTC), require no more than 55-year covenant terms in order to demonstrate financial feasibility for investment purposes.

Permanent affordability in particular is a key goal of the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation of Affordable Housing Program. While LAHD is equally supportive of permanent affordability, the Department is committed to maximizing the use of ULA and other City housing funds to produce and preserve as many units as possible. This is particularly important with voter-approved funds in order to demonstrate the responsible stewardship of those funds. To maximize production, the City has historically leveraged City dollars with County, State, and federal Low Income Housing Tax Credit dollars. Our success in producing 12,000 units with HHH and other City dollars depended on this leveraging; without it we would have produced fewer than 3,000 units.

Leveraging creates requirements such as demonstrating to the IRS that the Low Income Housing Tax Credit investments are true investments, likely to produce a return of capital. Historically this has meant that LIHTC projects cannot use affordability covenants of more than 55 years. As a practical matter, although the 55-year mark has not been reached on that portfolio, most projects require re-financing and re-syndication long before the end of the covenant period. With those actions, the covenant period is restarted.

To maintain the option of leveraging our resources with others — and not risk precluding good projects that meet the goals of ULA — LAHD recommends that any Program Guideline language provide the same flexibility provided by the ULA ordinance. This would allow for projects that receive ULA funds to be eligible to leverage, even in the event that the funding source allows for no more than a 55-year covenant. This is specifically allowed for in the ULA measure and ordinance.

These projects will be subject to all other requirements outlined in the ordinance and Program Guidelines for these programs, including tenant participation in governance and potential ownership, as well as the requirement that the projects include 40 or more units and be signatory to a compliant Project Labor Agreement (PLA). Finally, in recognition of the dynamic and emerging nature of the new housing models envisioned under the Alternative Models and Acquisition and Rehabilitation Programs, the proposed Program Guidelines include a provision that provides flexibility to revisit the financing terms and covenant requirements as the social housing model evolves.

Therefore, LAHD recommends that the City Council revise the draft Program Guidelines to maintain this flexibility with respect to financing sources, and recommends modification of the “Term of Affordability Covenant” in the following sections:

- Section 2.5 of the Alternative Models for Permanent Affordable Housing: New Construction Program Guidelines, page 42;
- Section 1.7 of the Alternative Models for Permanent Affordable Housing: Preservation Program Guidelines, page 61;
- Section 2.5 of the Acquisition and Rehabilitation of Affordable Housing: Small NOAH Program Guidelines, page 93; and

- Section 2.5 of the Acquisition and Rehabilitation of Affordable Housing: Preserving Affordability Program Guidelines, page 109.

Each of these sections should be revised to read as follows (deleted text is in ~~strike through~~, new recommended text is in underline):

Term of Affordability Covenant: ~~The term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.~~ Permanent affordability is fundamental to the goals of ULA and the Alternative Models for Permanent Affordable Housing Program. As such, the term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity, or such other maximum length of time as may be permitted by applicable law. Exceptions shall be limited to circumstances in which a Project's financial viability is contingent on other funding sources that require a more limited affordability covenant. Under no circumstances shall a term of less than 55 years be applicable.

#### Technical Correction

A technical correction is additionally required in the Eviction Defense and Prevention Program Guidelines, page 200, to remove an erroneous reference to administrative costs. As such, LAHD recommends the following revision to the "Program Budget" in Section 3.2 of the Eviction Defense and Prevention Program Guidelines:

3.2 Program Budget: The ULA measure and ordinance allocates ten percent (10%) of overall annual program revenue ~~minus administrative costs, for a~~ "for a right-to-counsel program to provide housing-related legal services to Lower Income Household tenants threatened with eviction" that shall be the Eviction Defense and Prevention Program. Funding will be allocated for all services identified in *Sections 2.3 and 3.1*.

#### **QUARTERLY IMPLEMENTATION AND SPENDING PLAN**

Based on the provisions of the proposed ULA Program Guidelines, the Department has prepared a quarterly implementation plan for FY 24-25 that includes key milestones and program activities, as well as primary staff activities that will be needed to facilitate and support those activities. A summary of the key milestones for the Affordable Housing and Homelessness Prevention Programs is provided below.

In addition to the Program Activities summarized below, LAHD will continue to conduct key administrative activities as work continues to build to full ramp-up of ULA Programs. This includes developing a detailed staffing plan, including structure, placement, and job description for a permanent Inspector General, which will be transmitted to the City Council for consideration in Fall 2024. Following approval of that staffing plan and allocation of positions, LAHD will work with Personnel to proceed with the hiring of key ULA staff positions needed to ramp up full program implementation. Given that new staff are unlikely to be hired and on boarded prior to calendar year 2025, LAHD may use contractors to assist with the drafting of Notices of Funding Availability (NOFAs), and the development of needed systems improvements. Additionally, following resolution of pending litigation, LAHD will coordinate with the Mayor and the City Council to establish the Tenant Council, consistent with LAAC Section 22.618.3(d)(2)(ii)d.

#### Administration

Pursuant to the ULA measure and ordinance, Administration costs shall be capped at no more than 8% of total ULA revenues. The overall Administration allocation is further divided, with a minimum of 3% of the Administration fund to be allocated to administration and staffing expenses of the COC. Administration costs support staffing activities associated with program administration by City staff, as well as for staff time for oversight of contracts for programs primarily administered via contractors. Costs for directly operating programs, including costs for City staff and/or third-party contractors to execute actual program services (for example, staffing costs for Housing Investigators or Inspectors or Attorneys associated with enforcement of the Tenant Anti-Harassment Ordinance), are considered Program costs.



Critical immediate implementation steps for the following House LA expenditure categories include:

### Multifamily Affordable Housing

The Multifamily Affordable Housing Program's expenditure allocation in FY 2024-2025 is limited due to necessary true-up adjustments, as provided in the FY 2024-2025 Expenditure Plan currently under Council consideration via separate transmittal. After rolling over unspent Multifamily Affordable Housing Program funds from FY 2023-2024, the available funding is \$10,212,464. LAHD recommends that these funds be spent by reopening the Accelerator Plus NOFA, with additional clarifications, to solicit applications from project sponsors facing financing gaps preventing advancement of those projects.

### Alternative Models for Permanent Affordable Housing

One immediate step LAHD recommends is the launch of the Alternative Models for Permanent Affordable Housing Program — an innovative overlay of a production and preservation program that supports the creation of a new social housing production program. Consistent with the Program Guidelines when approved, LAHD will issue NOFAs for the Alternative Models for Permanent Affordable Housing: New Construction Program and Alternative Models for Permanent Affordable Housing: Preservation Program in the third or fourth quarter of this fiscal year. LAHD will return to the City Council within 90 days for approval of each NOFA.

### Acquisition and Rehabilitation of Affordable Housing

The Acquisition and Rehabilitation of Affordable Housing: Small NOAH Program is proposed to be administered by a contracted Fund Administrator. In order to facilitate the urgent acquisition of small at-risk properties and prevent displacement of tenants, the Small NOAH Program is intended to move funds more expeditiously and flexibly than can be feasibly achieved under existing City processes. For example, the Fund Administrator will engage in pre-approving loans to qualified applicants, which is not a procedure that LAHD undertakes in any existing program. Therefore, consistent with the recommendations of the COC, LAHD seeks authorization from the City Council to issue an RFQ/RFP to procure a contract Fund Administrator to conduct the scope of services described in the Program Guidelines. Upon selection of a contractor, LAHD will return to the City Council for contract authorization. The selected contractor's compensation will be capped at up to two percent (2%) of the total contract amount, plus the option of a one-time cash advance for startup costs.

The Acquisition and Rehabilitation of Affordable Housing: Preserving Affordability Program would establish a program to facilitate the acquisition and preservation of deed-restricted affordable housing that has expiring covenants. To support the launch of this program, LAHD will develop a NOFA and present it to the City Council for approval within 120 days. This will support the goal of issuing the NOFA for this program in the third or fourth quarter of this fiscal year, with the goal of issuing funding awards by June 30, 2025.

### Homeownership Opportunities

The Homeownership Opportunities Program funds are proposed to build on the existing successful framework of the City's Low Income Purchase Assistance (LIPA) program. The proposed ULA Program Guidelines for this program are consistent with the existing LIPA program, and LAHD requests approval from the City Council to expend the ULA Homeownership Opportunities program funds via the LIPA program. Under the current approach, independent lending partners originate a first mortgage to LIPA recipients. Through the LIPA program, the City provides a second mortgage with 0% interest and deferred payments to assist the homebuyer with the gap between the total purchase costs and the borrower's minimum 1% down-payment contribution, plus the conventional mortgage affordable to the borrower. LAHD proposes to continue administering the LIPA program under the same framework, in alignment with the previously-approved Low Income Purchase Assistance Program Guidelines (Council File 22-0038). This approach will enable LAHD to open applications in the third quarter of this fiscal year, and would not necessitate a ramp-up of new program infrastructure or procurement activities.

Income Support for Rent-Burdened At-Risk Seniors and Persons with Disabilities

LAHD will further analyze program options to implement the long-term Income Support Program Guidelines and report to the City Council with a proposed implementation plan.

Table 4. Key FY 24-25 Implementation Activities, Affordable Housing Programs

<b>Program</b>	<b>Q1 (Jul.-Sept.)</b>	<b>Q2 (Oct. - Dec.)</b>	<b>Q3 (Jan. - Mar.)</b>	<b>Q4 (Apr. - Jun.)</b>
Multifamily Affordable Housing	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Applications Received	Announce Funding Awards
Alternative Models: New Construction	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Prepare/Release NOFA	Announce Funding Awards
Alternative Models: Preservation	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Prepare/Release NOFA	Announce Funding Awards
Acq/Rehab: Small NOAH	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Prepare/Release Fund Administrator RFP	<ul style="list-style-type: none"> <li>- Complete Fund Administrator Procurement</li> <li>- Program Application Window Opens</li> </ul>
Acq/Rehab: Preserving Affordability	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Prepare/Release NOFA	Announce Funding Awards
Homeownership Opportunities	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Open Funding Cycle	Open Funding Cycle
Capacity-Building	Program Guidelines Recommended by COC	<ul style="list-style-type: none"> <li>- Program Guidelines Approved by early Q2</li> <li>- Release Capacity-Building RFP/Q as directed by CF 23-0038</li> <li>- Capacity-Building Start-up Grant (\$300k) Awarded</li> </ul>	Capacity-Building Program Framework Developed	

Operating Assistance	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Prepare/Release NOFA	Announce Funding Awards
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Table 5. Key FY 24-25 Implementation Activities, Homelessness Prevention Programs

<b>Program</b>	<b>Q1 (Jul.-Sept.)</b>	<b>Q2 (Oct. - Dec.)</b>	<b>Q3 (Jan. - Mar.)</b>	<b>Q4 (Apr. - Jun.)</b>
Short-Term Emergency Assistance	Program Guidelines Recommended by COC	<ul style="list-style-type: none"> <li>- Program Guidelines Approved by early Q2</li> <li>- No Program Activities in FY 24/25 given limited funding due to true-up</li> </ul>		
Income Support	Program Guidelines Recommended by COC	Program Guidelines Approved by early Q2	Return to Council with program framework and requests for necessary authorities	Implementation Commences
Eviction Defense and Prevention	Program Guidelines Recommended by COC	<ul style="list-style-type: none"> <li>- Program Guidelines Approved by early Q2</li> <li>- Launch full program implementation and expansion</li> </ul>		
Tenant Outreach and Education	Program Guidelines Recommended by COC	<ul style="list-style-type: none"> <li>- Program Guidelines Approved by early Q2</li> <li>- Launch full program implementation</li> </ul>		
Protections from Tenant Harassment	Program Guidelines Recommended by COC	<ul style="list-style-type: none"> <li>- Program Guidelines Approved by early Q2</li> <li>- Finalize platform rollout and complete hiring for existing allocated positions</li> </ul>	Launch full program implementation	

### Quarterly Spending Plan

In addition to the quarterly implementation plan, the Department has prepared a quarterly spending plan for FY 24-25, that provides a summary of the anticipated expenditure amounts for administration and each program category. These expenditure amounts reflect a high-level estimate of the breakdown of program funding that may be committed in a given quarter; actual spending may occur at later dates. This spending plan is based on the FY 24-25 Expenditure Plan which is currently awaiting consideration by the City Council, and informed by the quarterly implementation plan. A detailed spending plan is provided in Attachment 2, and summarized in Table 6 below.

It is anticipated that the litigation challenging the validity of ULA may be resolved at some point before the end of calendar year 2024. In the event that the City prevails in the litigation, it will be free and clear of any potential obligation to refund ULA revenues collected to-date. In case the City does not prevail, and ULA revenues must be refunded, the Department will work with the CAO to identify funds necessary to backfill potential programmatic expenditures that would occur in quarters 1 and 2 of this fiscal year.

Beyond the spending plan shown below, during this fiscal year the Department will continue implementation and spending associated with the previously-approved FY 23-24 Expenditure Plan. This includes spending of the \$300,000 administration costs that were allocated to the Capacity-Building program for start-up costs as well as the \$11,000,000 allocated to the Interim Income Support Program. These program costs are anticipated to be spent in quarters 1 and 2 of this fiscal year.

The proposed FY 24-25 Expenditure Plan does not allocate funds to the Program Stabilization Fund for this fiscal year, due to the required true-up process. In future years, the Program Stabilization Fund is anticipated to receive trued-up allocations necessary to bring the fund's overall allocation in line with the required allocations in the ULA measure and ordinance. Upon establishment of the Program Stabilization Fund, pursuant to the requirements of LAAC Section 22.618.3(d)(1)(ii)e, that fund will be available to address periodic revenue shortfalls for ULA Programs that require a consistent revenue stream, as advised by LAHD and the COC and authorized by the City Council.

*Table 6. FY 24-25 Quarterly Spending Plan*

<b>Expenditure Category</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
<b>Administration</b>	<b>\$1,228,462</b>	<b>\$3,358,590</b>	<b>\$3,358,590</b>	<b>\$5,488,719</b>	<b>\$13,434,361</b>
<b>Programs - Total</b>	<b>\$0</b>	<b>\$2,193,139</b>	<b>\$9,505,518</b>	<b>\$142,796,495</b>	<b>\$154,495,153</b>
Housing Production Programs	\$0	\$0	\$7,312,379	\$125,949,165	\$133,261,543
Homelessness Prevention Programs	\$0	\$2,193,139	\$2,193,139	\$16,847,331	\$21,233,610
<b>Total Quarterly Spending Plan</b>	<b>\$1,228,462</b>	<b>\$5,551,730</b>	<b>\$12,864,109</b>	<b>\$148,285,214</b>	<b>\$167,929,514</b>

## **NEXT STEPS**

In order to successfully meet the timelines identified in the Implementation Plan, below is a tentative timeline for completion of key next steps.

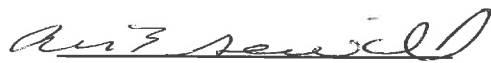
- October 2024: LAHD will present a detailed staffing plan, including recommendation for the establishment of a permanent ULA Inspector General, to the Mayor and City Council for consideration.
- January 2025: LAHD will return to the City Council with Notices of Funding Availability (NOFAs) for approval, based on the recommendations provided in this report.
- Early 2025: LAHD will work with Personnel to proceed with the hiring of key ULA staff positions needed to ramp up full program implementation.
- Early 2025: LAHD will work with ULA COC, Personnel, and the CAO, to implement an approved structure and staffing plan for the permanent ULA Inspector General.

## **CONCLUSION**

As described above, LAHD is currently in the process of evaluating staffing needs that will be necessary to support implementation of ULA Programs. The Department anticipates presenting a subsequent report with a detailed staffing plan and relevant recommendations in Fall 2024.

Concurrent with this work, upon adoption of the ULA Program Guidelines, LAHD will undertake the necessary steps required to launch implementation of all programs. The Department looks forward to the Council's consideration of the draft ULA Program Guidelines.

Approved By:



ANN SEWILL  
General Manager  
Los Angeles Housing Department

## **ATTACHMENTS:**

- Attachment 1. ULA Program Guidelines
- Attachment 2. ULA Quarterly Spending Plan FY 2024-2025



# United to House Los Angeles

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## PROGRAM GUIDELINES

August 15, 2024



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# ULA MULTIFAMILY AFFORDABLE HOUSING PROGRAM GUIDELINES

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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A. United to House LA Measure

## **INTRODUCTION**

### **1. Program Summary**

#### **a. Goals and Requirements**

The Multifamily Affordable Housing Program is a United to House LA (ULA) housing production program which aims to catalyze the development of the maximum number of affordable housing units possible, which in most cases will be achieved by leveraging local, state, and federal funding sources. The Program uses local funding to access additional public subsidies, allowing the Program to construct more affordable housing with less cost to the City.

Successful applicants under the Program would be required to seek outside resources or funding from competitive sources to fully fund project costs, prior to the start of construction.

Following is a summary of universal ULA requirements that must be met in all ULA Affordable Housing Programs, as further delineated in Los Angeles Administrative Code Section 22.618.3(d)(1)(i):

- All units affordable to Lower Income Households, with a limited exception for units created using the Alternative Models for Permanent Affordable Housing Program.
- All units are affordable in perpetuity, with limited exception to permit 55-year terms if required by other funding sources in the project.
- Resale of rental property is restricted to Nonprofits, Limited Equity Housing Cooperatives (LEHCs) and/or Community Land Trusts (CLTs).
- One-to-one replacement of existing qualifying units is required, as verified by a Replacement Unit Determination (RUD) from LAHD.
- Projects must provide relocation benefits and right of first refusal to any qualifying existing occupants.
- Prevailing wage is required for all construction activities.
- A Project Labor Agreement (PLA) is required for construction and rehabilitation of 40 or more units.

Additionally, the below requirements shall be applicable to all activities under the Multifamily Affordable Housing Program:

- Funds shall be used to produce the greatest number of affordable units possible. Usually this will require using ULA funds in conjunction with federal, state, and local affordable housing funding sources, such as Low-Income Housing Tax Credits (LIHTC), although projects that meet leveraging requirements by other sources such as land donation or philanthropic contributions shall be eligible.

- Allocation of funds and program requirements shall align with the City's housing goals, including those set forth in the Regional Housing Needs Assessment, the Housing Element, the Comprehensive Homeless Strategy, and legal settlements applicable to housing production.

## **2. Context**

The State of California's Regional Housing Needs Assessment (RHNA) obligates the City of Los Angeles to facilitate the production of sufficient units to meet housing needs at all income levels, which include needed housing for forecasted population growth and household formation, as well as unmet needs from prior years. In the eight year period from 2021 to 2029, the City's RHNA goal is 456,643 units. Of these, 184,721 units must be affordable to lower-income households. This means that the City must produce affordable housing at an average rate of 23,090 units per year in order to meet the RHNA goal. ULA is a significant funding source to help the City meet this need.

ULA provides funding for several affordable housing production paradigms. Among these, the Multifamily Affordable Housing program requires that its funds be used in conjunction with other state, local, or federal funding sources in order to maximize investment of program funds and support production of affordable housing needed to help meet RHNA goals. Other ULA housing production and preservation programs include the Alternative Models for Affordable Housing Program and the Acquisition and Rehabilitation Program.

Each year the Los Angeles Housing Department (LAHD) and the ULA Citizens Oversight Committee (COC) will present a summary of housing needs and production to the City Council and Mayor. LAHD will include in this annual report a summary of all city-controlled funding sources for housing production and preservation, to facilitate the consideration of the use of ULA funds within the context of the City's overall housing needs and resources.

## **3. Commitment to Racial Equity**

Existing data and scholarship confirm that Black, Latinx, and other communities of color are disproportionately affected by homelessness, housing insecurity, and lack of affordable housing options. These Multifamily Affordable Housing Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

The implementation of the Multifamily Affordable Housing Program has a primary goal of adhering to principles of racial equity, with a focus on addressing affordable housing needs.

Consistent with this commitment to promote racial equity, the Multifamily Affordable Housing Program is designed to be attuned to the needs and realities of historically marginalized

communities, and how racism, as well as disability, transphobia, sexism, and other community experiences affect the vulnerability of a neighborhood, and its experiences. To this end, the Multifamily Affordable Housing Program provides resources to proactively address racial and economic segregation throughout the City by creating housing opportunities that address historic patterns of discrimination and exclusion, including by promoting the creation of affordable housing in Higher Opportunity Areas.

#### **4. Program Metrics**

The Los Angeles Housing Department (LAHD) will collect information in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Multifamily Program. To the extent feasible, this information includes but is not limited to, the number of units produced, the number of residents located within each project, and the number of jobs created. Development activities will be tracked by dollars spent on housing construction.

<b>Goal</b>	<b>Metrics</b>
Produce new affordable housing units, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of units produced by income category.</li> <li>• Number of units produced in High or Highest Resource Areas as indexed by the CTCAC/HCD Opportunity Map.</li> <li>• Number of units produced in Racially/Ethnically Concentrated Areas of Poverty (R/ECAP).</li> <li>• Number of units produced in Racially Concentrated Areas of Affluence (RCAA).</li> <li>• Number of units produced on public land.</li> <li>• Number of units produced near public transit.</li> <li>• Number of units produced on land owned by faith-based institutions.</li> </ul>
Create construction jobs from development projects, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of jobs created, disaggregated by: <ul style="list-style-type: none"> <li>○ race/ethnicity;</li> <li>○ gender; and</li> <li>○ share of workers living within the City of Los Angeles.</li> </ul> </li> <li>• Number and percentage of Apprentice hours worked on development projects</li> <li>• Number and percentage of Targeted Local Hire hours worked on development projects</li> </ul>
Create high quality affordable housing opportunities for people, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of people housed in units produced, to be disaggregated by the ULA measure and ordinance reporting requirements.</li> </ul>

Maximize ULA investment by ensuring cost effectiveness and leveraging of additional public resources, and ensuring timely delivery of needed housing.	<ul style="list-style-type: none"><li>• Total Development Cost (TDC) per unit per project by project type and program</li><li>• Ratio measuring the dollar amount leveraged from state and federal sources for every \$100,000 in ULA program dollars invested into a project.</li><li>• Number of Months Elapsed from First Predevelopment Activity to Placed-In-Service</li></ul>
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LAHD shall analyze these and potentially additional metrics and participant data annually and provide a summary of its analysis to the COC to allow for an assessment of whether the Program is meeting its goals and priorities.

## 5. Branding

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## 6. Definitions

“Acutely Low-Income” shall have the same meaning as in Section 50063.5 of the California Health and Safety Code.

“*Audited Financial Statement(s)*” shall mean organizational records covering the balance sheet, statement of cash flow, and other documents describing the organization’s financial position and that have been reviewed and approved by independent third-party auditors.

“*Borrower(s)*” shall mean an entity that has been approved for or received a loan from the Los Angeles Housing Department (“LAHD”) that has remaining interest or principal to be paid, or for which the term of the loan has not yet expired.

“*California Tax Credit Allocation Committee*” shall mean the state agency that creates the Qualified Allocation Plan (“QAP”) for allocating Low Income Housing Tax Credits (“LIHTC”) within the State of California. It is also abbreviated as “CTCAC” or “TCAC.” The QAP published by CTCAC/TCAC is commonly referred to as “TCAC Regulations”

“*California Debt Limit Allocation Committee*” shall mean the state agency that administers the state’s annual debt limit ceiling and administers the state’s tax-exempt bond program to allocate such bonds to projects. It is also abbreviated as “CDLAC.”

“*Capital Needs Assessment*” shall mean a third-party analysis based on a building inspection that identifies problems in major building systems such as structural, electrical, plumbing, sewage, roofing, flooring, mechanical, heating/cooling, and safety.

*“Citizen Oversight Committee”* shall mean the body of 15 appointed members who monitor the activities of the House LA Fund and advise the Mayor, City Council, and the Los Angeles Housing Department (“LAHD”) on priorities, program guidelines, and program implementation. It is also abbreviated as “COC.”

*“Community Agreement(s)”* shall mean a document that is created by residents of a property for the purposes of defining how they will live together and the acceptable behaviors for residents and their guests. Each property that has received United to House Los Angeles (“ULA”) funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs must produce a Community Agreement.

*“Community Land Trust”* shall mean a non-profit corporation within Section 501(c)(3) of the Internal Revenue Code that satisfies all of the following: (il) Has as its primary purposes the creation and maintenance of permanently affordable single-family or multifamily residences; (iill) All dwellings and units located on the land owned by the non-profit corporation are sold to a qualified owner to be occupied as the qualified owner’s primary residence or rented to Lower Income Households or Moderate Income Households, or held by the non-profit corporation for the same purpose; (iiilll) When a dwelling or unit that is situated on land owned by the non-profit corporation is sold to a qualified owner, the land is leased by the non-profit corporation to the income-qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years. It is also abbreviated as “CLT.”

*“CTCAC/HCD Opportunity Map”* shall mean the geographic tool utilized by the California Tax Credit Allocation Committee (“CTCAC”) to index census tracts across the State of California based on economic, social, employment, educational, and environmental indicators. The 2024 version of the tool is linked [here](#).

*“Department of Housing and Community Development”* shall mean the California Department of Housing and Community Development. It is also abbreviated as “HCD.”

*“Department of Housing and Urban Development”* shall mean the U.S. Department of Housing and Urban Development. It is also abbreviated as “HUD.”

*“Extremely Low Income”* shall have the same meaning as in Section 50106 of the California Health and Safety Code.

*“Housing Needs Assessment”* shall mean a data-informed study, conducted by the Citizen Oversight Committee (“COC”) by December 31, 2023 and updated at least once every three (3) years to understand, quantify, and qualify the City of Los Angeles’s housing needs with respect to homelessness, housing affordability, tenant protections and the housing needs of vulnerable populations, including but not limited to people experiencing homelessness,

seniors in Lower Income Households, formerly homeless people, persons with disabilities, veterans, single-parent households, youth in transition, survivors of domestic violence, and Lower Income Households. The study must disaggregate data by race, family composition, sexual orientation, age, disability, and gender.

*“LAHD Project Underwriting Guidelines”* shall mean a project review process created by the Los Angeles Housing Department (“LAHD”), shared publicly, and updated periodically to reflect LAHD staff assessment of necessary financial strength and specific acceptable tolerance ranges for key financial assumptions and potential challenges of each proposed project. The goal of the underwriting guidelines shall be to ensure that each City housing investment creates a project that will be financially and physically viable for the years of the program covenants, and shall provide a good living environment for the residents over the years, and be a positive part of the community. Project Underwriting Guidelines are based on sensitivity testing of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

*“LAHD Sponsor Underwriting Guidelines”* shall mean a review and risk assessment process created by the Los Angeles Housing Department (“LAHD”) and updated periodically to assess the necessary financial strength, organizational capacity and relevant experience to complete and operate the proposed housing project in compliance with guidelines, as a physically and financially healthy project that serves the residents and community well for the years of the covenant. The guidelines shall specify acceptable tolerance ranges for key financial assumptions and potential challenges. LAHD Sponsor Underwriting Guidelines are based on portfolio size and health, development record, organizational and staff capacity to own and direct operations of the proposed project, and organization financial health.

*“Limited Equity Housing Cooperative”* shall have the same meaning as in Section 817 of the California Civil Code. It is also abbreviated as “LEHC.”

*“Lower Income Household(s)”* shall have the same meaning as in Section 50079.5 of the California Health and Safety Code.

*“Low Income Housing Tax Credits”* shall mean state or federal tax credit programs that reduce tax liability in exchange for acquisition, rehabilitation, or construction of deed-restricted affordable housing. It is also abbreviated as “LIHTC.”

*“Nonprofit(s)”* shall mean an organization exempt from taxation pursuant to the Internal Revenue Code Section 501(c)(3). Instrumentalities of Nonprofit organizations, including wholly owned subsidiaries, are not automatically considered Nonprofits.

*“Project Labor Agreement”*, shall mean the City of Los Angeles Department of Public Works Master Project Labor Agreement (“PLA”) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and



Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

*“Real Estate Owned Schedule”* shall mean a list of properties owned by an entity and the parent company that controls that entity. The Real Estate Owned Schedule must include projected and actual operating costs and revenues for all properties listed.

*“Replacement Unit Determination”* shall mean an analysis specifying the count of qualified demolished units i) subject to a recorded covenant, or law that restricts rents to levels affordable to persons and families of lower or very low income, ii) subject to any form of rent or price control through a public entity’s valid exercise of its police power within the five (5) past years, iii) rented by lower or very low income households, or iv) that were withdrawn from rent or lease per the Ellis Act, within the past ten (10) years, the Area Median Income (“AMI”) restriction that must be recorded consistent with the income level of the most recent qualified household that resided in a demolished unit. It is also abbreviated as “RUD.”

*“Resale of Rental Property”* shall mean a change in ownership via a change in fee title on a property, or a long-term master lease of greater than 30 years.

*“Resale Formula”* shall mean a formula that is reflected in a ground lease and/or an applicable deed restriction that sets an upper limit on the price for which a home or a cooperative share with resale restrictions may be resold, and that is applied consistently to each home or share upon resale.

*“Resident Council(s)”* shall mean any of the following: i) an elected body of residents in a property who represent the residents in deciding the policies and financial priorities of a building; or ii) a homeowners’ association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property. Each property that has received ULA funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs shall be supported in developing a Resident Council.

*“Residual Receipts”* shall mean loan terms that offer below market rate interest, deferred payments, and loan payments that are due only after, and if, operating costs and senior debt service are paid.

*“Statement of Public Purpose”* shall mean a document that, in consideration of the COC’s Housing Needs Assessment and other available neighborhood-specific information on a community’s housing challenges, describes how a proposed project would benefit the community in which it is located, meet the public needs identified in the COC’s Housing Needs Assessment through the project’s community outreach and final design, and advance the goals of ULA as defined in Los Angeles Administrative Code Section 22.618.1: Purpose.

“*Very Low Income*” shall have the same meaning as in Section 50105 of the California Health and Safety Code.

## **SECTION 1: ADMINISTRATIVE OVERVIEW**

### **1.1 Program Administrator**

The Multifamily Affordable Housing Program is administered by the City of Los Angeles Housing Department (LAHD). Within LAHD, the Housing Development Bureau (HDB) manages the development and issuance of Notices of Funding Availability (NOFAs), and sponsor and project review and underwriting, including scoring and awarding of applications.

LAHD will revise the maximum loan limits annually to reflect changes in the economic environment including but not limited to budget, availability of external funds, legal and regulatory mandates, interest rates, and inflation. Concurrently with the issuance of each NOFA, LAHD will provide an update to the City Council pertaining to the maximum loan limits.

As the administrator of the Multifamily Affordable Housing Program, LAHD may elect to promulgate, with the advice of the COC and approval of the City Council and Mayor, additional guidelines that would govern the implementation of a Predevelopment Loan Program to make loans for site acquisition and some portion of predevelopment costs prior to construction start and prior to the project securing all other funding sources.

### **1.2 Notice of Funding Availability (NOFA) Schedule**

Subject to funding availability and timing and availability of additional leveraging sources, LAHD will offer two Multifamily Affordable Housing Program NOFAs every fiscal year, in coordination with the California Tax Credit Allocation Committee (CTCAC), the California Debt Limit Allocation Committee (CDLAC), and the California Department of Housing and Community Development (HCD), as well as other local agencies such as the Los Angeles County Development Authority (LACDA). Additional information regarding the NOFA, project application, and project award schedule will be provided in Department-issued NOFAs.

More detail about the NOFA development and issuance process is detailed in *Section 3* of these Multifamily Affordable Housing Program Guidelines.

## **SECTION 2: GENERAL PROVISIONS**

The following section provides a summary of general Program requirements and how the Program will be operated.

### **2.1 Eligible Applicants**

Eligible applicants are entities that have a demonstrated history of affordable housing development, ownership, operations and affordable housing property management. Eligible entities, including Community Land Trusts (CLTs) and Limited Equity Housing Cooperatives (LEHCs), may qualify by either partnering with an experienced Nonprofit or by showing adequate organizational and staff capacity to operate and manage the project.

Applicant experience and capacity will be evaluated in accordance with LAHD Sponsor Underwriting Guidelines.

### **2.2 Eligible Projects**

Projects must meet the following requirements to be eligible for Program funds.

#### Project Type and Size

- The project must provide 40 or more deed-restricted affordable housing units.
- Projects may be affordable housing for families, seniors, special needs populations such as Transition Aged Youth (TAY) or Domestic Violence (DV) survivors, or housing for people experiencing or at-risk of homelessness.

#### Labor Compliance

- Projects with 40 units or more must comply with the City of Los Angeles Department of Public Works Master Project Labor Agreement (PLA) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

#### Affordability Mix and Rent Schedules

Except for manager's unit(s), all units must be covenanted to be affordable to households earning 80% Area Median Income (AMI) or below. Goals for deeper affordability targeting shall be established in each NOFA.

LAHD will apply HUD/LIHTC income targeting and rent schedules, with the exception of when projects or units in the project are subject to regulatory agreements that require Health and Safety Code income targeting and rent schedules.

### Outside Leveraging

Project financing must include existing commitments from federal, state, county or non-ULA funding sources, or a commitment and demonstrated capacity to pursue the same within the project timeline.

## **2.3 Eligible Activities**

Eligible activities include making subordinate, residual receipts loans to eligible projects.

Eligible project costs include:

- Acquisition costs during predevelopment;
- Predevelopment costs, including, but not limited to, costs for architectural plans and renderings, Environmental Review and Historic Preservation; and Phase I Environmental Assessment Report, Phase II Environmental Assessment Report (if required), and Lead/Asbestos Reports as defined in the Department's Affordable Housing Managed Pipeline Program Requirements (Sept. 2022);
- Construction and financing costs, including demolition, off-site public improvements, construction bonds, general contractor and subcontractor payments including overhead, profit, and general conditions;
- Soft costs related to the construction and development of the project, including conventional financing, design, program, financing, and entitlement processing, developer fees, legal fees, and professional fees; and
- Reasonable reserves for operating costs, for projects requiring short-term capitalized operating assistance, that are still able to demonstrate long-term financial viability without operating assistance except from Section 8 Housing Choice Vouchers or similar long-term rental housing vouchers.

## **2.4 Ineligible Activities**

Funds awarded under the Multifamily Affordable Housing Program shall not be used for the following expenses or activities:

- Substitution for any committed permanent project financing source, unless the substitution was approved at the time of commitment.
- Costs associated with units not funded by the City of Los Angeles.
- Commercial space or tenant improvements.
- Reimbursement for project costs that have been paid by another project funding source unless the reimbursement was approved at the time of commitment.
- Travel expenses, food, or meals.
- Application fees for other project financing.
- Office or general organizational expenses.
- Costs that would normally be paid by the Limited Partnership or Limited Liability Company.

- The payment of delinquent taxes, fees, or charges on properties.

## **2.5 Loan / Assistance Terms and Limits**

Loan Limits: At least once per year, loan limits will be established according to the following process:

1. LAHD will determine the average per unit Total Development Cost (TDC) by unit typology in the previous fiscal year. LAHD will use comparable benchmark projects funded by ULA or other City sources to determine average costs.
  - Average per unit costs will be adjusted by an inflation factor.
2. LAHD will determine the average per unit supportable debt by unit typology and at prevailing interest rates.
3. Assuming up to two additional sources of public financing, LAHD will determine the projected gap between the per unit cost, per unit soft sources, and per unit supportable debt, for each unit typology.
4. LAHD will set limits on financial assistance for each unit typology to ensure that projects achieve loan-term financial stability.
  - Modifiers may be applied to increase maximum loan limits for units with three (3) or more bedrooms, Permanent Supportive Housing (PSH) units, more deeply affordable units, and/or projects located in higher cost or higher opportunity areas.

Loan Type: Predevelopment, construction (including reimbursement of acquisition and predevelopment costs), and permanent loans.

Interest Rate: The interest rate for all loans is three percent (3%) simple interest. LAHD may determine a lower interest rate of no less than 1% if it is found to be necessary for project feasibility.

Calculation of Interest: Simple interest will be calculated on the loan amount outstanding and based upon a 365-day year, and actual number of days elapsed.

Term of Loan: If the Affordability Covenant is 55 years, the loan term shall be 57 Years (i.e., a 24-month construction period plus a 55-year permanent loan period). If the Affordability Covenant is longer, the loan term shall be extended to match the Covenant term.

Term of Affordability Covenant: The term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity, or such other maximum length of time as may be permitted by applicable law. However, a more limited affordability covenant, albeit with a fixed term of no less than 55 years, shall be acceptable if necessary, as verified by the Los Angeles Housing Department if such shorter covenant period is necessary for the Project to meet the requirements of the Project's other funding sources, such as a "true debt test" for tax credit financing.

Developer Fee: The allowable Developer Fee will be established by LAHD and shall be consistent with the most recent TCAC regulations in effect. LAHD will update developer fee limits as needed to remain consistent with TCAC limits.

## **2.6 Sponsor and Project Underwriting Standards**

Applications shall be reviewed in accordance with LAHD Sponsor Underwriting Guidelines and Project Underwriting Guidelines.

Underwriting Guidelines are available to the public, and revised regularly to reflect the most up-to-date LAHD staff analysis of financial stress and risk tolerances.

For Sponsor Underwriting Guidelines, the analysis is based on:

- Portfolio size and health, including deferred maintenance needs, lease-up rates, amount of reserves, cash flow, and debt coverage ratios;
- Development record, including number of projects completed or in development, and projects meeting development milestones on time and on budget; and
- Organization health, including reviews of three (3) most recent years of Audited Financial Statements (AFSs), and tests of assets, revenues, expenses, cash flow, debt, and liabilities, and organizational budgets, financial projections, staffing plans and board participation records.

Sponsors that lack significant experience or capacity are required to partner with an experienced entity that satisfies Sponsor Underwriting standards, and that can demonstrate that the organization brings adequate financial and staff capacity to guarantee successful development and operations of the project, including by showing that the partner organization has sufficient experience in property management and project development that would meet the standards set in the Sponsor Underwriting Guidelines.

For Project Underwriting Guidelines, the analysis is based on review of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

Project Underwriting Guidelines may include parameters for:

- Reasonable costs
- Income and expense escalators
- Bonding, insurance, and other liability coverage requirements
- Operating and replacement reserve ratios
- Lien priority
- Taxes and fees
- Hard and soft cost contingencies

- Debt service;
- Vacancy rates
- Relationship of proposed rents to neighborhood market rents
- Proposed project timeline for development and lease up

## **2.7 Loan Management and Occupancy Monitoring**

### **a. Loan Management**

Sponsors of awarded projects are required to:

- Submit Audited Financial Statements (AFSs) annually and make loan payments by the date indicated on the loan agreement.
- Complete a Calculation of Residual Receipts Form using information from the AFS for each project. LAHD may make technical adjustments to the calculation before issuing a final invoice for any underpayments, or providing a credit for overpayments.
- Maintain adequate operating and replacement reserves, and obtain pre-approvals from LAHD prior to withdrawals from these funds.
- Submit Real Estate Owned Schedule annually showing projected and actual operating costs and income for each project.

### **b. Occupancy Monitoring**

Once a year, project owners must submit documentation that tenants who occupy restricted units are income-eligible and that the rents they pay are within the allowable program limits. Affirmative marketing practices aim to further the goals of the ULA measure and ordinance, which include improving access to permanent affordable housing for vulnerable populations. Affirmative marketing practices shall require that project owners market to non-English speakers. The project owner will also agree to provide regulator reporting on demographic information related to tenants, consistent with ULA-required tracking and reporting on tenants housed using Program funds.

### **c. Default**

The loan agreement will specify the events that may cause LAHD to declare the borrower in default. These events include, but are not limited to:

- Failure to construct the proposed project within the time agreed;
- Breach of rental/ownership covenants;
- Failure to maintain the property;
- Failure to make agreed-upon loan repayments;
- Failure to receive an LAHD approval prior to any change in ownership entity;



- Breach of affirmative action, equal opportunity, contractor responsibility, equal benefits or MBE/WBE requirements;
- Failure to submit annual financial statements certified by a certified public accountant;
- Failure to comply with Measure ULA Project Labor Agreement and prevailing wage requirements, as applicable;
- Failure to meet accessibility construction standards, and/or failure to comply with all applicable accessibility standards, including but not limited to: Section 504 of the Rehabilitation Act of 1973 as amended, Title VIII of the Civil Rights Act of 1964 as amended in 1988 by the Fair Housing Amendments Act, and the Americans with Disabilities Act Title II, the State of California's Unruh Act, Department of Fair Employment and Housing (DFEH) Regulations and California Government Code Section 11135 et. seq.;
- Failure to maintain appropriate insurance coverage;
- Commencing construction (including demolition) without LAHD authorization;
- Failure to abide by development and/or construction schedules;
- Failure to maintain the project "in balance" during construction;
- Failure to pay property taxes that are associated with the project;
- Bankruptcy;
- Dissolution or insolvency of the ownership entity;
- Failure to adhere to construction cost limits as stated in Section 3.7 of the Affordable Housing Managed Pipeline (AHMP) Guidelines; or
- Uncured event of default under any other loan agreements from federal, state or county or private lenders.

## **2.8 Event of Conflict**

Projects must comply with all covenants and loan agreements. Where discrepancies exist between these Multifamily Affordable Housing Program Guidelines and other funding requirements, the most restrictive will prevail.

### **SECTION 3: FUNDING ROUNDS, TIMING, AND APPROVAL PROCESS**

Based on these Multifamily Affordable Housing Program Guidelines, LAHD will periodically release NOFAs to announce the opening of applications and to effectuate the awarding of funds. The terms and requirements of these Multifamily Affordable Housing Program Guidelines shall be applicable to each NOFA, and a NOFA may incorporate additional terms and details that further clarify City policy and objectives.

#### **3.1 Notice of Funding Availability (NOFA) Development Process and Publication**

Based on funding availability, LAHD shall issue two (2) Multifamily Affordable Housing Program NOFAs per year. The timing of each NOFA shall be announced at least three (3) months in advance of the application opening, and applicants shall have at least 45 days from the opening of an application window to submit proposals.

Each Multifamily Affordable Housing NOFA shall provide specific maximum loan limits, which may or may not vary depending on unit type and depth of affordability. Loan limits will be determined as a function of estimated development costs, expected non-ULA leveraged funds, and LAHD goals with respect to unit typology and affordability mix, as described in *Section 2.5*.

At least five (5) business days before the application window opens, LAHD shall hold a non-mandatory Bidders' Conference to provide a high-level overview of the NOFA and respond to sponsor questions.

#### **3.2 Application Submittal and Review**

Each Multifamily Affordable Housing Program NOFA shall be accompanied by detailed guidance about how to submit a complete application, including where to submit an application and all documentation requirements that must be attached upon submission.

Applications shall be reviewed, underwritten, and scored on a rolling basis until the application window closes. Once the deadline to submit has passed, timely applications that pass threshold review will be ranked by score.

LAHD will recommend project funding allocations in order of highest to lowest score. More detailed information about these elements is provided in *Section 4: Threshold Requirements* and *Section 5: Selection Process and Criteria*.

Preliminary funding recommendations shall be publicized and applicants shall have a window to submit an appeal before LAHD finalizes funding commitments and, as applicable, transmits to City Council.

### **3.3 Appeal Process**

LAHD funding recommendations can be appealed by the applicant. Each NOFA will provide detailed guidance delineating acceptable grounds for appeal, the process for filing an appeal, and the standards for adjudicating an appeal. Applicants shall not file an appeal regarding LAHD staff evaluation of another applicant's application.

### **3.4 Council Approval Process**

Consistent with Los Angeles Administrative Code Section 22.618.3(d)(1)(iv), LAHD shall present the Multifamily Affordable Housing Program projects to the City Council and Mayor with award amounts and conditions to be met prior to funding. As applicable, the City Council and Mayor will authorize the General Manager of the LAHD, or designee, to determine that funding conditions have been met; to negotiate and execute the relevant financing documents for the project, subject to the approval of the City Attorney as to form; to prepare Controller instructions and any necessary technical adjustments consistent with Mayor and City Council actions, subject to the approval of the City Administrative Officer (CAO); and request that the Controller implement the instructions.

In the event of necessary technical corrections and adjustments that do not change the affordability mix, total number of units, or loan amount per unit, the General Manager of LAHD, or designee, shall be authorized to approve such corrections.

## **SECTION 4: THRESHOLD REQUIREMENTS**

The following section enumerates the elements of a complete Multifamily Affordable Housing Program application and describes the documentation requirements associated with each element. All applicants must demonstrate reasonableness of funding request and project feasibility. Applications will first undergo Threshold Review to ensure that all required elements have been met.

Applications that do not meet threshold requirements will not be reviewed or considered for funding.

### **4.1 Summary of Threshold Items**

The following subsections summarize each Threshold Item and descriptions of materials that will be required to demonstrate the Project satisfies each Threshold Item.

#### **a. Financial Feasibility**

Financial feasibility is a threshold requirement. To demonstrate financial feasibility, applicants must submit a complete pro forma financial analysis using a template

workbook that has been approved by LAHD and complies with LAHD Project Underwriting Guidelines.

Additional detail about the elements of the LAHD Project Underwriting Guidelines is provided in *Section 2.6*.

**b. Minimum 40 Unit Requirement for New Construction Projects**

The minimum project size for Multifamily Affordable Housing Program projects is 40 units. Project sponsors will be required to submit plans and documentation showing that the project will have at least 40 deed-restricted units.

**c. Project Labor Agreement (PLA)**

For projects with 40 units or more, the Project Sponsor must submit a Letter of Assent attesting that it will comply with all the terms and conditions of the City of Los Angeles Board of Public Works Master Project Labor Agreement (PLA), or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

For more information, refer to Los Angeles Administrative Code Section 22.618.7.

**d. LIHTC Requirement**

Awarded Multifamily Affordable Housing projects are required to apply to the California Tax Credit Allocation Committee (CTCAC) and/or California Debt Limit Allocation Committee (CDLAC) to leverage additional public subsidies. Applicants to the Multifamily Affordable Housing Program face a threshold requirement to provide projected scores and tiebreaker results based on the CTCAC and CDLAC Regulations in effect at the time of application submission.

**e. Minimum Unit Size Requirements**

Projects must comply with TCAC unit size minimums.

**f. Replacement, Relocation, and Right of First Refusal**

Units demolished for redevelopment under this Program shall be replaced at a ratio of one replacement unit for each qualified demolished unit, subject to a Replacement Unit Determination (RUD) by LAHD. Moreover, replacement units must be restricted to an AMI level that matches the affordability of the household that resided in the demolished unit, or to an AMI level that is more deeply affordable. Project sponsors shall submit a Rent/Income Restriction History Assessment, which must provide, to the best of

sponsor's ability, a breakdown by income level of any deed-restricted or rent-controlled residential units that will be or were vacated within the last five (5) years, as well as a record of all Lower Income Households that were known to reside in the property within the last five (5) years.

Tenants displaced due to ULA-funded construction must be offered Relocation benefits and Right of First Refusal. Project Sponsors shall submit a Relocation Plan, which must include offers of comparable dwellings, as well as a Leasing Preference Policy granting Right of First Refusal to tenants displaced by the project.

For more information, refer to Los Angeles Administrative Code Section 22.618.3(d)(1)(i)(c).

#### **g. Project Sponsor Experience**

Experience across localities administering multifamily housing programs highlight that sponsor capacity to own, operate, and make strategic asset management decisions, is critical to the success of affordable housing projects. Project Sponsors will be required to demonstrate capacity to own and oversee management of affordable housing projects; it will not be sufficient to have an experienced property manager. LAHD Sponsor Underwriting Guidelines will be utilized to assess the capacity and risk profile of each applicant. Additional detail about the LAHD Sponsor Underwriting Guidelines is provided in *Section 2.6*.

For projects submitted to satisfy the experience requirement and in operation for more than three (3) years, the General Partner or key principal within the General Partner organization must submit a certification from a third party certified public accountant that the projects have maintained a positive operating cash flow, from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.) for the year in which each development's last financial statement has been prepared and have funded reserves in accordance with the partnership agreement and any applicable loan documents.

The certification of the third party certified public accountant may be in the form of an agreed upon procedure report that includes funded reserves as of the report date.

#### **h. Site Control**

Project Sponsors must demonstrate site control and the ability to secure clean title.

Site control may be evidenced by any of the following:

- Fee title as demonstrated by a current title report;
- Long-term leasehold interest (minimum term must equal term of LAHD regulatory agreement);

- Option to purchase or lease (obtaining financing shall be the sole impediment to exercising the option);
- Executed land sale contract or other enforceable agreement for acquisition of the property;
- Executed Disposition and Development Agreement (DDA) with a public agency;
- Executed Exclusive Negotiation Agreement (ENA) with City of Los Angeles; or
- Option to lease or an alternative document that meets CTCAC's site control requirement.

Regardless of the type of site control documents provided, Project Sponsors shall submit with the application a copy of a Preliminary Title Report prepared within the ninety (90) days preceding application submission.

#### **i. Accessibility Standards**

Project sponsors must provide a Self-Certification Form for Compliance to Accessibility Standards. City-funded projects must comply with all applicable accessibility standards in effect at the time of the NOFA. These include all applicable statutes, ordinances, regulations, court orders, consent decrees, or other legally enforceable standards that may apply to housing projects.

### **4.2 Application Requirements**

Subject to funding availability and timing and availability of additional leveraging sources, LAHD will issue two (2) Multifamily Affordable Housing Program NOFAs every year detailing the complete application requirements and the amount of funding available. Each NOFA will indicate the form of the application, which must be submitted electronically. For an application to be considered complete, all requirements listed in the NOFA must be provided.

At LAHD's discretion, a NOFA may provide additional application and/or threshold requirements that are not listed in these Multifamily Program Guidelines.

## **SECTION 5: SELECTION PROCESS AND CRITERIA**

Applications determined to have passed Threshold Review will be scored and prioritized for funding based on the methodology selection criteria outlined in this section.

### **5.1 Evaluation and Scoring Criteria - General**

All applications that pass Threshold Review will be scored according to a Scoring Matrix, which will be an element of each Multifamily Affordable Housing NOFA issued by LAHD. The Scoring Matrix shall prioritize project readiness, cost effectiveness, competitiveness for

LIHTC award, projects located on public land and/or land owned by faith-based organizations if conveyed at less than the fair market value, and unit typologies that align with City goals. Criteria will vary for project types such as family or senior or DV survivor housing, or housing for people experiencing homelessness. These criteria will be further specified in each NOFA.

In the event that two or more projects receive the same score, selection priority will be determined by a tiebreaker, to be defined in each implementing NOFA.

## **5.2 Evaluation and Scoring Criteria - Scoring Priorities**

<b>Priority</b>	<b>Description</b>
Entitlement Readiness	Entitlement Readiness may be defined as projects that have secured all necessary entitlements or have the ability to demonstrate that the project can be approved by-right. This can be demonstrated by Preliminary Zoning Assessment, Letter of Compliance, or Determination Letter with approved entitlements.
Cost Effectiveness	Cost effectiveness will be evaluated on a per unit basis, with adjustments for high cost land areas.
TCAC and/or CDLAC Scoring Competitiveness	Applications that can demonstrate that the project would attain the maximum possible score on the TCAC/CDLAC application for the pool or set-aside in which the project is competing
Use of Public Land or Land Owned by Faith-Based Organization(s)	Projects located on public land or land owned by faith-based organization(s), if land is donated or conveyed at less than the fair market value, net of the costs of meeting any requirements of the land seller, such as provision of replacement parking or facilities.
Priority Populations	Projects that set aside: <ul style="list-style-type: none"> <li>• A certain percentage of units for special needs populations</li> <li>• A certain percentage of units for family housing with three (3) or more bedrooms.</li> </ul>
Priority Project Locations	Projects that are either located within HCD/TCAC Opportunity Map index ranked census tracts located in High or Highest Resource areas or areas at high or extremely high displacement risk, as indicated in the forthcoming LAHD displacement risk tool.

# **ULA ALTERNATIVE MODELS FOR PERMANENT AFFORDABLE HOUSING PROGRAM GUIDELINES**

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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#### **Appendix**

- United to House LA Measure



## **INTRODUCTION**

### **1. Program Summary**

#### **a. Program Goals**

Measure ULA's Alternative Models for Permanent Affordable Housing Program (Alternative Models) seeks to provide innovative financing and tenant-driven governance in permanent (i.e., not interim) affordable housing developments, and allows for a range of uses of funds.

The ULA measure and ordinance does not prohibit the Alternative Models Program from leveraging ULA funds with other funds, nor does it require it. The Alternative Models Program is intended to fund projects with innovative financing and ownership models.

As provided by the ULA measure and ordinance, Alternative Models funding may be used for the new construction of affordable and/or supportive housing projects with at least 40 units, as well as acquisition, rehabilitation, adaptive reuse, leasing, preservation, and operation of affordable and/or supportive or mixed rental/ownership projects of any size. The Alternative Models Program requires that properties be owned and/or managed by public entities, housing authorities, Community Land Trusts, Limited Equity Housing Cooperatives, or other Nonprofits. The Alternative Models Program allows projects to serve a mix of income levels and requires that residents have the right to participate meaningfully in the governance of the project.

Taken as a whole, this combination of novel program features is designed to seed a social housing model that will become a major component of the City's future housing stock. Toward that end, and in light of evolving financing, ownership and management frameworks, the Alternative Models Program will initially pilot and evaluate best and innovative practices as it matures. Key elements of social housing will be required of all projects financed by the Alternative Models Program, including:

- Permanent affordability;
- Ownership by Nonprofits or public agencies; and
- Meaningful resident participation in decision-making and governance of the properties.
- Additionally, opportunities for resident ownership are encouraged where feasible and desirable.

Permanent affordability is an integral element of the social housing model. In order to avoid the uncertainties that time-limited covenants can create for owners and tenants, the Alternative Models Program was created to add permanently affordable housing into the City's housing stock, generating homes that will remain affordable for generations. As such, the term of the affordability restrictions in project regulatory agreements will be

in perpetuity. LAHD will have flexibility in structuring its funds to align with other leverage sources as needed to maintain feasibility.

For the greatest impact, the Alternative Models Program will initially focus on the City's most pressing affordable housing needs. As such, the Guidelines are designed to focus program funding on new construction of affordable and/or supportive housing units, and the preservation of substantially at-risk affordable housing.

As further described below, and unless the City Council approves with the advice of the Citizens Oversight Committee (COC) a finding that a different allocation is needed, program funds shall be apportioned for the first three fiscal years as follows:

- **Fiscal Year 2024-2025:** No more than 40% apportioned to the Preservation Program and at least 60% to the New Construction Program.
- **Fiscal Year 2025-2026:** No more than 30% apportioned to the Preservation Program and at least 70% to the New Construction Program.
- **Fiscal Year 2026-2027:** No more than 15% apportioned to the Preservation Program least 85% apportioned to the New Construction Program.

Additionally, these Guidelines also contemplate the development of new housing finance models that are intended to meet the evolving needs, and grow the capacity of, social housing lenders and Project Sponsors.

## **b. Statutory Requirements**

Following is a summary of universal ULA Requirements for all Affordable Housing programs, as further delineated in Los Angeles Administrative Code Section 22.618.3(d)(1)(i):

- All units are affordable to Lower Income Households, with a limited exception for units created using the Alternative Models Program, as described below.
- All units are restricted affordable in perpetuity or such other maximum length of time as may be permitted by applicable law, with limited exceptions to permit 55-year covenant terms if required by other funding sources in the project.
- Resale of rental property is restricted to Nonprofits, Limited Equity Housing Cooperatives (LEHCs) and/or Community Land Trusts (CLTs).
- One-to-one replacement of existing qualifying units is required, as verified by a Replacement Unit Determination (RUD) from the Los Angeles Housing Department (LAHD).
- Projects must provide relocation benefits and right of first refusal to any qualifying existing occupants.
- Prevailing wage is required for all construction activities.
- A Project Labor Agreement (PLA) is required for construction and rehabilitation of 40 or more units.

Additionally, the below requirements shall be applicable to all activities under the Alternative Models for Permanent Affordable Housing Program:

- Projects may include a mix of lower income household income types, but must reserve a minimum of 20% of the units for Acutely Low Income (ALI) and/or Extremely Low Income (ELI) households.
- Up to 20% of units may be unrestricted in terms of rents and household incomes, only for the purpose of increasing the financial stability of Acutely Low Income, Extremely Low Income, and Very Low Income Household units in the project.
- Where feasible and desirable, projects shall use public land.
- Housing units must be acquired and managed by a public entity, a local housing authority, a CLT, an LEHC, or a 501(c)(3) non-profit entity.
- Residents shall have a right to participate meaningfully in the decision-making and governance of the project.
- Projects shall include resident ownership, where feasible and desirable.

### **c. Program Areas**

The Alternative Models for Permanent Affordable Housing Program includes two key Program Areas. This document contains guidelines for each of the two Program Areas:

1. **New Construction Program:** New construction of affordable and supportive housing, including adaptive reuse. This subprogram is competitively scored and LAHD will issue multiple Notices of Funding Availability (NOFAs) per year.
2. **Preservation Program:** Recapitalization, acquisition or rehabilitation of at-risk affordable housing, including projects with expiring covenants and projects at risk of financial insolvency. This subprogram is competitively scored and LAHD will issue one Notice of Funding Availabilities (NOFA) per year.

To foster the new kinds of Project Sponsors envisioned by this program and catalyze the development of public land, LAHD shall promulgate, with the advice of the Citizen Oversight Committee (COC) and approval of the City Council and Mayor, additional guidelines that would govern the implementation of a **Social Housing Predevelopment Loan Program** to make loans for site acquisition and/or some portion of predevelopment costs prior to construction start and prior to the project securing all other funding sources. Such a program could be paired with the disposition of City-owned land, and thereby streamline projects by providing simultaneous awards of both a project's land and financing.

Each fiscal year, with recommendations from the COC and LAHD, the City Council and Mayor will approve and apportion Alternative Models for Permanent Affordable Housing expenditures between the New Construction Program and the Preservation Program. Each year, the Los Angeles Housing Department and the COC will present a summary

of housing needs and production results to the City Council and Mayor. LAHD will supplement this annual report with a summary of available funding sources for housing production and preservation, to demonstrate how ULA funds can be used within the context of the City's overall housing needs and resources. Wherever program guidelines create more than one funding model, the allocation of resources between models will be based on these analyses.

In the immediate term, program funds shall be apportioned as follows:

- **Fiscal Year 2024-2025:** No more than 40% apportioned to the Preservation Program and at least 60% to the New Construction Program.
- **Fiscal Year 2025-2026:** No more than 30% apportioned to the Preservation Program and at least 70% to the New Construction Program.

Beginning in Fiscal Year 2026-2027, and in each fiscal year thereafter, no more than 15% of the Alternative Models for Permanent Affordable Housing funds shall be apportioned to the Preservation Program for a fiscal year, unless the City Council, with recommendation by the ULA COC and LAHD, approves a finding, based on a needs assessment, that different apportionment is necessary to meet needs.

## **2. Context**

The State of California's Regional Housing Needs Assessment (RHNA) obligates the City of Los Angeles to facilitate the production of sufficient units to meet housing needs at all income levels, which include needed housing for forecasted population growth and household formation, as well as unmet needs from prior years. In the eight-year period from 2021 to 2029, the City's RHNA goal is 456,643 units. Of these, 184,721 units must be affordable to lower-income households. This means that the City must produce affordable housing at an average rate of 23,090 units per year in order to meet the RHNA goal.

Since the Tax Reform Act of 1986, the Low Income Housing Tax Credit ("LIHTC") program has formed the foundational financing of most affordable housing production. While the LIHTC program has led to the creation of several million affordable housing units across the country, there is a need for alternative models of affordable housing that cannot be easily met through the existing LIHTC program. The reliance of the LIHTC program on tax-incentivized investors makes it difficult to use affordability terms longer than 55 years, and to develop resident leadership in the production, management and ownership of such housing, impairing the relevance of community aspiration and resident governance in their home and neighborhood.

Recognizing the limitations of the LIHTC system, ULA provides funding for several affordable housing production paradigms. Among these, nearly a quarter (a minimum of 22.5% and up to 25%) of the House LA Programs Fund is intended to support the Alternative Models for Permanent Affordable Housing Program. The Program is envisioned

as a vehicle to build beyond the tools of traditional models of housing finance and development — such as LIHTC — and create a new model that prioritizes speed, flexibility, longevity of investment, and an enhanced role for tenants in their housing. The Alternative Models program may fund a range of project types with a variety of leveraging strategies. Among the range of housing options that could be supported by the Program include social housing and community ownership strategies.

### **3. Commitment to Racial Equity**

Existing data and scholarship confirm that Black, Latinx, and other communities of color are disproportionately affected by homelessness, housing insecurity, and lack of affordable housing options. These Alternative Models for Permanent Affordable Housing Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

The implementation of the Alternative Models for Permanent Affordable Housing Program has a primary goal of adhering to principles of racial equity, with a focus on addressing affordable housing needs by producing new units, acquiring and rehabilitating existing units, and cultivating residential leadership within housing projects to provide long-term, stable affordable housing for the City's most vulnerable communities.

Consistent with this commitment to promote racial equity, the Alternative Models for Permanent Affordable Housing Program is designed to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other community experiences affect the vulnerability of a neighborhood, and its experiences. To this end, the Alternative Models for Permanent Affordable Housing Program provides resources to proactively address racial and economic segregation throughout the City by creating housing opportunities that address historic patterns of discrimination and exclusion, by promoting permanent affordability and resident engagement and ownership in their housing.

### **4. Program Metrics**

The Los Angeles Housing Department (LAHD) will collect information in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Alternative Models for Permanent Affordable Housing Program. To the extent feasible, this information includes but is not limited to, the number of units produced, acquired, and/or preserved, the number of residents located within each project, the form of ownership, and the number of jobs created. Development activities will be tracked by dollars spent on housing construction and preservation. Wherever relevant, data shall be disaggregated by race, family composition,

sexual orientation, age, ability, gender, and location (address, ZIP code, and Council District).

Goal	Metrics
Produce new affordable housing units, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of units produced by income category.</li> <li>• Number of units produced in High or Highest Resource Areas.</li> <li>• Number of units produced in Racially/Ethnically Concentrated Areas of Poverty (R/ECAP).</li> <li>• Number of units produced in Racially Concentrated Areas of Affluence (RCAA).</li> <li>• Number of units produced on public land.</li> <li>• Number of units produced near public transit.</li> <li>• Number of units produced on land owned by faith-based institutions that have achieved permanent affordability and land is provided below market and/or receive streamlining benefits.</li> </ul>
Create high quality affordable housing opportunities for people, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of people housed in Alternative Models New Construction Program units, to be disaggregated by the ULA measure and ordinance reporting requirements.</li> </ul>
Preserve housing affordability for tenants, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of units preserved, by income category.</li> <li>• Number units preserved in High or Highest Resource Areas.</li> <li>• Number of units preserved in racially/ethnically-concentrated areas of poverty (R/ECAP).</li> <li>• Number of units preserved in racially concentrated areas of affluence (RCAA).</li> <li>• Number of units preserved on public land. <ul style="list-style-type: none"> <li>• Number of units preserved on land stewarded by a community land trust.</li> </ul> </li> <li>• Number of units preserved near public transit.</li> <li>• Number of units preserved on land owned by faith-based institutions.</li> </ul>

Preserve affordability for tenants, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>Number of people housed in Alternative Models Preservation Program units, to be disaggregated by the ULA measure and ordinance reporting requirements.</li> </ul>
Create construction jobs from development projects, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>Number of jobs created, disaggregated by: <ul style="list-style-type: none"> <li>race/ethnicity;</li> <li>gender; and</li> <li>share of workers living within the City of Los Angeles.</li> </ul> </li> <li>Number and percentage of Apprentice hours worked on development projects</li> <li>Number and percentage of Targeted Local Hire hours worked on development projects.</li> <li>Wages Reinvested <ul style="list-style-type: none"> <li>Wages Reinvested by ZIP Code.</li> <li>Wages Reinvested by Council District.</li> <li>Wages Reinvested by R/ECAP.</li> <li>Wages Reinvested by RCCA.</li> </ul> </li> </ul>
Establish resident governance	<ul style="list-style-type: none"> <li>Number of projects/units with resident governance</li> <li>Number and type of resident engagement and training activities, disaggregated by housing tenure, and listed by project</li> </ul>
Cultivate resident governance and/or ownership of housing.	<ul style="list-style-type: none"> <li>Number of projects/units with community/resident governance, to be disaggregated by Subprogram.</li> <li>Number of projects and units with resident ownership.</li> </ul>
Maximize ULA investment by ensuring cost effectiveness and timely delivery of needed housing.	<ul style="list-style-type: none"> <li>Total Development Cost (TDC) per unit per project by project type and program <ul style="list-style-type: none"> <li>For Preservation, disaggregate average cost to buy back affordability per unit per year</li> <li>For Preservation, disaggregate average cost per unit for rehabilitation</li> </ul> </li> <li>Number of Months Elapsed from First Predevelopment Activity to Placed-In-Service</li> </ul>

LAHD shall analyze these and potentially additional metrics and participant data annually and provide a summary of its analysis to the ULA Citizens Oversight Committee (COC) to allow for an assessment of whether the Program is meeting its goals and priorities.

## **5. Branding**

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## **6. Definitions**

*“Acutely Low-Income”* shall have the same meaning as in Section 50063.5 of the California Health and Safety Code.

*“Audited Financial Statement(s)”* shall mean organizational records covering the balance sheet, statement of cash flow, and other documents describing the organization’s financial position and that have been reviewed and approved by independent third-party auditors.

*“Borrower(s)”* shall mean an entity that has been approved for or received a loan from the Los Angeles Housing Department (“LAHD”) that has remaining interest or principal to be paid, or for which the term of the loan has not yet expired.

*“California Tax Credit Allocation Committee”* shall mean the state agency that creates the Qualified Allocation Plan (“QAP”) for allocating Low Income Housing Tax Credits (“LIHTC”) within the State of California. It is also abbreviated as “CTCAC” or “TCAC.” The QAP published by CTCAC/TCAC is commonly referred to as “TCAC Regulations”

*“California Debt Limit Allocation Committee”* shall mean the state agency that administers the state’s annual debt limit ceiling and administers the state’s tax-exempt bond program to allocate such bonds to projects. It is also abbreviated as “CDLAC.”

*“Capital Needs Assessment”* shall mean a third-party analysis based on a building inspection that identifies problems in major building systems such as structural, electrical, plumbing, sewage, roofing, flooring, mechanical, heating/cooling, and safety.

*“Citizens Oversight Committee”* shall mean the body of 15 appointed members who monitor the activities of the House LA Fund and advise the Mayor, City Council, and the Los Angeles Housing Department (“LAHD”) on priorities, program guidelines, and program implementation. It is also abbreviated as “COC.”

*“Community Agreement(s)”* shall mean a document that is created by residents of a property for the purposes of defining how they will live together and the acceptable behaviors for residents and their guests, and how disagreements or disputes between neighbors will be resolved. Each property that has received United to House Los Angeles (“ULA”) funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs must produce a Community Agreement.



*“Community Land Trust”* shall mean a non-profit corporation within Section 501(c)(3) of the Internal Revenue Code that satisfies all of the following: (i) Has as its primary purposes the creation and maintenance of permanently affordable single-family or multifamily residences; (ii) All dwellings and units located on the land owned by the non-profit corporation are sold to a qualified owner to be occupied as the qualified owner’s primary residence or rented to Lower Income Households or Moderate Income Households, or held by the non-profit corporation for the same purpose; (iii) When a dwelling or unit that is situated on land owned by the non-profit corporation is sold to a qualified owner, the land is leased by the non-profit corporation to the income-qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years. It is also abbreviated as “CLT.”

*“CTCAC/HCD Opportunity Map”* shall mean the geographic tool utilized by the California Tax Credit Allocation Committee (“CTCAC”) to index census tracts across the State of California based on economic, social, employment, educational, and environmental indicators. The 2024 version of the tool is linked [here](#).

*“Department of Housing and Community Development”* shall mean the California Department of Housing and Community Development. It is also abbreviated as “HCD.”

*“Department of Housing and Urban Development”* shall mean the U.S. Department of Housing and Urban Development. It is also abbreviated as “HUD.”

*“Extremely Low Income”* shall have the same meaning as in Section 50106 of the California Health and Safety Code.

*“Financial Stress”* shall mean a condition of elevated risk to a project, characterized by some combination of operating deficits, elevated vacancy loss, major deferred maintenance and/or deferred capital improvements, depletion of reserves, and/or losses due to economic shocks such as natural disaster.

*“Housing Needs Assessment”* shall mean a data-informed study, conducted by the Citizens Oversight Committee (“COC”) prior to December 31, 2023 and updated at least once every three (3) years to understand, quantify, and qualify the City of Los Angeles’s housing needs with respect to homelessness, housing affordability, tenant protections and the housing needs of vulnerable populations, including but not limited to people experiencing homelessness, seniors in Lower Income Households, formerly homeless people, persons with disabilities, veterans, single-parent households, youth in transition, survivors of domestic violence, and Lower Income Households. The study must disaggregate data by race, family composition, sexual orientation, age, disability, and gender.

*“LAHD Project Underwriting Guidelines”* shall mean a project review process created by the Los Angeles Housing Department (“LAHD”), shared publicly, and updated periodically to reflect LAHD staff assessment of necessary financial strength and specific acceptable tolerance ranges for key financial assumptions and potential challenges of each proposed project. The goal of the underwriting guidelines shall be to ensure that each City housing investment creates a project that will be financially and physically viable for the years of the program covenants, and shall provide a good living environment for the residents over the years, and be a positive part of the community. Project Underwriting Guidelines are based on sensitivity testing of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

*“LAHD Sponsor Underwriting Guidelines”* shall mean a review and risk assessment process created by the Los Angeles Housing Department (“LAHD”), shared publicly, and updated periodically to assess the necessary financial strength, organizational capacity and relevant experience to complete and operate the proposed housing project in compliance with guidelines, as a physically and financially healthy project that serves the residents and community well for the years of the covenant. The guidelines shall specify acceptable tolerance ranges for key financial assumptions and potential challenges. LAHD Sponsor Underwriting Guidelines are based on portfolio size and health, development record, organizational and staff capacity to own and direct operations of the proposed project, and organization financial health.

*“Limited Equity Housing Cooperative”* shall have the same meaning as in Section 817 of the California Civil Code. It is also abbreviated as “LEHC.”

*“Lower Income Household(s)”* shall have the same meaning as in Section 50079.5 of the California Health and Safety Code.

*“Low Income Housing Tax Credits”* shall mean state or federal tax credit programs that reduce tax liability in exchange for acquisition, rehabilitation, or construction of deed-restricted affordable housing. It is also abbreviated as “LIHTC.”

*“Milestones Commitment Letter”* shall mean a letter describing planned activities during the pre-development, construction, and lease-up stages of a project, as applicable, and the timelines for each activity. The activities and timing can be presented in a table, and the letter must acknowledge that failure to meet project milestones in a timely fashion will constitute a default event.

*“Nonprofit(s)”* shall mean an organization exempt from taxation pursuant to Internal Revenue Code Section 501(c)(3). Instrumentalities of Nonprofit organizations, including wholly owned subsidiaries, are not automatically considered Nonprofits.

*“Project Labor Agreement”* shall mean the City of Los Angeles Department of Public Works Master Project Labor Agreement (“PLA”) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (“SCANPH”), and approved by the Los Angeles City Council.

*“Real Estate Owned Schedule”* shall mean a list of properties owned by an entity and the parent company that controls that entity. The Real Estate Owned Schedule must include projected and actual operating costs and revenues for all properties listed.

*“Replacement Unit Determination”* shall mean an analysis specifying the count of qualified demolished units i) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, ii) subject to any form of rent or price control through a public entity’s valid exercise of its police power within the five (5) past years, iii) rented by lower or very low income households, or iv) that were withdrawn from rent or lease per the Ellis Act, within the past ten (10) years, and the Area Median Income (“AMI”) restriction that must be recorded consistent with the income level of the most recent qualified household that resided in a demolished unit. It is also abbreviated as “RUD.”

*“Resale Formula”* shall mean a formula that is reflected in a ground lease and/or an applicable deed restriction that sets an upper limit on the price for which a home or a cooperative share with resale restrictions may be resold, and that is applied consistently to each home or share upon resale.

*“Resale of Rental Property”* shall mean a change in ownership via a change in fee title on a property, or a long-term master lease of greater than 30 years.

*“Resident Council(s)”* shall mean any of the following: i) an elected body of residents in a property who represent the residents in deciding the policies and financial priorities of a building; or ii) a homeowners’ association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property. Each property that has received ULA funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs shall be supported in developing a Resident Council.

*“Residual Receipts”* shall mean loan terms that offer below market rate interest, deferred payments, and loan payments that are due only after, and if, operating costs and senior debt service are paid.

*“Statement of Public Purpose”* shall mean a document that, in consideration of the COC’s Housing Needs Assessment and other available neighborhood-specific information on a community’s housing challenges, describes how a proposed project would benefit the community in which it is located, meet the public needs identified in the COC’s Housing

Needs Assessment through the project's community outreach and final design, and advance the goals of ULA as defined in Los Angeles Administrative Code Section 22.618.1: Purpose.

"*Very Low Income*" shall have the same meaning as in Section 50105 of the California Health and Safety Code.

# **New Construction Program Guidelines**

## **SECTION 1: ADMINISTRATIVE OVERVIEW**

### **1.1 Program Administrator**

The Alternative Models for Permanent Affordable Housing New Construction Program (“New Construction Program”) is administered by the City of Los Angeles Housing Department (LAHD). Within LAHD, the Housing Development Bureau (HDB) manages the development and issuance of Notices of Funding Availability (NOFAs), and sponsor and project review and underwriting, including scoring and awarding of applications.

LAHD will revise maximum loan limits annually to reflect changes in the economic environment including but not limited to budget, availability of external funds, legal and regulatory mandates, interest rates, commodity and land prices, and inflation. Prior to issuing NOFAs, LAHD will provide an update to the ULA Citizen Oversight Committee (COC) and City Council pertaining to the maximum loan limits.

### **1.2 Notice of Funding Availability (NOFA) Schedule**

Subject to funding availability, LAHD will offer two NOFAs for the Alternative Models for Permanent Affordable Housing New Construction Program every fiscal year. Additional information regarding the NOFA, project application, and project award schedule will be provided in Department-issued NOFAs.

## **SECTION 2: GENERAL PROVISIONS**

The following section provides a summary of how the Program will be operated and general Program requirements.

### **2.1 Eligible Applicants**

Eligible applicants are public entities, local housing authorities, Community Land Trusts (CLTs), Limited Equity Housing Cooperatives (LEHCs), and Nonprofits. Partnerships such as General Partnerships, Limited Partnership, and Limited Liability Companies may apply provided that the Managing General Partner is an eligible entity. A for-profit entity cannot be the Managing General Partner.

#### Affordable Housing Experience

The ULA measure and ordinance requires applicants to have experience with affordable housing development and property management within the project team. However, eligible entities without sufficient experience developing and managing affordable housing developments may partner with an experienced Nonprofit to apply for Program funding, as long as the experienced Nonprofit participates in the management of the project with duties equivalent to those of a Managing General Partner.

#### Tenant Governance Experience

Development teams must also demonstrate experience supporting tenant governance models. Developers that do not have capacity themselves to support tenant governance must partner with a locally-based Nonprofit organization that has a demonstrated history of managing residential properties under tenant governance models.

Partnerships may take the form of General Partnerships, Limited Partnerships or Limited Liability Companies or other Special-Purpose Entities (SPEs) where the experienced Nonprofit has an ownership stake in the SPE, or fee-for-service contractual agreements with a Nonprofit demonstrating experience in tenant governance. Partnership documents must provide an outline of roles and responsibilities between developer and partner organization(s).

## **2.2 Eligible Projects**

Projects must meet the following requirements to be eligible for Program funds.

#### Project Type:

- The project must be one of two project types:
  - New Construction of multifamily rental or ownership housing; or
  - Adaptive Reuse of existing nonresidential structures, such as commercial buildings or hotels/motels, to multifamily rental or ownership housing.

#### Project Size:

- If new construction, the project must include 40 or more units.
- If adaptive reuse of existing structures, the project has no minimum unit count.

#### Affordability Requirements and Rent Schedules:

- A minimum of 20% of the total project units must be restricted to Acutely Low Income (ALI) and/or Extremely Low Income (ELI) Households.
- Up to 20% of the total project units may be unrestricted with respect to rents and household incomes if necessary to make the project financially feasible in

- accordance with Los Angeles Administrative Code Section 22.618.3(d)(1)(ii)(b)(4), but all other units must be restricted to be affordable to Lower Income Households.
- LAHD will specify applicable income targeting and rent schedules in each NOFA.
- All deed restricted affordable units must be affordable in perpetuity, as defined in Section 2.5, with AMI limits set at the project rather than unit level, and with a target average of 60% AMI across each project, subject to City Attorney approval of the regulatory covenant. LAHD will apply HUD/LIHTC income targeting and rent schedules, with the exception of when the project or units in the project are subject to regulatory agreements that require Health and Safety Code income targeting and rent schedules.

Labor Compliance:

- Must pay prevailing wage.
- New construction projects must be 40 units or more and comply with the City of Los Angeles Department of Public Works Master Project Labor Agreement (PLA) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

Outside Leveraging:

- Leveraging of additional public sources is allowed so long as the outside funding sources do not preclude conversion to tenant ownership, permanent affordability, or any other requirements in the ULA measure and ordinance.

## **2.3 Eligible Activities**

Eligible activities include providing financial assistance, and may include making subordinate, long-term, low-interest, fully-amortizing or residual receipts loans to projects that provide affordable rental or homeownership housing, supportive housing, and/or mixed-income housing in accordance with ULA maximum of 20% market rate.

Eligible project costs include:

- Acquisition costs during predevelopment;
- Predevelopment costs, including, but not limited to, costs for architectural plans and renderings, Environmental Review and Historic Preservation; and Phase I Environmental Assessment Report, Phase II Environmental Assessment Report (if required), and Lead/Asbestos Reports as defined in the Department's Affordable Housing Managed Pipeline Program Requirements (Sept. 2022);

- Construction and financing costs, including but not limited to, demolition, off-site public improvements, construction bonds, general contractor and subcontractor payments including overhead, profit, and general conditions;
- Soft costs related to the construction and development of the project, including, but not limited to, conventional financing, design, program, financing, and entitlement processing, developer fees, legal fees, and professional fees;
- Costs associated with market-rate units provided only for the purpose increasing project financial stability in accordance with Los Angeles Administrative Code Section 22.618.3(d)(1)(ii)(b)(4); and
- Reasonable reserves for operating costs, for projects requiring short-term capitalized operating assistance, that are still able to demonstrate long-term financial viability without operating assistance except from Section 8 or similar long-term rental housing vouchers.

## **2.4 Ineligible Activities**

Funds awarded under the Alternative Models Production Program shall not be used for the following expenses or activities:

- Substitution for any committed permanent project financing source, unless the substitution was approved at the time of commitment.
- Costs associated with units not funded by the City of Los Angeles.
- Reimbursement for project costs that have been paid by another project funding source, unless the reimbursement was approved at the time of commitment.
- Travel expenses, food, or meals.
- Application fees for other project financing.
- Office or general organizational expenses.
- Costs that would normally be paid by the Limited Partnership or Limited Liability Company.
- The payment of delinquent taxes, fees, or charges on properties.

## **2.5 Loan / Financial Assistance Terms and Limits**

Loan Limits: At least once per year, loan limits will be established according to the following process:

1. LAHD will determine the average per unit Total Development Costs (TDC) by unit typology in the previous fiscal year. LAHD will use comparable benchmark projects funded by ULA or other City sources to determine average costs.
  - Average per unit costs will be adjusted by an inflation factor.
2. LAHD will determine the average per unit supportable debt by unit typology and at prevailing interest rates.



3. Assuming up to one (1) additional source of public financing, LAHD will determine the projected gap between the per unit cost, per unit soft sources, and per unit supportable debt, for each unit typology
4. LAHD will set limits on financial assistance for each unit typology to ensure that projects achieve long-term financial stability.
  - Modifiers may be applied to provide an increase to maximum loan limits for units with three (3) or more bedrooms, more deeply affordable units, and/or projects located in high cost and high opportunity areas.

LAHD may update loan limits more frequently if necessary to account for changes in economic conditions.

Loan Type: Predevelopment, construction (including reimbursement of acquisition and predevelopment costs), and permanent loans. Permanent loans will allow for transfer of ownership to a legal entity owned and/or controlled by residents.

Interest Rate: The interest rate for all loans is three percent (3%) simple interest. LAHD may determine a lower interest rate of no less than 1% if it is found to be necessary for project feasibility.

Calculation of Interest: Simple interest will be calculated on the loan amount outstanding and based upon a 365-day year, and actual number of days elapsed.

Term of Loan: The permanent loan term shall be no less than 60 years, and fully amortizing.

Term of Affordability Covenant: The term of the affordability restrictions in the Regulatory Agreement shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.

Developer Fee: The allowable Developer Fee(s) will be established by LAHD and shall be consistent with the most recent TCAC regulations in effect. LAHD will update developer fee limits as needed to remain consistent with TCAC limits.

These loan and financial assistance terms may be adjusted in the future, in consultation with the Citizens Oversight Committee, based on additional research and policy considerations regarding social housing strategies.

## **2.6 Sponsor and Project Underwriting Standards**

Applications shall be reviewed in accordance with LAHD Sponsor Underwriting Guidelines and Project Underwriting Guidelines. Underwriting Guidelines are available to the public, and revised regularly to reflect the most up-to-date LAHD staff analysis of financial stress and risk tolerances.

For Sponsor Underwriting Guidelines, the analysis is based on:

- Portfolio size and health, including deferred maintenance needs, lease-up rates, amount of reserves, cash flow, and debt coverage ratios;
- Development record, including number of projects completed or in development, and projects meeting development milestones on time and on budget; and
- Organization health, including reviews of three (3) most recent years of Audited Financial Statements (AFSs), and tests of assets, revenues, expenses, cash flow, debt, and liabilities, and organizational budgets, financial projections, staffing plans and board participation records.

Project Sponsors that lack significant experience or capacity are required to partner with an experienced entity that satisfies Sponsor Underwriting standards, and that can demonstrate that the organization brings adequate financial and staff capacity to guarantee successful development and operations of the project, including by showing that the partner organization has sufficient experience in property management and project development that would meet the standards set in the Sponsor Underwriting Guidelines.

For Project Underwriting Guidelines, the analysis is based on review of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

Project Underwriting Guidelines may include parameters for:

- Reasonable costs;
- Income and expense escalators;
- Bonding, insurance, and other liability coverage requirements;
- Operating and replacement reserve ratios;
- Lien priority;
- Taxes and fees;
- Hard and soft cost contingencies;
- Debt service;
- Vacancy rates.
- Relationship of proposed rents to neighborhood market rents; and
- Proposed project timeline for development and lease up.

## **2.7 Loan Management and Occupancy Monitoring**

### **a. Loan Management**

Sponsors of awarded projects are required to comply with the following:

- Submit Audited Financial Statements (AFSs) annually and effectuate loan payments by the date indicated on the loan agreement.
- As applicable, complete a Calculation of Residual Receipts Form using information from the AFS for each project. LAHD may make technical adjustments to the calculation before issuing a final invoice for any underpayments, or providing a credit for overpayments.
- Maintain adequate operating and replacement reserves, and obtain pre-approvals from LAHD prior to withdrawals from these funds.
- Submit Real Estate Owned Schedule annually showing projected and actual operating costs and income for each project.

### **b. Occupancy Monitoring**

Once a year, project owners must submit documentation that tenants who occupy restricted units are income-eligible and that the rents they pay are within the allowable program limits. Affirmative marketing practices aim to further the goals of the ULA measure and ordinance, which include improving access to permanent affordable housing for vulnerable populations. Affirmative marketing practices shall require that project owners market to non-English speakers. The project owner will also agree to provide regulator reporting on demographic information related to tenants, consistent with ULA-required tracking and reporting on tenants housed using Program funds.

### **c. Default**

The loan agreement will specify the events that may cause LAHD to declare the borrower in default. These events include, but are not limited to:

- Failure to construct/rehabilitate the proposed project within the time agreed;
- Breach of rental/ownership covenants;
- Failure to maintain the property in good condition;
- Failure to make agreed-upon loan repayments;
- Failure to receive an LAHD approval prior to any change in ownership entity;
- Breach of affirmative action, equal opportunity, contractor responsibility, equal benefits or MBE/WBE requirements;
- Failure to submit annual financial statements certified by a certified public accountant;

- Failure to comply with Measure ULA Project Labor Agreement and prevailing wage requirements, as applicable;
- Failure to meet accessibility construction standards, and/or failure to comply with all applicable accessibility standards, including but not limited to: Section 504 of the Rehabilitation Act of 1973 as amended, Title VIII of the Civil Rights Act of 1964 as amended in 1988 by the Fair Housing Amendments Act, and the Americans with Disabilities Act Title II, the State of California's Unruh Act, Department of Fair Employment and Housing (DFEH) Regulations and California Government Code Section 11135 et. seq.;
- Failure to maintain appropriate insurance coverage without LAHD approval;
- Commencing construction (including demolition) without LAHD authorization;
- Failure to abide by development and/or construction schedules;
- Failure to maintain the project "in balance" during construction;
- Failure to pay property taxes that are associated with the project;
- Bankruptcy;
- Dissolution or insolvency of the ownership entity;
- Failure to adhere to construction cost limits as stated in Section 3.7 of the AHMP Guidelines; and
- Uncured event of default under any other loan agreements from federal, state or county or private lenders.

## **2.8 Event of Conflict**

Projects must comply with all covenants and loan agreements. Where discrepancies exist between these Alternative Models for Permanent Affordable Housing New Construction Program Guidelines and other funding requirements, the most restrictive will prevail, except if the other funding requirement would preclude permanent affordability or conversion to tenant ownership.

### **SECTION 3: FUNDING ROUNDS, TIMING, AND APPROVAL PROCESS**

Based on these New Construction Program Guidelines, LAHD will periodically release NOFAs to announce the opening of applications and to effectuate the awarding of funds. The terms and requirements of these New Construction Program Guidelines shall be applicable to each NOFA, and a NOFA may incorporate additional supplementary terms and details that further clarify LAHD policy and objectives.

#### **3.1 Notice of Funding Availability (NOFA) Development Process and Publication**

Subject to funding availability, LAHD shall issue two (2) New Construction Program NOFAs per year. The timing of each NOFA shall be announced at least three (3) months in advance, and applicants shall have at least 45 days from the release of a NOFA to submit proposals.

Each New Construction NOFA shall provide specific maximum loan limits, which may or may not vary depending on unit type and depth of affordability. Loan limits will be determined as a function of estimated development costs, availability of external public subsidies, and LAHD goals with respect to unit typology and affordability mix, as described in *Section 2.5*.

Each New Construction NOFA shall specify the applicable rent schedule that projects must follow in calculating rental income and for income qualification of potential tenants.

At least five (5) business days before the application window opens, LAHD shall hold a Bidders' Conference to provide a high-level overview of the NOFA and respond to sponsor questions.

#### **3.2 Application Submittal and Review**

Each New Construction Program NOFA shall be accompanied by detailed guidance about how to submit a complete application, including where to submit an application and all documentation requirements that must be attached upon submission.

Applications shall be reviewed, underwritten, and scored once the application window closes. Once the deadline to submit has passed, applications that pass threshold review will be divided into two priority pools and ranked by score within each pool.

LAHD will first recommend funding allocations to the first pool, which is for qualified CLTs and partnerships that include CLT, in order of highest to lowest score. If funding allows, LAHD will then recommend funding allocations to the second pool in order of highest to lowest score.

More detailed information about this is provided in *Section 4: Threshold Requirements* and *Section 5: Selection Process and Criteria*.

Preliminary recommendations shall be publicized and applicants shall have a window to submit an appeal before LAHD finalizes funding commitments and, as applicable, transmits funding commitment recommendations to City Council.

### **3.3 Appeal Process**

LAHD funding recommendations can be appealed by the applicant. Each NOFA will provide detailed guidance delineating acceptable grounds for appeal and the process for filing an appeal. Applicants shall not file an appeal regarding LAHD staff evaluation of another applicant's application.

### **3.4 Council Approval Process**

Consistent with Los Angeles Administrative Code Section 22.618.3(d)(1)(iv), LAHD shall present the New Construction Program projects to the City Council and Mayor with award amounts and conditions to be met prior to funding. As applicable, the City Council and Mayor will authorize the General Manager of the LAHD, or designee, to determine that funding conditions have been met; to negotiate and execute the relevant financing documents for the project, subject to the approval of the City Attorney as to form; to prepare Controller instructions and any necessary technical adjustments consistent with Mayor and City Council actions, subject to the approval of the City Administrative Officer (CAO); and request that the Controller implement the instructions.

In the event of necessary technical corrections and adjustments that do not change the affordability mix, total number of units, or loan amount per unit, the General Manager of LAHD, or designee, shall be authorized to approve such corrections.

## **SECTION 4: THRESHOLD REQUIREMENTS**

The following section enumerates the elements of a complete New Construction Program application and describes the documentation requirements associated with each element. All applicants must demonstrate reasonableness of funding request and project feasibility. Applications will first undergo Threshold Review to ensure that all required elements have been met.

Applications that do not meet threshold requirements will not be reviewed or considered for funding.

### **4.1 Summary of Threshold Items**

The following subsections summarize each Threshold Item and descriptions of materials that will be required to demonstrate the Project satisfies each Threshold Item.

#### **a. Financial Feasibility**

Financial feasibility is a threshold requirement. To demonstrate financial feasibility, applicants must submit a complete pro forma financial analysis using a template workbook that has been approved by LAHD and complies with LAHD Project Underwriting Guidelines.

#### **b. Project Labor Agreement (PLA)**

For projects with 40 units or more, the project sponsor must submit a Letter of Assent attesting that it will comply with all the terms and conditions of the City of Los Angeles Board of Public Works Master Project Labor Agreement (PLA), or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

For more information, please refer to Los Angeles Administrative Code Section 22.618.7.

#### **c. Minimum 40 Unit Requirement for New Construction Projects**

The minimum project size for an Alternative Models for Affordable Housing New Construction Program project is 40 units, unless the project is the adaptive reuse of existing structures, in which case the project has no minimum unit count.

**d. Minimum Unit Size Requirements**

Projects must comply with California Tax Credit Allocation Committee (CTCAC) unit size minimums and also include in the Statement of Public Purpose (see Section 4.1(l)) an explanation of how the project will meet identified unit size needs.

**e. Replacement, Relocation, and Right of First Refusal**

Units demolished for redevelopment under this Program shall be replaced at a ratio of one replacement unit for each qualified demolished unit, subject to a Replacement Unit Determination (RUD) by LAHD. Moreover, replacement units must be restricted to an AMI level that matches the affordability of the household that resided in the demolished unit, or to an AMI level that is more deeply affordable. Project sponsors shall submit a Rent/Income Restriction History Assessment, which must provide, to the best of sponsor's ability, a breakdown by income level of any deed-restricted or rent-controlled residential units that will be or were vacated within the last five (5) years, as well as a record of all Lower Income Households that were known to reside in the property within the last five (5) years.

Tenants displaced due to ULA-funded construction must be offered Relocation benefits and Right of First Refusal. Project sponsors shall submit a Relocation Plan, which must include offers of comparable dwellings, as well as a Leasing Preference Policy granting Right of First Refusal to tenants displaced by the project.

For more information, please refer to Los Angeles Administrative Code Section 22.618.3(d)(1)(i)(c).

**f. Project Sponsor Experience**

Project Sponsors must submit a Schedule of Projects demonstrating at least three (3) completed projects within the last ten (10) years with: a) Building Typology comparable to the proposed project; b) financing and affordability restrictions comparable or more complex than the proposed project; and c) Property Management Experience demonstrating positive cash flow, updated building repairs, and compliance with financial and affordability audits. The organization may use the experience of its principal(s) to satisfy this requirement. In addition, Project Sponsor experience will be evaluated based on LAHD Sponsor Underwriting Guidelines.

Eligible applicants without a history of affordable housing experience may satisfy this threshold requirement by partnering with an experienced Nonprofit or show adequate staff and organizational capacity to develop and operate the project.



**g. Timeliness Requirement**

Timely production of affordable housing is a core objective of the Alternative Models Production Program, and project sponsors are required to provide a Milestones Commitment Letter as part of threshold review. The Milestones Commitment Letter must outline key pre-development activities and timelines for completion thereof, including expected completion of Environmental Site Assessments, submission of building permits and start of construction.

LAHD reserves the right to rescind funding commitments to projects that are awarded, but subsequently fail to reach milestones.

**h. Site Control**

Project Sponsors must demonstrate site control and clean title.

Site control may be evidenced by any of the following:

- Fee title as demonstrated by a current title report;
- Long-term leasehold interest (minimum term must equal term of LAHD regulatory agreement);
- Option to purchase or lease (obtaining financing shall be the sole impediment to exercising the option);
- Executed land sale contract or other enforceable agreement for acquisition of the property;
- Executed Disposition and Development Agreement (DDA) with a public agency;
- Executed Exclusive Negotiating Agreement (ENA) with the City of Los Angeles; or
- Option to lease or an alternative document that meets CTCAC's site control requirement.

Regardless of the type of site control documents provided, sponsors shall submit with the application a copy of a Preliminary Title Report prepared within the 90 days preceding application submission.

**i. Tenant Governance and Ownership**

Residents shall have a right to participate directly and meaningfully in decision-making concerning the governance of Alternative Models-funded projects.

Resident Engagement and Leadership Plan Requirements

All sponsors are required to provide a Resident Engagement and Leadership Plan that includes the following:

- Meetings to create Community Agreements.
- Monthly gatherings between property management and residents to support community cohesion and raise issues related to the building.
- Quarterly meetings between residents and property management to review operations, management, and adjust Community Agreements.
- Semi-annual meetings between residents and property management to review budgets, financials, and actuals to determine budget priorities.
- Formation of a Resident Council, as defined in Introduction Section 5. In a rental property, the Resident Council must be convened within twelve (12) months after the building is initially leased up and must meet regularly. In an ownership property, the Resident Council, whether organized as a homeowners' association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property, must be convened within the timeframe mandated by law or six (6) months, whichever is less; and must meet as frequently as is mandated by law, but no less than quarterly, to maintain oversight over property management, finances, and community cohesion.
- Resident Trainings, which provide continuous opportunities for residents to learn about all aspects of managing a residential or mixed-use building, as applicable. Resident Trainings can be provided by capacity-building networks, including any resident governance capacity-building collaborative established by the City.
- If the property is planned for future conversion from rental to ownership, then financial and design plans for ownership should engage current residents and/or resident representatives such as those on any Resident Council, and such plans should be structured to maximize retention of current residents and their conversion from tenants to owners.
- If the property consists of condominiums, is an LEHC, or includes another form of homeownership, a timeline and process for the establishment and convening of the governing body, as well as the development of policies regarding homebuyer education and access to lending opportunities and down payment assistance, marketing and sales policies that meet Affirmatively Furthering Fair Housing standards, and any applicable Right of Return or Right of First Refusal policies, and establishment of a Resale Formula.

### Tenant Governance Experience Requirements

All Project Sponsors are required to provide documentation that the development team has either experience owning and/or operating residential properties under tenant governance, or, Nonprofit partner(s) with experience owning and/or operating residential properties under tenant governance.

Experience with tenant governance is demonstrated by submitting the following:

- Community Agreements that have been created and adopted by residents in at least one property, as well as two or more of the following:
- Resident Council meeting minutes from at least one property; and/or
- Resident Council bylaws adopted by the residents of at least one property; and/or
- CLT ground lease and the bylaws of resident-owned or resident-controlled housing that is the lessee of CLT land, such that, when viewed jointly, the documents demonstrate ongoing relationship between the project sponsor and residents; and/or
- Attestation from residents verifying that the project sponsor has supported a resident-governed property by engaging residents in a collective or representative decision-making process regarding their own rental or ownership housing; and/or
- Demonstrated expertise facilitating community meetings attended by participants with linguistic, cultural, household income and/or other demographic characteristics similar to the anticipated resident population; and/or
- Evidence that current staff have received capacity-building training specific to tenant governance or resident ownership, including, but not limited to, training provided by the ULA-funded Capacity-Building Program.

Developers that do not have capacity themselves to support tenant governance must partner with a locally-based Nonprofit organization that has a demonstrated history of managing residential properties under tenant governance models. Partnerships may take the form of General Partnerships, Limited Partnerships or Limited Liability Companies or other Special-Purpose Entities (SPEs) where the experienced Nonprofit has an ownership stake in the SPE, or fee-for-service contractual agreements with a Nonprofit demonstrating experience in tenant governance. Partnership documents must provide an outline of roles and responsibilities between developer and partner organization(s).

**j. Accessibility Standards**

Project sponsors must provide a Self-Certification Form for Compliance to Accessibility Standards. City-funded projects must comply with all applicable accessibility standards in effect at the time of the NOFA. These include all applicable statutes, ordinances, regulations, court orders, consent decrees, or other legally enforceable standards that may apply to housing projects.

**k. Environmental Sustainability**

Projects shall comply with all City and state environmental sustainability requirements, including building code decarbonization measures.

**l. Statement of Public Purpose**

Project Sponsors must submit a brief narrative statement that considers the COC's Housing Needs Assessment and other available neighborhood-specific information on a community's housing challenges. The Statement of Public Purpose shall identify the household income targeting, housing typologies that best fit community needs, and cultural/linguistic competencies necessary for project owners to support residents who will be integrating into a high resource neighborhood, or those who seek stable housing in a neighborhood with high displacement risk.

The Statement of Public Purpose should address, but not be limited to, the following:

- Alignment with ULA Purpose and Goals: Describe how a proposed project would benefit the community in which it is located, meet the public needs identified in the COC's Housing Needs Assessment through the project's community outreach and final design, and advance the goals of the ULA measure and ordinance as defined in the Measure's Section 22.618.1: Purpose.
- Community Outreach and Engagement: Describe community engagement to date, including, but not limited to, any partnership(s) with community organization(s) that are led by and/or represent populations anticipated to be served by the project, and identification of languages that will be used in future outreach/engagement.
- Tenant Governance and/or Ownership: Explain proposed tenure option(s) based on input from community partner(s) and/or community members, as well as financial analysis of feasibility.
- Affordability Levels: Explain proposed affordability levels based on input from community partners(s) and/or community members, as well as available data that evaluates affordability needs at the neighborhood level.

- Unit Size: Explain proposed unit sizes based on input from community partner(s) and/or community members, as well as available data that evaluates unit size needs at the neighborhood level.

#### **m. Enhanced Environmental Health Commitment**

For project sites located within areas with a [CalEnviroScreen 4.0](#) Overall Score in the 80th percentile or higher (or any equivalent score in any successor version of this screening tool), the project sponsor shall include a narrative describing how the project will meet the following requirements:

- Community Engagement Requirement: As part of the site's Phase I Environmental Site Assessment (ESA), the project sponsor will be required to conduct community engagement activities that include a focus on lower-income neighborhood residents who represent similar income categories as are intended to be served by the project, prospective residents, and/or others with lived experience of housing unaffordability and insecurity. Such activities will solicit input in order to complement the Phase I ESA findings by identifying any potential public health concerns related to conditions on the project site or neighboring sites, including soil conditions, construction materials used in existing or previous improvements, or historic land uses, including conditions which are not officially documented in public agency lists such as the California Department of Toxic Substances Control's (DTSC's) Cortese List or otherwise have known hazards.
- Analysis Requirement: Based on the results of community engagement and Phase I ESA findings, the sponsor will identify any further need for site-level analysis to be conducted by qualified professional consultants.
- Project Design Requirement: As applicable, based on the results of professional analysis and identification of any site-specific conditions which may be linked to public health concerns, the sponsor will describe how the project design will address the anticipated concerns, and commit in writing to implementing such design features if the project is awarded ULA funding.

#### **4.2 Application Requirements**

Subject to funding availability, LAHD will issue two New Construction Program NOFAs every year detailing the complete application requirements and the amount of funding available. Each NOFA will indicate the form of the application, which must be submitted electronically. For an application to be considered complete, all requirements listed in the NOFA must be provided.

At LAHD's discretion, a NOFA may provide additional application and/or threshold requirements that are not listed in these New Construction Program Guidelines.

## SECTION 5: SELECTION PROCESS AND CRITERIA

Applications determined to have passed Threshold Review will be scored and prioritized for funding based on the methodology and selection criteria outlined in this section.

### 5.1 Evaluation and Scoring Criteria - General

All applications will be scored according to a Scoring Matrix, which will be an element of each NOFA released by LAHD. The Scoring Matrix shall prioritize, among other elements, cost effectiveness, unit typologies that align with City goals, projects located on public-owned or faith-based owned land and conveyed at less than fair market value, and projects that do not require discretionary entitlements, as those criteria are further described in *Section 5.2*.

After applications are scored, they will be divided into two pools:

1. Entities proposing feasible sustainable projects that are Community Land Trusts (CLTs) or Special-Purpose Entities (SPEs) with CLT participation in the SPE's ownership, and demonstrating experience owning and operating properties under resident leadership will receive first funding priority. Applications in the first pool will receive their funding awards in descending order by score, until funds are exhausted.
2. Entities that are either not CLTs or unable to demonstrate direct experience managing resident-led properties will receive second funding priority. If funding remains after allocations are made to the first pool, applications in the second pool will receive their funding awards in descending order by score.

In the event that two or more projects in the same funding pool receive the same score, they will be prioritized based on a tiebreaker score, to be defined in each NOFA.

### 5.2 Evaluation and Scoring Criteria - Scoring Priorities

NOFAs will include specified scoring criteria that will reflect the following priorities.

Priority	Description
Entitlement Readiness	Entitlement Readiness may be defined as projects that have secured all necessary entitlements or have the ability to demonstrate that the project can be approved by-right. This can be demonstrated by documents such as Preliminary Zoning Assessment, Zoning Letters, Letter of Compliance, or Determination Letter with approved entitlements.

Cost Effectiveness	Cost effectiveness will be evaluated on a per unit basis, with adjustments for high cost land areas.
Previous Commitment of Public or Philanthropic Funds	Projects that have received a commitment from public or philanthropic funders toward the cost of developing and/or operating affordable housing.
Use of Public Land or Land Owned by Faith-Based Organization(s)	Projects located on public land or land owned by faith-based organization(s), if the land is donated or conveyed at less than fair market value, net of the costs of meeting any requirements of the land seller, such as provision of replacement parking or facilities.
Priority Populations	Projects that set aside: <ul style="list-style-type: none"> <li>• A certain percentage of units for special needs populations (the special needs units can count towards the 20% ALI/ELI set aside requirement); and/or</li> <li>• A certain percentage of units for family housing with three (3) or more bedrooms.</li> </ul>
Priority Project Locations	Projects that are either located within HCD/TCAC Opportunity Map index ranked census tracts located in High or Highest Resource areas or areas at high or extremely high displacement risk, as indicated in the forthcoming LAHD displacement risk tool.
Deeper Affordability	Projects that propose a clear and financially-feasible strategy for resident ownership at an average affordability of deed- and resale-restricted rental units at 60% AMI or below; or, for rental projects, an average affordability of 50% AMI or below for deed-restricted units.
Amenities	Project design that incorporates amenities that are above TCAC minimums, including but not limited to wellness, recreation, commercial and/or cultural amenities that enhance community livability and sustainability, such as affordable groceries, open space, and walking, biking, or transit pathways to access a public school.

# **Preservation Program Guidelines**

## **SECTION 1: ADMINISTRATIVE OVERVIEW**

### **1.1 Program Administrator**

The Alternative Models for Permanent Affordable Housing Preservation Program (Preservation Program) is administered by the City of Los Angeles Housing Department (LAHD). Within LAHD, the Housing Development Bureau (HDB) manages the development and issuance of Notices of Funding Availability (NOFAs), and sponsor and project review and underwriting, including scoring and awarding of applications.

LAHD will revise maximum loan limits annually to reflect changes in the economic environment including budget, availability of external funds, legal and regulatory mandates, interest rates, commodity and land prices, and inflation. Prior to issuing NOFAs, LAHD will provide an update to the ULA Citizen Oversight Committee (COC) and City Council pertaining to the maximum loan limits.

### **1.2 Notice of Funding Availability (NOFA) Schedule**

Subject to funding availability, LAHD will offer one (1) NOFA for the Alternative Models for Permanent Affordable Housing Preservation Program every fiscal year. Additional information regarding the NOFA, project application, and project award schedule will be provided in Department-issued NOFAs.

## **SECTION 2: GENERAL PROVISIONS**

The following section provides a summary of how the Program will be operated and general Program requirements.

### **1.3 Eligible Applicants**

Eligible applicants include public entities, local housing authorities, Community Land Trusts (CLTs), Limited Equity Housing Cooperatives (LEHCs), and Nonprofits. Partnerships such as General Partnerships, Limited Partnership, and Limited Liability Companies may apply provided that the Managing General Partner is an eligible entity. A for-profit entity cannot be the Managing General Partner.



### Affordable Housing Experience

The ULA Measure and Ordinance requires applicants to have experience with affordable housing development and property management within the project team. However, eligible entities without sufficient experience developing and managing affordable housing developments may partner with an experienced Nonprofit to apply for Program funding, as long as the experienced Nonprofit participates in the management of the project with duties equivalent to those of a Managing General Partner.

### Tenant Governance Experience

Development teams must also demonstrate experience supporting tenant governance models. Developers that do not have capacity themselves to support tenant governance must partner with a locally-based Nonprofit organization that (i) has a demonstrated history of managing residential properties under tenant governance models.

Partnerships may take the form of General Partnerships, Limited Partnerships or Limited Liability Companies or other Special-Purpose Entities (SPEs) where the experienced Nonprofit has an ownership stake in the SPE, or fee-for-service contractual agreements with a Nonprofit demonstrating experience in tenant governance. Partnership documents must provide an outline of roles and responsibilities between developer and partner organization(s).

## **1.4 Eligible Projects**

Projects must meet the following requirements to be eligible for Program funds.

### Project Type:

- The project must be one of two project types:
  - Projects under significant financial distress, defined as the recapitalization, acquisition, and/or rehabilitation of deed-restricted affordable housing projects located in the City of Los Angeles that are at risk of financial insolvency, regardless of the remaining term of covenants; or
  - Projects with expiring or expired covenants, defined as the recapitalization, acquisition, and/or rehabilitation of deed-restricted affordable housing projects located in the City of Los Angeles. For projects with expiring covenants, the remaining term of the covenants shall be less than or equal to 10 years.

### Project Size:

- Preservation Program projects have no minimum unit count.

Affordability Requirements and Rent Schedules:

- A minimum of 20% of the total project units must be restricted to Acutely Low Income (ALI) and/or Extremely Low Income (ELI) Households. Existing tenants should not be displaced if their incomes exceed newly adopted limits under this program. Unit affordability targets should be achieved over time through natural unit turnover.
- Up to 20% of the total project units may be unrestricted with respect to rents and household incomes if necessary to make the project financially feasible in accordance with Los Angeles Administrative Code Section 22.618.3(d)(1)(ii)(b)(4), but all other units must be restricted to be affordable to Lower Income Households. If the unrestricted units are occupied at the time of the project's participation in the Preservation Program, existing tenants should not be displaced. Units should instead float to the higher rent target over time through natural unit turnover.
- LAHD will specify applicable income targeting and rent schedules in each NOFA.
- All deed restricted affordable units must be affordable in perpetuity, as defined in *Section 2.5*, with AMI limits set at the project rather than unit level, and a target of average 60% AMI across each project, subject to City Attorney approval of the regulatory agreement. LAHD will apply HUD/LIHTC income targeting and rent schedules, with the exception of when the project or units in the project are subject to regulatory agreements that require Health and Safety Code income targeting and rent schedules.

Labor Compliance

- Must pay prevailing wage.
- If there will be major construction or rehabilitation on projects with 40 units or more, the project must comply with the City of Los Angeles Department of Public Works Master Project Labor Agreement (PLA) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

Outside Leveraging:

- Leveraging of additional public sources is allowed so long as the outside funding sources do not preclude conversion to tenant ownership, permanent affordability, or any other requirements in the ULA measure and ordinance.

**1.5 Eligible Activities**

Eligible activities include providing financial assistance, and may include making subordinate, long-term, low-interest, fully-amortizing or residual receipts loans to projects that provide affordable rental or homeownership housing, supportive housing, and/or mixed-income housing in accordance with ULA maximum of 20% market rate.

Eligible project costs include:

- Acquisition costs during predevelopment;
- Predevelopment costs, including but not limited to costs for architectural plans and renderings, Environmental Review and Historic Preservation; and Phase I Environmental Assessment Report, Phase II Environmental Assessment Report (if required), and Lead/Asbestos Reports as defined in the Department's Affordable Housing Managed Pipeline Program Requirements (Sept. 2022);
- Construction and financing costs, including but not limited to demolition, off-site public improvements, construction bonds, general contractor and subcontractor payments including overhead, profit, and general conditions;
- Soft costs related to the construction and development of the project, including but not limited to conventional financing, design, program, financing, and entitlement processing, developer fees, legal fees, and professional fees;
- Costs associated with market-rate units provided only for the purpose increasing project financial stability in accordance with Los Angeles Administrative Code Section 22.618.3(d)(1)(ii)(b)(4); and
- Reasonable reserves for operating costs, for projects requiring short-term capitalized operating assistance, that are still able to demonstrate long-term financial viability without operating assistance except from Section 8 Housing Choice Vouchers or similar long-term rental housing vouchers.

## **1.6 Ineligible Activities**

Funds awarded under the Alternative Models Preservation Program shall not be used for the following expenses or activities:

- Substitution for any committed permanent project financing source, unless the substitution was approved at the time of commitment.
- Costs associated with units not funded by the City of Los Angeles.
- Reimbursement for project costs that have been paid by another project funding source, unless the reimbursement was approved at the time of commitment.
- Travel expenses, food, or meals.
- Application fees for other project financing.
- Office or general organizational expenses.
- Costs that would normally be paid by the Limited Partnership or Limited Liability Company.
- The payment of delinquent taxes, fees, or charges on properties.

## **1.7 Loan / Financial Assistance Terms and Limits**

Loan Limits: At least once per year, loan limits will be established according to the following process:

1. LAHD will determine the average per unit Total Development Costs (TDC) by unit typology in the previous fiscal year. LAHD will use comparable benchmark projects funded by ULA or other City sources to determine average costs.
  - Average per unit costs will be adjusted by an inflation factor.
2. LAHD will determine the average per unit supportable debt by unit typology and at prevailing interest rates.
3. Assuming up to two (2) additional public financing sources, LAHD will determine the projected gap between the per unit cost, per unit soft sources, and per unit supportable debt, for each unit typology.
4. LAHD will set limits on financial assistance for each unit typology to ensure that projects achieve long-term financial stability.

LAHD may update loan limits more frequently if necessary to account for changes in economic conditions.

Loan Type: Predevelopment, construction (including reimbursement of acquisition and predevelopment costs), and permanent loans. Permanent loans will allow for transfer of ownership to a legal entity owned and/or controlled by residents.

Interest Rate: The interest rate for all loans is three percent (3%) simple interest. LAHD may determine a lower interest rate of no less than 1% if it is found to be necessary for project feasibility.

Calculation of Interest: Simple interest will be calculated on the loan amount outstanding and based upon a 365-day year, and actual number of days elapsed.

Term of Loan: The permanent loan term shall be no less than 60 years, and fully amortizing.

Term of Affordability Covenant: The term of the affordability restrictions shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.

Developer Fee: The allowable Developer Fee(s) will be established by LAHD and shall be consistent with the most recent TCAC regulations in effect. LAHD will update developer fee limits as needed to remain consistent with TCAC limits.

These loan and financial assistance terms may be adjusted in the future, in consultation with the Citizens Oversight Committee, based on additional research and policy considerations regarding social housing strategies.

## **2.9 Sponsor and Project Underwriting Standards**

Applications shall be reviewed in accordance with LAHD Sponsor Underwriting Guidelines and Project Underwriting Guidelines. Underwriting Guidelines are available to the public, revised regularly to reflect the most up-to-date LAHD staff analysis of financial stress and risk tolerances.

For Sponsor Underwriting Guidelines, the analysis is based on:

- Portfolio size and health, including deferred maintenance needs, lease-up rates, amount of reserves, cash flow, and debt coverage ratios;
- Development record, including number of projects completed or in development, and projects meeting development milestones on time and on budget; and
- Organization health, including reviews of three (3) most recent years of Audited Financial Statements (AFSs), and tests of assets, revenues, expenses, cash flow, debt, and liabilities, and organizational budgets, financial projections, staffing plans and board participation records.

Project Sponsors that lack significant experience or capacity are required to partner with an experienced entity that satisfies Sponsor Underwriting standards, and that can demonstrate that the organization brings adequate financial and staff capacity to guarantee successful development and operations of the project, including by showing that the partner organization has sufficient experience in property management and project development that would meet the standards set in the Sponsor Underwriting Guidelines.

For Project Underwriting Guidelines, the analysis is based on review of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

Project Underwriting Guidelines may include parameters for:

- Reasonable costs;
- Income and expense escalators;
- Bonding, insurance, and other liability coverage requirements;
- Operating and replacement reserve ratios;
- Lien priority;
- Taxes and fees;
- Hard and soft cost contingencies;
- Debt service;
- Vacancy rates;
- Relationship of proposed rents to neighborhood market rents; and
- Proposed project timeline for development and lease up.

## **2.10 Loan Management and Occupancy Monitoring**

### **a. Loan Management**

Sponsors of awarded projects are required to:

- Submit Audited Financial Statements (AFSs) annually and effectuate loan payments by the date indicated on the loan agreement.
- As applicable, complete a Calculation of Residual Receipts Form using information from the AFS for each project. LAHD may make technical adjustments to the calculation before issuing a final invoice for any underpayments, or providing a credit for overpayments.
- Maintain adequate operating and replacement reserves, and obtain pre-approvals from LAHD prior to withdrawals from these funds.
- Submit Real Estate Owned Schedule annually showing actual operating costs and income for each project.

### **b. Occupancy Monitoring**

Once a year, project owners must submit documentation that demonstrates that tenants who occupy restricted units are income-eligible and that the rents they pay are within the allowable program limits. Affirmative marketing practices aim to further the goals of the ULA measure and ordinance, which include improving access to permanent affordable housing for vulnerable populations. Affirmative marketing practices shall require that project owners market to non-English speakers. The project owner will also agree to provide regular reporting on demographic information related to tenants, consistent with ULA-required tracking and reporting on tenants housed using Program funds.

### **c. Default**

The loan agreement will specify the events that may cause LAHD to declare the borrower in default. These events include, but are not limited to:

- Failure to construct/rehabilitate the proposed project within the time agreed;
- Breach of rental/ownership covenants;
- Failure to maintain the property in good condition;
- Failure to make agreed-upon loan repayments;
- Failure to receive an LAHD approval prior to any change in ownership entity;
- Breach of affirmative action, equal opportunity, contractor responsibility, equal benefits or MBE/WBE requirements;
- Failure to submit annual financial statements certified by a certified public accountant;
- Failure to comply with Measure ULA Project Labor Agreement and prevailing wage requirements, as applicable;

- Failure to meet accessibility construction standards, and/or failure to comply with all applicable accessibility standards, including but not limited to: Section 504 of the Rehabilitation Act of 1973 as amended, Title VIII of the Civil Rights Act of 1964 as amended in 1988 by the Fair Housing Amendments Act, and the Americans with Disabilities Act Title II, the State of California's Unruh Act, Department of Fair Employment and Housing (DFEH) Regulations and California Government Code Section 11135 et. seq.;
- Failure to maintain appropriate insurance coverage without LAHD approval;
- Commencing construction (including demolition) without LAHD authorization;
- Failure to abide by development and/or construction schedules;
- Failure to maintain the project "in balance" during construction;
- Failure to pay property taxes that are associated with the project;
- Bankruptcy;
- Dissolution or insolvency of the ownership entity;
- Failure to adhere to construction cost limits as stated in Section 3.7 of the AHMP Guidelines; and
- Uncured event of default under any other loan agreements from federal, state or county or private lenders.

#### **d. Event of Conflict**

Projects must comply with all covenants and loan agreements. Where there are discrepancies between these Alternative Models for Permanent Affordable Housing Preservation Program Guidelines and other funding requirements, the most restrictive will prevail, except if the other funding requirement would preclude conversion to tenant ownership or permanent affordability.

### **SECTION 3: FUNDING ROUNDS, TIMING, AND APPROVAL PROCESS**

Based on these Preservation Program Guidelines, LAHD will periodically release NOFAs to announce the opening of applications and to effectuate the awarding of funds. The terms and requirements of these Preservation Program Guidelines shall be applicable to each NOFA, and a NOFA may incorporate additional supplementary terms and details that further clarify LAHD policy and objectives.

#### **3.1 Notice of Funding Availability (NOFA) Development Process and Publication**

Subject to funding availability, LAHD shall issue one (1) Preservation Program NOFA per year. The timing of each NOFA shall be announced at least three (3) months in advance, and applicants shall have at least 45 days from the release of a NOFA to submit proposals.

Each Preservation Program NOFA shall provide specific maximum loan limits, which may or may not vary depending on unit type and depth of affordability. Loan limits will be determined

as a function of estimated development costs, availability of external public subsidies, and LAHD goals with respect to unit typology and affordability mix, as described in *Section 2.5*.

Moreover, each Preservation Program NOFA shall define “at-risk” properties eligible for Program funding:

- Projects under significant financial distress: LAHD will establish standards for financial stress testing.
- Projects with expiring covenants: LAHD will define a timeframe for expiration of affordability restrictions.

At least five (5) business days before the application window opens, LAHD shall hold a Bidders’ Conference to provide a high-level overview of the NOFA and respond to sponsor questions.

### **3.2 Application Submittal and Review**

Each Preservation Program NOFA shall be accompanied by detailed guidance about how to submit a complete application, including where to submit an application and all documentation requirements that must be attached upon submission.

Applications shall be reviewed, underwritten, and scored on a rolling basis until the application window closes. Once the deadline to submit has passed, applications that pass threshold review will be divided into two priority pools and ranked by score within each pool.

LAHD will first recommend funding allocations to the first pool, which is for qualified CLTs and partnerships that include CLTs, in order of highest to lowest score. If funding allows, LAHD will then recommend funding allocations to the second pool in order of highest to lowest score.

More detailed information about this is provided in *Section 4: Threshold Requirements* and *Section 5: Selection Process and Criteria*.

Funding recommendations shall be publicized and applicants shall have a window to submit an appeal before LAHD finalizes funding commitments and, as applicable, transmits funding commitment recommendations to City Council.

### **3.3 Appeal Process**

LAHD funding recommendations can be appealed by the applicant. Each NOFA will provide detailed guidance delineating acceptable grounds for appeal and the process for filing an appeal. Applicants shall not file an appeal regarding LAHD staff evaluation of another applicant’s application.

### **3.4 Council Approval Process**



Consistent with Los Angeles Administrative Code Section 22.618.3(d)(1)(iv), LAHD shall present the recommended Preservation Program projects to the City Council and Mayor with award amounts and conditions to be met prior to funding. As applicable, the City Council and Mayor will authorize the General Manager of the LAHD, or designee, to determine that funding conditions have been met; to negotiate and execute the relevant financing documents for the project, subject to the approval of the City Attorney as to form; to prepare Controller instructions and make any necessary technical adjustments consistent with Mayor and City Council actions, subject to the approval of the City Administrative Officer (CAO); and request that the Controller implement the instructions.

In the event of necessary technical corrections and adjustments that do not change the affordability mix, total number of units, or loan amount per unit, the General Manager of LAHD, or designee, shall be authorized to approve such corrections.

## **SECTION 4: THRESHOLD REQUIREMENTS**

The following section enumerates the elements of a complete Preservation Program application and describes the documentation requirements associated with each element. All applicants must demonstrate reasonableness of funding request and project feasibility. Applications will first undergo Threshold Review to ensure that all required elements have been met.

Applications that do not meet threshold requirements will not be reviewed or considered for funding.

### **4.1 Summary of Threshold Items**

The following subsections provide a summary of each Threshold Item and descriptions of materials that will be required to demonstrate the Project satisfies each Threshold Item.

#### **a. Financial Feasibility**

Financial feasibility is a threshold requirement. To demonstrate financial feasibility, applicants must submit a complete pro forma financial analysis using a template workbook that has been approved by LAHD and complies with LAHD Project Underwriting Guidelines.

#### **b. Capital Needs Assessment (CNA) and Scope of Work (SOW)**

Project Sponsors are required to submit a Capital Needs Assessment (CNA) identifying all current and anticipated capital and/or maintenance needs within the next five (5) years, and a proposed Scope of Work (SOW) detailing maintenance, repairs, and rehabilitation, and capital improvements to be undertaken. Preservation projects are

required to complete, at minimum, the items indicated within the SOW and as supported by the CNA.

If a Capital Improvement Plan is part of the SOW, that must be included in the application.

**c. Proof of Financial Stress**

Project Sponsors are required to demonstrate that the property is at risk of losing its affordability either due to significant financial stress or expiring covenants.

For any eligible project under significant financial distress, Audited Financial Statements (AFSSs) must be provided as part of the application in order to demonstrate eligibility. LAHD will establish standards for financial stress tests within each Preservation Program NOFA.

**d. Expiring or Expired Covenants**

Project Sponsors are required to demonstrate that the property is at risk of losing its affordability either due to significant financial stress or expiring covenants.

For any eligible project with expiring or expired covenants, a copy of the property's affordability covenant is a threshold item required to demonstrate eligibility. LAHD will establish a timeframe for covenant expiration within each Preservation Program NOFA.

**e. Project Labor Agreement (PLA)**

For projects with 40 units or more, the Project Sponsor must submit a Letter of Assent attesting that it will comply with all the terms and conditions of the City of Los Angeles Board of Public Works Master Project Labor Agreement (PLA), or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

For more information, please refer to *Los Angeles Administrative Code* Section 22.618.7.

**f. Replacement, Relocation, and Right of First Refusal**

Units demolished for redevelopment under this Program shall be replaced at a ratio of one replacement unit for each qualified demolished unit, subject to a Replacement Unit Determination (RUD) by LAHD. Moreover, replacement units must be restricted to an AMI level that matches the affordability of the household that resided in the demolished unit, or to an AMI level that is more deeply affordable. Project sponsors shall submit a

Rent/Income Restriction History Assessment, which must provide, to the best of sponsor's ability, a breakdown by income level of any deed-restricted or rent-controlled residential units that will be or were vacated within the last five (5) years.

Tenants displaced due to ULA-funded construction must be offered Relocation benefits and Right of First Refusal. Project sponsors shall submit a Relocation Plan, which must include offers of comparable dwellings, as well as a Leasing Preference Policy granting Right of First Refusal to tenants displaced by the project.

For more information, please refer to *Los Angeles Administrative Code* Section 22.618.3(d)(1)(i)(c).

**g. Project Sponsor Experience**

Project Sponsors must submit a Schedule of Projects demonstrating at least three (3) completed projects within the last ten (10) years with: a) Building Typology comparable to the proposed project; b) financing and affordability restrictions comparable or more complex than the proposed project; and c) Property Management Experience demonstrating positive cash flow, updated building repairs, and compliance with financial and affordability audits. The organization may use the experience of its principal to satisfy this requirement. In addition, sponsor experience will be evaluated based on LAHD Sponsor Underwriting Guidelines.

Eligible applicants without a history of affordable housing experience may satisfy this threshold requirement by partnering with an experienced Nonprofit or show adequate organizational and staff capacity to develop and operate the project.

**h. Timeliness Requirement**

Timely production of affordable housing is a core objective of the Alternative Models Preservation Program, and project sponsors are required to provide a Milestones Commitment Letter as part of threshold review. The Milestones Commitment Letter must outline key pre-development and construction activities and timelines for completion thereof, including expected completion of Environmental Site Assessments, submission of building permits and start of construction.

LAHD reserves the right to rescind funding commitments to projects that are awarded, but subsequently fail to reach milestones.

**i. Site Control**

Project Sponsors must demonstrate site control and clean title.

Site control may be evidenced by any of the following:

- Fee title as demonstrated by a current title report;
- Long-term leasehold interest (minimum term must equal term of LAHD regulatory agreement);
- Option to purchase or lease (obtaining financing shall be the sole impediment to exercising the option);
- Executed land sale contract or other enforceable agreement for acquisition of the property;
- Executed Disposition and Development Agreement (DDA) with a public agency; or
- Option to lease or an alternative document that meets CTCAC's site control requirement.

Regardless of the type of site control documents provided, sponsors shall submit with the application a copy of a Preliminary Title Report prepared within the 90 days preceding application submission.

**j. Tenant Governance and Ownership**

Residents shall have a right to participate directly and meaningfully in decision-making concerning the governance of Alternative Models-funded projects.

Resident Engagement and Leadership Plan Requirements

All sponsors are required to provide a Resident Engagement and Leadership Plan that includes the following:

- Meetings to create Community Agreements.
- Monthly gatherings between property management and residents to support community cohesion and raise issues related to the building.
- Quarterly meetings between residents and property management to review operations, management, and adjust Community Agreements.
- Semi-annual meetings between residents and property management to review budgets, financials, and actuals to determine budget priorities.
- Formation of a Resident Council, as defined in Introduction Section 5. In a rental property, the Resident Council must be convened within eighteen (18) months after the building is initially leased up and must meet regularly. In an ownership property, the Resident Council, whether organized as a homeowners' association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property, must be convened within the timeframe mandated by law or six (6) months, whichever is less; and must meet as frequently as is mandated by law, but no less than quarterly, to maintain oversight over property management, finances, and community cohesion.

- Resident Trainings, which provide continuous opportunities for residents to learn about all aspects of managing a residential or mixed-use building, as applicable. Resident Trainings can be provided by capacity-building networks, including any resident governance capacity-building collaborative established by the City.
- If a property is planned for future conversion from rental to ownership, then the financial and design plans for ownership should engage current residents and/or resident representatives such as those on any Resident Council, and such plans should be structured to maximize retention of current residents.
- If a property consists of condominiums, is an LEHC, or includes another form of homeownership, a timeline and process for the establishment and convening of the governing body, as well as the development of policies regarding homeowner education and access to lending opportunities and down payment assistance, marketing and sales policies that meet Affirmatively Furthering Fair Housing standards and any applicable Right of Return or Right of First Refusal policies, and establishment of a Resale Formula.

#### Tenant Governance Experience Requirements

All Project Sponsors are required to provide documentation that the development team has either experience owning and/or operating residential properties under tenant governance, or, Nonprofit partner(s) with experience owning and/or operating residential properties under tenant governance.

Experience with tenant governance is demonstrated by submitting:

- Community Agreements that have been created and adopted by residents in at least one property; as well as three (3) or more of the following:
- Resident Council meeting minutes from at least one (1) property or portfolio of properties; and/or
- Resident Council bylaws adopted by the residents of at least one (1) property or portfolio of properties; and/or
- CLT ground lease and the by-laws of a resident-owned or resident-controlled housing that is the lessee of CLT land, such that, when viewed jointly, the documents demonstrate on-going relationship between the project sponsor and residents; and/or
- Attestation from residents verifying that the project sponsor has supported a resident-governed property by engaging residents in a collective or representative decision-making process regarding their own rental and ownership housing; and/or
- Demonstrated expertise facilitating community meetings attended by participants with linguistic, cultural, household income and/or other demographic characteristics similar to the anticipated resident population; and/or

- Evidence that current staff have received capacity-building training specific to resident governance or resident ownership, including, but not limited to, training provided by the ULA-funded Capacity-Building Program.

Developers that do not have capacity themselves to support tenant governance must partner with a locally-based Nonprofit organization that has a demonstrated history of managing residential properties under tenant governance models. Partnerships may take the form of General Partnerships, Limited Partnerships or Limited Liability Companies or other Special-Purpose Entities (SPEs) where the experienced Nonprofit has an ownership stake in the SPE, or fee-for-service contractual agreements with a Nonprofit demonstrating experience in tenant governance. Partnership documents must provide an outline of roles and responsibilities between developer and partner organization(s).

#### **k. Accessibility Standards**

Project Sponsors must provide a Self-Certification Form for Compliance to Accessibility Standards. City-funded projects must comply with all applicable accessibility standards in effect at the time of the NOFA. These include all applicable statutes, ordinances, regulations, court orders, consent decrees, or other legally enforceable standards that may apply to housing projects.

#### **l. Statement of Public Purpose**

Project Sponsors must submit a brief narrative statement that considers the COC's Housing Needs Assessment and other available neighborhood-specific information on a community's housing challenges. The Statement of Public Purpose shall identify the household income targeting, housing typologies that best fit community needs, and cultural/linguistic competencies necessary for project owners to support residents who will be integrating into a high resource neighborhood, or those who seek stable housing in a neighborhood with high displacement risk.

The Statement of Public Purpose should address but not be limited to the following:

- Alignment with ULA Purpose and Goals: Describe how a proposed project would benefit the community in which it is located, meet the public needs identified in the COC's Housing Needs Assessment through the project's community outreach and final design, and advance the goals of the ULA ordinance as defined in the Measure's Section 22.618.1: Purpose.
- Community Outreach and Engagement: Describe community engagement to date, including but not limited to, any partnership(s) with community organization(s) that are led by and/or represent populations anticipated to be served by the project, and identification of languages that will be used in future engagement/outreach.

- **Tenant Governance and/or Ownership:** Explain proposed tenure option(s) based on input from community partner(s) and/or community members, as well as financial analysis of feasibility.
- **Affordability Levels:** Explain proposed affordability levels based on input from community partner(s) and/or community members, as well as available data that evaluates affordability needs at the neighborhood level.
- **Unit Size:** Explain proposed unit sizes based on input from community partner(s) and/or community members, as well as available data that evaluates unit size needs at the neighborhood level.

#### **m. Enhanced Environmental Health Commitment**

For project sites located within areas with a [CalEnviroScreen 4.0](#) Overall Score in the 80th percentile or higher (or any equivalent score in any successor version of this screening tool), the project sponsor shall include a narrative describing how the project will meet the following requirements:

- **Community Engagement Requirement:** As part of the site's Phase I Environmental Site Assessment (ESA), the project sponsor will be required to conduct community engagement activities that include a focus on lower-income neighborhood residents who represent similar income categories as are intended to be served by the project, prospective residents, and/or others with lived experience of housing unaffordability and insecurity. Such activities will solicit input in order to complement the Phase I ESA findings by identifying any potential public health concerns related to conditions on the project site or neighboring sites, including soil conditions, construction materials used in existing or previous improvements, or historic land uses, including conditions which are not officially documented in public agency lists such as the California Department of Toxic Substances Control's (DTSC's) Cortese List or otherwise have known hazards.
- **Analysis Requirement:** Based on the results of community engagement and Phase I ESA findings, the sponsor will identify any further need for site-level analysis to be conducted by qualified professional consultants.
- **Project Design Requirement:** As applicable, based on the results of professional analysis and identification of any site-specific conditions which may be linked to public health concerns, the sponsor will describe how the project design will address the anticipated concerns, and commit in writing to implementing such design features if the project is awarded ULA funding.

#### **4.2 Application Requirements**

Subject to funding availability, LAHD will issue two NOFAs every year detailing the complete application requirements and the amount of funding available. Each NOFA will indicate the

form of the application, which must be submitted electronically. For an application to be considered complete, all requirements listed in the NOFA must be provided.

At LAHD's discretion, a NOFA may provide additional application and/or threshold requirements that are not listed in these Preservation Program Guidelines, so long as the additional requirements are consistent with the goals and purpose of the Program and the ULA ordinance.

## **SECTION 5: SELECTION PROCESS AND CRITERIA**

Applications determined to have passed Threshold Review will be scored and prioritized for funding based on the methodology and selection criteria outlined in this section.

### **5.1 Evaluation and Scoring Criteria - General**

All applications will be scored according to a Scoring Matrix, which will be an element of each NOFA released by LAHD. The Scoring Matrix shall prioritize, among other elements, cost effectiveness, unit typologies that align with City goals, and projects that demonstrate ability to begin construction more quickly (project readiness), as those criteria are further described in *Section 5.2*.

After applications are scored, they will be divided into two pools:

1. Entities proposing feasible sustainable projects and incorporated as Community Land Trusts (CLTs) or Special-Purpose Entities (SPEs) with CLT participation in the SPE's ownership, and demonstrating experience owning and operating properties under resident leadership will receive first funding priority. Applications in the first pool will receive their funding awards in descending order by score, until funds are exhausted.
2. Entities that are either not CLTs or unable to demonstrate direct experience managing resident-led properties will receive second funding priority. If funding remains after allocations are made to the first pool, applications in the second pool will receive their funding awards in descending order by score.

In the event that two or more projects in the same funding pool receive the same score, they will be prioritized based on a tiebreaker score, to be defined in each NOFA.



## 5.2 Evaluation and Scoring Criteria - Scoring Priorities

NOFAs will include specified scoring criteria that will reflect the following priorities.

Priority	Description
History of Tenant Organizing	Projects with a history of outreach to the property's tenants, including but not limited to attestation and/or meeting minutes from an organized group of the property's residents, or a letter of support signed by a majority of the building's households.
Entitlement Readiness	Entitlement Readiness may be defined as projects that have secured all necessary entitlements or have the ability to demonstrate that the project can be approved by-right. This can be demonstrated by Preliminary Zoning Assessment, Zoning Letters, Letter of Compliance, or Determination Letter with approved entitlements.
Cost Effectiveness	Cost effectiveness will be evaluated on a per unit basis, with adjustments for high cost land areas.
Risk of Affordability Loss	For projects with expiring covenants, priority would be for covenants with more imminent expiry.
Priority Populations	Projects that set aside a certain percentage of units for special needs populations (the special needs units can count towards the 20% ALI/ELI set aside requirement).

# ULA ACQUISITION AND REHABILITATION OF AFFORDABLE HOUSING PROGRAM GUIDELINES

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City Council Consideration  
August 15, 2024

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#### **Appendix**

A. United to House LA Measure

## **INTRODUCTION**

### **1. Program Summary**

#### **a. Goals and Requirements**

The Acquisition and Rehabilitation of Affordable Housing Program is a United to House LA (ULA) Affordable Housing Program that has an overarching goal of preserving the affordability of existing housing, preventing the displacement of residents who depend on the affordability of existing housing, ensuring the operating health of, and extending the useful life of, the preserved properties by providing the funding needed for rehabilitation work and capital improvements, and cultivating resident governance and/or ownership of their housing.

Following is a summary of universal ULA Requirements that must be met in all Affordable Housing programs, as further delineated in Los Angeles Administrative Code Section 22.618.3(d)(1)(i):

- All units are affordable to Lower Income Households, with a limited exception for units created under the Alternative Models for Permanent Affordable Housing Program.
- All units are restricted affordable in perpetuity or such other maximum length of time as may be permitted by applicable law, with limited exceptions to permit 55-year covenant terms if required by other funding sources in the project.
- Resale of rental property is restricted to Nonprofits, Limited Equity Housing Cooperatives (LEHCs), and/or Community Land Trusts (CLTs).
- One-to-one replacement of existing qualifying units as required, as verified by a Replacement Unit Determination (RUD) from the Los Angeles Housing Department (LAHD).
- Projects must provide relocation benefits and right of first refusal to any qualifying existing occupants.
- Prevailing wage is required for all construction activities.
- A Project Labor Agreement (PLA) required for construction and rehabilitation of 40 or more units.

Additionally, the below requirements are applicable to all activities under the Acquisition and Rehabilitation of Affordable Housing Program:

- Activities must target existing housing, including but not limited to rental properties, rent-stabilized housing, residential hotels, Accessory Dwelling Units (ADUs) and Junior ADUs, and housing with existing covenants whose covenants would expire within ten (10) years of project onset.

- With the exception of acquisitions of Residential Hotels, at least 50% of units must be occupied by Lower Income Households upon acquisition.
- Existing tenants of acquired properties shall not be permanently displaced, even if their incomes exceed the lower income household limits or any income limits set for their unit.
- Housing units must be acquired and managed by a public entity, a local housing authority, a qualified CLT, an LEHC, or a 501(c)(3) non-profit entity.
- Acquisition must include a plan for resident engagement in building governance, and may include a plan for tenant ownership.
- Project funding may take the form of grants or loans.
- Funding shall not require leveraging if additional funding requirements would make any ULA program requirements infeasible or preclude any future conversion to tenant ownership.

## **b. Program Areas**

The Acquisition and Rehabilitation for Affordable Housing Program includes two key Program Areas. This document includes guidelines for each of the two Program Areas:

1. **Small Naturally Occurring Affordable Housing (NOAH) Program Guidelines:**  
The Small Naturally Occurring Affordable Housing (Small NOAH) Program aims to preserve the affordability of properties where tenants are at risk of displacement. It provides funding to acquire and conduct rehabilitation work on NOAH properties. This subprogram is administered through a third party administrator.
2. **Preserving Affordability Program Guidelines:** This subprogram would facilitate acquisition of for-profit-owned affordable properties with covenants within 10 years of expiring; or facilitate acquisition of Nonprofit-owned affordable properties with covenants within 10 years of expiring, and are being sold or transferred to another Nonprofit in order to maintain operations as affordable housing.

In order to provide certainty and allow for advance planning regarding the amount of funds that will be available for each Program Area, program funds shall be apportioned for the first three years as follows, unless the City Council approves, with the advice of the ULA Citizens Oversight Committee (COC), a finding that a different allocation is needed:

- **Fiscal Year 24-25:** No more than 50% apportioned to the Preserving Affordability Program and at least 50% to the Small NOAH Program, inclusive of the Fund Administrator costs.
- **Fiscal Year 25-26:** No more than 40% apportioned to the Preserving Affordability Program and at least 60% to the Small NOAH Program, inclusive of the Fund Administrator costs.

- **Fiscal Year 26-27:** No more than 40% apportioned to the Preserving Affordability Program and at least 60% to the Small NOAH Program, inclusive of the Fund Administrator costs.

Each year, the Los Angeles Housing Department (LAHD) and the COC will present a summary of housing needs and housing production to the City Council and Mayor. LAHD will include in this annual report a summary of all City-controlled funding sources for housing production and preservation, to demonstrate how ULA funds can be used within the context of the City's overall housing needs and resources. Preservation needs will further include data on the financial and physical health of the City's housing portfolio, other LAHD analysis, data compiled by HCD pursuant to the State's Preservation Notice Law, financial restructuring requests from project sponsors, and projects flagged as concerns by tenants, community groups, and City Council offices.

Each fiscal year, with the recommendations of the COC and LAHD, the City Council and Mayor will approve and apportion a three (3) year expenditure allocation for the Acquisition and Rehabilitation for Affordable Housing Program, with funds allocated between the Small NOAH Program and the Preserving Affordability Program based on anticipated need, and realistic and demonstrated pipeline of potential projects in each program. The expenditure allocation will include a process for pre-identifying potential projects that are likely to utilize the Preserving Affordability Program, in order to forecast that subprogram's budgetary needs in a three (3) year cycle, with the remainder of annual funds being allocated to the Small NOAH Program.

## **2. Context**

The State of California's Regional Housing Needs Assessment (RHNA) obligates the City of Los Angeles to facilitate the production of sufficient units to meet housing needs at all income levels, which include needed housing for forecasted population growth and household formation, as well as unmet needs from prior years. In the eight-year period from 2021 to 2029, the City's RHNA goal is 456,643 units. Of these, 184,721 units must be affordable to lower-income households. This means that the City must produce affordable housing at an average rate of 23,090 units per year in order to meet the RHNA goal.

In addition to the challenge of producing more affordable housing units, the City is also faced with an aging portfolio of existing deed-restricted affordable housing. A recent report by LAHD found that nearly 6,000 housing units could see their affordability restrictions sunset by the year 2027. Of these, 460 units across 23 properties have expiring affordability covenants, no alternative funding source, and will not fall under the City's Rent Stabilization Ordinance (RSO), and 33 of the units are in 100% affordable properties.

Beyond the need to preserve the City's deed-restricted affordable housing portfolio, there is additionally a need to ensure that existing naturally-occurring affordable housing, including rental housing that is subject to the RSO as well as rental housing that is rented below

market rents, continues to be available for lower income households — particularly in areas of the City that are experiencing elevated displacement and redevelopment pressures.

ULA provides funding for several affordable housing production paradigms. Among these, the Acquisition and Rehabilitation of Affordable Housing program is the most focused on preserving the City's existing housing stock, with the goal of stabilizing tenants in their homes, providing resources to rehabilitate properties, ensuring affordability in perpetuity, and providing an opportunity for tenants to play an enhanced role in the management of their housing, and/or establishing tenant ownership.

### **3. Commitment to Racial Equity**

Existing data and scholarship confirm that Black, Latinx, and other communities of color are disproportionately affected by homelessness. These Acquisition and Rehabilitation of Affordable Housing Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

As ULA seeks to combat the expiration of affordable housing covenants, the decrease in naturally occurring affordable housing, and the lack of innovative initiatives to streamline and finance affordable housing units through a variety of interventions, the implementation of the Acquisition and Rehabilitation of Affordable Housing Program is specifically designed to promote racial equity, with a focus on addressing affordable housing needs by acquiring and rehabilitating existing units, with the goal of reducing displacement, while extending affordability for the City's most vulnerable communities. The program is designed to stabilize tenants in their existing housing, and provide greater resident self-determination by supporting meaningful resident engagement in building operations and management, as well as encouraging tenant ownership of housing.

Consistent with this commitment to promote racial equity, the Acquisition and Rehabilitation of Affordable Housing Program is designed to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other community experiences affect the vulnerability of a neighborhood, and its experiences. To this end, the Acquisition and Rehabilitation of Affordable Housing Program provides resources to proactively address racial and economic segregation throughout the City by creating housing opportunities that address historic patterns of discrimination and exclusion, promote permanent affordability and resident engagement and ownership in their housing, and ensure stability of existing vulnerable communities.

#### **4. Program Metrics**

The Los Angeles Housing Department (LAHD) and program partners will collect information in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Acquisition and Rehabilitation of Affordable Housing Program. To the extent feasible, this information includes but is not limited to, the number of units acquired, and/or preserved, the number of residents located within each project, the form of ownership, and the number of jobs created. Development activities will be tracked by dollars spent on housing construction and preservation. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and Council District).

<b>Goal</b>	<b>Metrics</b>
Acquire and preserve affordable housing units, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of units acquired and rehabilitated, reported by: <ul style="list-style-type: none"> <li>○ Income category.</li> <li>○ Location in High or Highest Resource areas.</li> <li>○ Location in Racially/Ethnically Concentrated Areas of Poverty (R/ECAP).</li> <li>○ Location in Racially Concentrated Areas of Affluence (RCAA).</li> <li>○ Location near public transit.</li> </ul> </li> </ul>
Create construction jobs from development projects, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of jobs created, disaggregated by: <ul style="list-style-type: none"> <li>○ race/ethnicity;</li> <li>○ gender; and</li> <li>○ share of workers living within the City of Los Angeles.</li> </ul> </li> </ul>
Preserve housing affordability for tenants, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of people with preserved affordability to be disaggregated by the ULA measure and ordinance reporting requirements;</li> <li>• Number of previously uncovenanted units brought under affordability covenants; and</li> <li>• Number of previously covenanted units whose affordability levels were modified under a new covenant.</li> </ul>

Cultivate resident governance and/or ownership of housing.	<ul style="list-style-type: none"> <li>• Number of projects and units with community/resident governance, to be disaggregated by Subprogram;</li> <li>• Number of projects and units with resident ownership.</li> </ul>
Maximize ULA investment by ensuring cost effectiveness and timely delivery of needed housing.	<ul style="list-style-type: none"> <li>• Total Development Cost (TDC) per unit per project by project type and program <ul style="list-style-type: none"> <li>○ For the Expiring Covenants Program: Average per unit per year cost to buy back affordability covenants</li> </ul> </li> <li>• Number of Months Elapsed from First Predevelopment Activity to Placed-In-Service as deed-restricted affordable housing.</li> </ul>

LAHD shall analyze these and potentially additional metrics and participant data annually and provide a summary of its analysis to the ULA Citizens Oversight Committee (COC) to allow for an assessment of whether the Program is meeting its goals and priorities.

## 5. Branding

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## 6. Definitions

*“Acutely Low-Income”* shall have the same meaning as in Section 50063.5 of the California Health and Safety Code.

*“Audited Financial Statement(s)”* shall mean organizational records covering the balance sheet, statement of cash flow, and other documents describing the organization’s financial position and that have been reviewed and approved by independent third-party auditors.

*“Borrower(s)”* shall mean an entity that has been approved for or received a loan from the Los Angeles Housing Department (“LAHD”) that has remaining interest or principal to be paid, or for which the term of the loan has not yet expired.

*“California Tax Credit Allocation Committee”* shall mean the state agency that creates the Qualified Allocation Plan (“QAP”) for allocating Low Income Housing Tax Credits (“LIHTC”).



within the State of California. It is also abbreviated as “CTCAC” or “TCAC.” The QAP published by CTCAC/TCAC is commonly referred to as “TCAC Regulations”

*“California Debt Limit Allocation Committee”* shall mean the state agency that administers the state’s annual debt limit ceiling and administers the state’s tax-exempt bond program to allocate such bonds to projects. It is also abbreviated as “CDLAC.”

*“Capital Needs Assessment”* shall mean a third-party analysis based on a building inspection that identifies problems in major building systems such as structural, electrical, plumbing, sewage, roofing, flooring, mechanical, heating/cooling, and safety.

*“Citizens Oversight Committee”* shall mean the body of 15 appointed members who monitor the activities of the House LA Fund and advise the Mayor, City Council, and the Los Angeles Housing Department (“LAHD”) on priorities, program guidelines, and program implementation. It is also abbreviated as “COC.”

*“Community Agreement(s)”* shall mean a document that is created by residents of a property for the purposes of defining how they will live together and the acceptable behaviors for residents and their guests, and how disagreements or disputes between neighbors will be resolved. Each property that has received United to House Los Angeles (“ULA”) funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs must produce a Community Agreement.

*“Community Land Trust”* shall mean a non-profit corporation within Section 501(c)(3) of the Internal Revenue Code that satisfies all of the following: (i) Has as its primary purposes the creation and maintenance of permanently affordable single-family or multifamily residences; (ii) All dwellings and units located on the land owned by the non-profit corporation are sold to a qualified owner to be occupied as the qualified owner’s primary residence or rented to Lower Income Households or Moderate Income Households, or held by the non-profit corporation for the same purpose; (iii) When a dwelling or unit that is situated on land owned by the non-profit corporation is sold to a qualified owner, the land is leased by the non-profit corporation to the income-qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years. It is also abbreviated as “CLT.”

*“CTCAC/HCD Opportunity Map”* shall mean the geographic tool utilized by the California Tax Credit Allocation Committee (“CTCAC”) to index census tracts across the State of California based on economic, social, employment, educational, and environmental indicators. The 2024 version of the tool is linked [here](#).

*“Department of Housing and Community Development”* shall mean the California Department of Housing and Community Development. It is also abbreviated as “HCD.”

*“Department of Housing and Urban Development”* shall mean the U.S. Department of Housing and Urban Development. It is also abbreviated as “HUD.”

*“Extremely Low Income”* shall have the same meaning as in Section 50106 of the California Health and Safety Code.

*“Financial Stress”* shall mean a condition of elevated risk to a project, characterized by some combination of operating deficits, elevated vacancy loss, major deferred maintenance and/or deferred capital improvements, depletion of reserves, and/or losses due to economic shocks such as natural disaster.

*“Housing Needs Assessment”* shall mean a data-informed study, conducted by the Citizens Oversight Committee (“COC”) by December 31, 2023 and updated at least once every three (3) years to understand, quantify, and qualify the City of Los Angeles’s housing needs with respect to homelessness, housing affordability, tenant protections and the housing needs of vulnerable populations, including but not limited to people experiencing homelessness, seniors in Lower Income Households, formerly homeless people, persons with disabilities, veterans, single-parent households, youth in transition, survivors of domestic violence, and Lower Income Households. The study must disaggregate data by race, family composition, sexual orientation, age, disability, and gender.

*“LAHD Project Underwriting Guidelines”* shall mean a project review process created by the Los Angeles Housing Department (“LAHD”), shared publicly, and updated periodically to reflect LAHD staff assessment of necessary financial strength and specific acceptable tolerance ranges for key financial assumptions and potential challenges of each proposed project. The goal of the underwriting guidelines shall be to ensure that each City housing investment creates a project that will be financially and physically viable for the years of the program covenants, and shall provide a good living environment for the residents over the years, and be a positive part of the community. Project Underwriting Guidelines are based on sensitivity testing of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

*“LAHD Sponsor Underwriting Guidelines”* shall mean a review and risk assessment process created by the Los Angeles Housing Department (“LAHD”), shared publicly, and updated periodically to assess the necessary financial strength, organizational capacity and relevant experience to complete and operate the proposed housing project in compliance with guidelines, as a physically and financially healthy project that serves the residents and community well for the years of the covenant. The guidelines shall specify acceptable tolerance ranges for key financial assumptions and potential challenges. LAHD Sponsor Underwriting Guidelines are based on portfolio size and health, development record, organizational and staff capacity to own and direct operations of the proposed project, and organization financial health.

*“Limited Equity Housing Cooperative”* shall have the same meaning as in Section 817 of the California Civil Code. It is also abbreviated as “LEHC.”

*“Lower Income Household(s)”* shall have the same meaning as in Section 50079.5 of the California Health and Safety Code.

*“Low Income Housing Tax Credits”* shall mean state or federal tax credit programs that reduce tax liability in exchange for acquisition, rehabilitation, or construction of deed-restricted affordable housing. It is also abbreviated as “LIHTC.”

*“Milestones Commitment Letter”* shall mean a letter describing planned activities during the pre-development, construction, and lease-up stages of a project, as applicable, and the timelines for each activity. The activities and timing can be presented in a table, and the letter must acknowledge that failure to meet project milestones in a timely fashion will constitute a default event.

*“Nonprofit(s)”* shall mean an organization exempt from taxation pursuant to Internal Revenue Code Section 501(c)(3). Instrumentalities of Nonprofit organizations, including wholly owned subsidiaries, are not automatically considered Nonprofits.

*“Project Labor Agreement”*, shall mean the City of Los Angeles Department of Public Works Master Project Labor Agreement (“PLA”) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (“SCANPH”), and approved by the Los Angeles City Council.

*“Real Estate Owned Schedule”* shall mean a list of properties owned by an entity and the parent company that controls that entity. The Real Estate Owned Schedule must include actual operating costs and revenues for all properties listed.

*“Replacement Unit Determination”* shall mean an analysis specifying the count of qualified demolished units i) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, ii) subject to any form of rent or price control through a public entity’s valid exercise of its police power within the five (5) past years, iii) rented by lower or very low income households, or iv) that were withdrawn from rent or lease per the Ellis Act, within the last ten (10) years, and the Area Median Income (“AMI”) restriction that must be recorded consistent with the income level of the most recent qualified household that resided in a demolished unit. It is also abbreviated as “RUD.”

*“Resale Formula”* shall mean a formula that is reflected in a ground lease and/or an applicable deed restriction that sets an upper limit on the price for which a home or a cooperative share with resale restrictions may be resold, and that is applied consistently to each home or share upon resale.

*“Resale of Rental Property”* shall mean a change in ownership via a change in fee title on a property, or a long-term master lease of greater than 30 years.

*“Resident Council(s)”* shall mean any of the following: i) an elected body of residents in a property who represent the residents in deciding the policies and financial priorities of a building; or ii) a homeowners’ association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property. Each property that has received ULA funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs shall be supported in developing a Resident Council.

*“Residual Receipts”* shall mean loan terms that offer below market rate interest, deferred payments, and loan payments that are due only after, and if, operating costs and senior debt service are paid.

*“Statement of Public Purpose”* shall mean a document that, in consideration of the COC’s Housing Needs Assessment and other available neighborhood-specific information on a community’s housing challenges, describes how a proposed project would benefit the community in which it is located, meet the public needs identified in the COC’s Housing Needs Assessment through the project’s community outreach and final design, and advance the goals of ULA as defined in Los Angeles Administrative Code Section 22.618.1: Purpose.

*“Very Low Income”* shall have the same meaning as in Section 50105 of the California Health and Safety Code.

# **Small NOAH Program Guidelines**

## **SECTION 1: ADMINISTRATIVE OVERVIEW**

### **1.1 Program Administration Overview**

The Small Naturally Occurring Affordable Housing (NOAH) Program shall be administered by the City of Los Angeles Housing Department (LAHD). LAHD will select and contract with a qualified Community Development Financial Institution (CDFI) or nonprofit financial institution with experience lending to affordable housing projects and CLTs, as a program partner to assist with administration of the Small NOAH Program. The CDFI or nonprofit financial institution will act as the Fund Administrator to pre-qualify and pre-approve loans to potential project sponsors, oversee application processes, underwrite projects, score applications as applicable, and disburse funding to selected applicants, as further described in *Section 1.2*.

LAHD will oversee the Fund Administrator, provide administrative support, and provide ongoing program monitoring and evaluation to ensure program operations comply with City policies and meet performance standards. LAHD will also ensure that needed compliance review is conducted regularly, to ensure compliance with all applicable regulations and requirements, including recording and monitoring covenants.

### **1.2 Fund Administrator Role and Scope of Services**

The Fund Administrator will be responsible for pre-qualifying potential Project Sponsors, holding application process, underwriting projects, scoring applications as applicable, and disbursing funds to selected applicants in accordance with the funding agreement. The Fund Administrator will be the Department's main point of contact with Project Sponsors throughout the application, underwriting, and funding process.

Upon contracting with the Department, the Fund Administrator will be responsible for completing all activities listed in the Scope of Work (SOW), including:

- Developing and annually updating the following Plans and Guidelines:
  - Fund Administrator Capacity, Services, and Staffing Plan
  - Guidelines for Underwriting Standards
  - Guidelines for Project Sponsor Outreach and Marketing Plan
  - Guidelines for Tenant Engagement and Leadership Plan
  - An application process that specifies:
    - The form and frequency of funding rounds
    - For competitive funding awards, the scoring criteria and methodology that would govern application selection

- Ongoing Program Administration
  - Pre-Qualification of Project Sponsors
  - Pre-Approval of loans
  - Underwriting Loan Applications
  - Scoring Applications, if the funding award is competitive
  - Disbursing loans
  - Coordinating with the ULA Capacity-Building Program, as relevant, to support training for tenant groups, property managers, developers and owners in project governance and management best practices
  - Any other tasks identified in the contract
- Metrics and Reporting
  - Collecting program performance and outcomes metrics as defined by contract terms.

Implementation Plan:

The Fund Administrator will develop an Implementation Plan that shall outline the activities and milestones that must be completed during the Implementation Phase of the contract.

The Implementation Plan milestones shall include the adoption of all Plans and Guidelines named in the SOW.

The Fund Administrator may utilize draft documents pertaining to the aforementioned plans and previously submitted to LAHD during the competitive selection process. The drafts must be finalized during the Implementation Phase of the contract.

Pre-Qualification of Project Sponsors:

The Fund Administrator shall develop an outreach and marketing plan to engage potential Project Sponsors and solicit applications for Pre-Qualification. The Pre-Qualification process allows the administrator to identify potential Project Sponsors, vet the development team's experience, and Pre-Approve loans based on estimated costs and maximum project size.

Monitoring and Reporting:

The Fund Administrator shall be responsible for ensuring compliance with certain Program requirements, including Tenant Governance and Resident Leadership, as well as collecting and reporting Program performance metrics such as count of units preserved, demographic data on tenants and residents, and metrics related to cost effectiveness and timeliness.

### **1.3 Fund Administrator Procurement**

Implementation of the Small NOAH Program requires contracting with a Fund Administrator. All procurement activities must be conducted consistent with the City Administrative Code and relevant City and LAHD policies. Based on consultation with the COC and approval by City Council, LAHD will issue a Request for Proposals (RFP) to solicit and select a contractor to act as the Fund Administrator. The contract will be for a renewable, multi-year term. If the contract is not renewed at the end of the contract term, except in the case of a breach of contract, there will be an offer for a one-year extension to facilitate selection of, and transition of programs to, a new Fund Administrator.

#### **a. Evaluation and Selection Process**

Award of a contract to a Fund Administrator shall be based on a best value competitive bid. Prior to release of an RFP, LAHD will establish threshold requirements, which shall include the following minimum requirements:

- Fund Administrator shall have originated and serviced at least \$50,000,000 in loans to develop, maintain, improve, or acquire affordable housing, including loans for NOAH.
- Fund Administrator shall demonstrate experience working with Nonprofits which acquire and rehabilitate small multifamily properties, including but not limited to Community Land Trusts (CLTs) and community development corporations (CDCs) and that are deeply connected to residents in neighborhoods and communities with an emphasis on historic communities of color that are facing Elevated, High, and/or Extreme Displacement Pressures (as indicated by Urban Displacement Map, pending development of a City-specific methodology).

Selection priority will be given to bidders with the following characteristics:

- Experience managing pools of funds;
- Experience implementing affordable housing lending activities with local, state, and/or federal funds;
- Experience granting and/or lending funds for NOAH acquisition and rehabilitation projects that include projects that are owned by the residents, or are planned for conversion to tenant ownership through an LEHC or other form of tenant ownership;
- Experience processing grants and/or loans for property acquisitions in a manner that is sufficiently expedient to facilitate the purchase of real property by a nonprofit affordable housing organization within a 60-day escrow period;
- Having an office in Southern California; and
- Currently conducting lending activities within the boundaries of the City of Los Angeles.

The RFP will solicit proposals from the potential Fund Administrator, to inform program design. Respondents will submit a fund administration plan that, in addition to other criteria, will set forth recommendations regarding:

- Outreach and marketing to solicit Project Sponsor Pre-Qualifications;
- Program underwriting standards;
- The frequency of funding availability and application process (e.g., funds available through open window application, or multiple competitive funding periods per year); and
- Required standards for tenant and resident engagement and ownership.

The RFP will provide additional details, including a revised update of the Program budget as ULA revenues are tabulated, as well as scoring and selection criteria for bidders, scope of work, and reporting and compliance requirements. LAHD will allow at least two (2) months after publication for interested parties to submit bids.

#### **1.4 Fund Administrator Fund Disbursal and Compensation**

##### **a. Streamlined Funding Process**

LAHD will release ULA revenues to the Fund Administrator in four (4) tranches each year, as quarterly revenues are tabulated and encumbered to the Small NOAH Program.

The City will approve expenditure authority to the contracted Fund Administrator to release funding to Pre-Approved Project Sponsors with projects that meet City-approved underwriting criteria.

##### **b. Fund Administrator Compensation**

The Fund Administrator will be compensated for administrative costs and overhead in an amount equal to two percent (2%) of the total contract compensation amount, leaving 98% of the contract compensation to be passed through to Small NOAH acquisitions. In addition to this annual compensation, the Fund Administrator can receive a one-time cash advance to fund startup activities.

#### **1.5 Application Schedule**

As described in *Section 1.2*, the Fund Administrator will propose to implement an open window funding model or a competitive funding round model, or a hybrid model, as part of their response to the RFP. Application schedules will be set to ensure, contingent on availability of Program funds, multiple application periods each calendar year.



## **SECTION 2: GENERAL PROVISIONS**

The following section provides a summary of general Program requirements and provisions, which shall be incorporated in the Implementation Plan, Underwriting Criteria, and Funding Application and Review activities conducted by the Fund Administrator.

### **2.1 Eligible Applicants**

Eligible Project Sponsors are public entities, local housing authorities, Community Land Trusts (CLTs), Limited Equity Housing Cooperatives (LEHCs), and 501(c)(3) non-profit entities. Partnerships such as General Partnerships, Limited Partnerships, and Limited Liability Companies (LLCs) may apply provided that the Managing General Partner is an eligible entity.

#### Affordable Housing Experience

The ULA Measure and Ordinance requires applicants to have experience with affordable housing development or affordable housing property management within the project team. However, eligible entities without sufficient experience developing and managing affordable housing projects may partner with an experienced nonprofit to apply for Program funding, as long as the experienced nonprofit participates in the management of the project with duties equivalent to those of a Managing General Partner.

### **2.2 Eligible Projects**

Projects must meet the following requirements to be eligible for Program funds.

#### Eligible Project Types:

Eligible Project Types include the acquisition of existing, non-deed-restricted housing, including but not limited to housing that is subject to the City's Rent Stabilization Ordinance (RSO).

#### Project Size:

Small NOAH projects must be between three (3) and twenty (20) units, inclusive of any units that will be added using Program funding. The unit count maximum may be adjusted upward in the NOFA as revenue for the program grows over time, and/or key opportunities are identified that meet House LA goals

#### Affordability Requirements and Rent Schedules:

- A majority of a property's occupied units must be occupied by Lower Income Households upon acquisition, which shall be assumed if a majority of tenants return

- attestations that their incomes are at or below the lower income level, utilizing a form provided by LAHD.
- Upon completion of preservation activities, all units must be covenanted to be affordable to households earning 80% Area Median Income (AMI) or below. Existing tenants should not be displaced if their incomes exceed 80% AMI or any lower income limits adopted for their unit. Unit affordability targets should be achieved over time through natural unit turnover.
  - All deed restricted affordable units must be affordable in perpetuity, as defined in *Section 2.5*.
  - LAHD will apply HUD/LIHTC income targeting and rent schedules, with the exception of when the project or units in the project are subject to regulatory agreements that require Health and Safety Code income targeting and/or rent schedules.

Labor Compliance:

Construction and rehabilitation work funded through this Program must pay prevailing wage.

Outside Leveraging:

Leveraging of additional public or private funding sources is not required in this Program. The Fund Administrator will be a CDFI or non-profit financial institution that will underwrite projects on behalf of the City and award City funds. Subject to the discretion of Project Sponsors, additional outside financing may be secured so long as the terms of any such funding source do not conflict with Program regulations, the funding source does not mandate shorter than permanent affordability, the funding source does not preclude the future conversion of the property to tenant ownership, and the Fund Administrator determines, based on approved underwriting standards, that the project is capable of supporting any associated debt service.

## **2.3 Eligible Activities**

Eligible activities include financial assistance, including but not limited to Service Payback Loans with a maximum 30-year term, and/or making subordinate, fully-amortizing, and/or residual receipts loans to projects that provide affordable rental or homeownership housing, including shared ownership, and/or supportive housing. Eligible activities may also include establishment of a Predevelopment Fund to support escrow deposits and due diligence activities.

Eligible project costs include:

- Acquisition costs during predevelopment;
- Predevelopment costs, including but not limited to, costs for architectural plans and renderings, Environmental Review and Historic Preservation; and Phase I Environmental Assessment Report, Phase II Environmental Assessment Report (if

- required), and Lead/Asbestos Reports as defined in the Department's Affordable Housing Managed Pipeline Program Requirements (Sept. 2022);
- Construction and financing costs, including but not limited to, demolition, off-site public improvements, construction bonds, general contractor and subcontractor payments including overhead, profit, and general conditions;
  - Soft costs related to the construction, development, and/or rehabilitation of the project, including but not limited to, conventional financing, design, program, financing, entitlement processing, developer fees, legal fees, and professional fees;
  - Any costs related to installation, construction, legalization, and/or permitting of Accessory Dwelling Units (ADUs), Junior ADUs (JADUs), and/or Unpermitted Dwelling Units;
  - Replacement reserves; and
  - Reasonable reserves for annual operating costs, for projects requiring short-term capitalized operating assistance, that are still able to demonstrate long-term financial viability without operating assistance other than from Section 8 Housing Choice Vouchers or similar long-term rental housing vouchers.

## **2.4 Ineligible Activities**

Funds awarded under the Small NOAH Program shall not be used for the following expenses or activities:

- Substitution for any committed permanent project financing source, unless the substitution was approved at the time of commitment.
- Costs associated with units not funded by the City of Los Angeles.
- Commercial space or tenant improvements.
- Reimbursement for project costs that have been paid by another permanent project funding source, unless the reimbursement was approved at the time of commitment.
- Travel expenses, food, or meals.
- Application fees for other project financing.
- Office or general organizational expenses.
- The payment of delinquent taxes, fees, or charges on properties, unless payment is part of the acquisition (e.g., Chapter 8 purchases).

## **2.5 Loan / Financial Assistance Terms and Limits**

Loan Limits: At least once per fiscal year, loan limits will be established according to the following process:

1. LAHD, or its designee, will determine loan limits based on the average per unit Total Development Costs (TDC), based on various unit typologies, in the previous fiscal year. LAHD, or its designee, will use comparable benchmark projects funded by ULA or other City sources to determine average costs.
  - i. Average per unit costs will be adjusted by an inflation factor.

- ii. Availability and feasibility of leveraged funding sources will be considered as a factor.
2. LAHD, or its designee, will determine the average per unit supportable debt by unit typology and at prevailing interest rates.
3. LAHD, or its designee, will set loan limits based on the gap between the per unit cost, per unit soft sources available, and per unit supportable debt.

LAHD, or its designee, may update loan limits more frequently if necessary to account for changes in economic conditions.

Loan Type: Construction (including reimbursement of acquisition and predevelopment costs), and permanent loans. Permanent loans may allow for transfer of ownership to a legal entity owned and/or controlled by residents.

Interest Rate: The interest rate for fully amortizing loans is three percent (3%) simple interest, and LAHD may determine a lower interest rate of no less than 1% if it is found to be necessary for project feasibility. In the case of Service Payback Loan or other forgivable loan product, the interest rate may be 0%.

Calculation of Interest: Simple interest will be calculated on the loan amount outstanding and based upon a 365-day year, and actual number of days elapsed.

Term of Permanent Loan: The loan term shall be up to 60 years if fully amortizing, or a maximum of 30 years in the case of a Service Payback Loan or other forgivable loan product

Term of Affordability Covenant: The term of the affordability restrictions shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity to align with other leverage sources as needed to maintain feasibility.

Developer Fee: The allowable Developer Fee(s) will be established by LAHD for each NOFA, and shall be based on the financial and operational risk borne by the developer / owner, and the financial risk borne by the lender(s), if any.

These loan and financial assistance terms may be adjusted in the future, in consultation with the Citizens Oversight Committee, based on additional research and policy considerations regarding social housing strategies.

## **2.6 Loan Management and Occupancy Monitoring**

### **a. Loan Management**

Sponsors of awarded projects are required to comply with the following:

- Submit Audited Financial Statements (AFSs), which may be in the form of consolidated financial statement of the Project Sponsor, annually.
- If applicable, effectuate loan payments by the date indicated on the loan agreement.
- If applicable, complete a Calculation of Residual Receipts Form using information from the AFS for each project. LAHD or the Fund Administrator as its designee may make technical adjustments to the calculation before issuing a final invoice for any underpayments, or providing a credit for overpayments.
- Maintain adequate operating and replacement reserves, and obtain pre-approvals from LAHD or its designee prior to withdrawals from these funds.
- Submit Real Estate Owned Schedule annually showing actual operating costs and income for each project.

**b. Occupancy Monitoring**

Once a year, project owners must submit documentation that demonstrates that tenants who occupy restricted units are income-eligible and that the rents they pay are within the allowable program limits. Affirmative marketing practices aim to further the goals of the ULA measure and ordinance, which include improving access to permanent affordable housing for vulnerable populations. Affirmative marketing practices shall require that project owners market to non-English speakers. The Project Sponsor will also agree to provide regular reporting on demographic information related to tenants, consistent with ULA-required tracking and reporting on tenants housed using Program funds.

**c. Default**

The loan agreement will specify the events that may cause LAHD or its designee to declare the borrower in default. These events include, but are not limited to:

- Failure to purchase the subject property;
- Failure to construct/rehabilitate the proposed project within the time agreed;
- Breach of rental/ownership covenants;
- Failure to maintain the property in good condition;
- Failure to make agreed-upon loan repayments;
- Failure to receive an LAHD approval prior to any change in ownership entity;
- Breach of affirmative action, equal opportunity, contractor responsibility, equal benefits or MBE/WBE requirements;
- Failure to submit annual financial statements certified by a certified public accountant;
- Failure to comply with Measure ULA Project Labor Agreement requirements and/or prevailing wage requirements, as applicable;
- Failure to meet accessibility construction standards, and/or failure to comply with all applicable accessibility standards, including but not limited to: Section 504 of the Rehabilitation Act of 1973 as amended, Title VIII of the Civil Rights Act of

1964 as amended in 1988 by the Fair Housing Amendments Act, and the Americans with Disabilities Act Title II, the State of California's Unruh Act, Department of Fair Employment and Housing (DFEH) Regulations and California Government Code Section 11135 et. seq.;

- Failure to maintain appropriate insurance coverage without LAHD approval;
- Commencing construction (including demolition) without LAHD authorization;
- Failure to abide by development and/or construction schedules;
- Failure to maintain the project "in balance" during construction;
- Failure to pay property taxes that are associated with the project;
- Bankruptcy;
- Dissolution or insolvency of the ownership entity; and
- Uncured event of default under any other loan agreements from federal, state or county or private lenders.

## **2.7 Event of Conflict**

Projects must comply with all covenants and loan agreements. Where discrepancies exist between these Small NOAH Program Guidelines and other funding requirements, the most restrictive will prevail.

## **SECTION 3: PRE-QUALIFICATION, FUNDING ROUNDS, TIMING, AND APPROVAL PROCESS**

### **3.1 Pre-Qualification Process**

Pre-Qualification is the first step in the application process. Pre-Qualification will be used to conduct an initial screening of potential Project Sponsors and provide loan Pre-Approvals based on cost estimates and maximum project size. Loan Pre-Approvals may facilitate potential borrowers moving more quickly and flexibly in negotiating acquisitions.

Pre-qualification applications are accepted throughout the year. However, to receive funding from the Small NOAH Program, Pre-Approved borrowers must still submit a second, full loan application with project-specific details once an acquisition has been negotiated. Borrower details that were validated through the Pre-Qualification process do not need to be reviewed again.

The Fund Administrator will pre-qualify applicants based on the following:

- Compliance with *Section 2* of these Guidelines.
- Project Sponsors must have experience in acquiring and rehabilitating at least three (3) properties and maintaining them as affordable housing within the last ten (10) years. Details on all completed affordable housing development projects within the last ten (10) years should be provided and demonstrate financial performance via

- Audited Financial Statements (AFS) as well as proper habitability standards. In addition, sponsor experience will be evaluated based on underwriting standards adopted by the Fund Administrator and as approved by LAHD.
- Project Sponsors must have a minimum of two (2) years of experience with resident engagement in design and/or management, community organizing or providing services to low-income communities, preferably with specific experience in affordable housing ownership by residents or by organizations that are controlled by a majority of lower-income community residents. Partnering with a community-based organization, CLT or other organizations with tenant leadership experience can count toward this requirement.
  - Project Sponsors must identify employees and/or contracted consultants with professional experience necessary to carry out the duties of managing the acquisition, rehabilitation, leasing, and management of affordable housing projects.
  - Project Sponsors (or all entities in a Partnership) must have a demonstrated commitment to advancing racial equity and reducing racial disparities in housing outcomes, as evidenced by:
    - A profile describing the organization's mission, length of existence, staff experience, characteristics of its Board of Directors, and its commitment to affordable housing and advancing racial equity;
    - A narrative analysis of racial disparities in housing outcomes in the organization's geographic coverage area, e.g., income by race, housing cost burden by race, history of displacement of residents of color; and
    - A description of actions the organization is already taking or will take to reduce racial disparities in housing outcomes (e.g., tracking the race and ethnicity of residents served by the organization, engaging with residents to inform the organization's work, marketing projects to different racial and ethnic groups, and using a tenant or homebuyer selection process that does not disadvantage certain racial groups and actively mitigates potential inadvertent racial bias).

If an organization does not fully meet all of the Pre-Approval criteria individually, a Project Sponsor may pre-qualify by partnering with experienced Nonprofit organization(s), as evidenced by either:

1. Presenting a partnership agreement with an experienced non-profit organization that meets the eligibility and capacity criteria.
  - Partnership agreements should show (i) allocation of ownership shares, (ii) allocation of key management responsibilities and liability, and (iii) agreement on compensation or revenue-sharing.
2. Presenting a Memorandum of Understanding (MOU) with an experienced non-profit organization that meets the eligibility and capacity criteria.
  - MOUs must show (i) compensation of the involved parties, including allocation of share of developer fee, cash flow, and net sale proceeds, if any, and (ii) assignment of key management responsibilities to the experienced

non-profit.

Upon successful Pre-Qualification, the Fund Administrator will provide a Pre-Approval Letter to the organization. The Pre-Approval Letter will include parameters governing the uses of the loan, maximum amount of financing that can be provided, maximum unit counts for the acquisition target(s), as well as the form of the full loan application to be completed once the sponsor has identified and negotiated an acquisition. The Pre-Approval will be valid for a year, or a longer term as deemed appropriate by the Fund Administrator and LAHD.

### **3.2 Annual Development and Planning for Pre-Qualification Application**

At least once per year, the Fund Administrator and LAHD will provide updated guidance pertaining to maximum loan limits, project underwriting standards, and resident leadership requirements applicable to the most current Funding Availability. Loan limits will be determined as a function of estimated development costs, anticipated non-ULA leveraged funds, and LAHD goals with respect to unit typology and affordability mix, as described in *Section 2.5*.

### **3.3 Loan Application Form and Process**

Each Pre-Approval Letter shall be accompanied by detailed guidance about how to submit a complete final loan application, including where to submit the loan application and all documentation requirements that must be attached. Pre-Approved borrowers can exercise the option to submit a full loan application at any time prior to the expiry of their Pre-Approval. *Section 4: Threshold Requirements* provides additional details on what documentation must be submitted as part of a full loan application.

Based on these Small NOAH Program Guidelines, draft documents submitted during the contractor's successful selection process, and finalized Implementation Plan documents, the Fund Administrator will administer either an open window application process, a competitive funding round process, or a hybrid of the two.

#### Open Window Model

The Fund Administrator may review and approve loan applications on a rolling basis, awarding funds to all projects that pass threshold review until funds are exhausted. If the Fund Administrator elects to award funds on an open window model, funds will be awarded on a first-come-first-served basis to Pre-Approved borrowers who are able to bring viable projects that satisfy threshold review.



### Competitive Funding Round Model

Alternatively, contingent on funding availability, the Fund Administrator may hold up to four (4) competitive funding rounds per year, in which applications meeting threshold review would be assigned scores and ranked in accordance with *Section 5: Selection Process and Criteria*. Under the competitive funding round model, loan applications will be held until the competitive funding round opens, and the Fund Administrator would first recommend funding allocations to the highest scoring project, and then allocate to subsequent projects in order of highest to lowest score, until funding is exhausted.

Funding recommendations shall be publicized and applicants shall have a window to submit an appeal before the Fund Administrator finalizes the allocations and commits funds to awardees.

### **3.4 Appeal Process**

Fund Administrator determinations of funding awards or denials can be appealed by the applicant. Each Funding Availability notice will provide detailed guidance delineating acceptable grounds, process for filing, and standards for adjudicating an appeal.

Applicants shall not file an appeal regarding Fund Administrator staff evaluation of another applicant's application.

### **3.5 Commitment of Funds**

Upon resolution of any appeals, the Fund Administrator will execute Loan Agreements with the final selected projects and transmit funds to the project sponsors.

In the event of a need to increase loan limits above the conditional commitment amounts in order to close unexpected gaps and accelerate affordable housing production, the Fund Administrator can increase by up to 10% above the awarded loan commitment, subject to funding availability.

## **SECTION 4: THRESHOLD REQUIREMENTS**

This section enumerates the elements of a complete application and describes the documentation requirements associated with each element. All applicants must demonstrate reasonableness of funding request and project feasibility. Applications will first undergo Threshold Review by the Fund Administrator to ensure that all required elements have been met.

Applications that do not meet threshold requirements will not be reviewed or considered for funding by the Fund Administrator.

### **4.1 Summary of Threshold Items**

The following provides a summary of each Threshold Item and descriptions of materials that will be required to demonstrate the Project satisfies each Threshold Item.

#### **a. Sponsor Pre-Qualification**

Pre-Qualification is a prerequisite of submitting an application during a Funding Availability. See *Section 3* of these Small NOAH Program Guidelines for more information.

#### **b. Financial Feasibility**

Financial feasibility is a threshold requirement. To demonstrate financial feasibility, applicants must submit a complete pro forma financial analysis using a template workbook that has been prepared by the Fund Administrator and approved by LAHD. Projects will be reviewed according to underwriting standards adopted by the Fund Administrator and approved by LAHD, which shall be updated periodically and available to the public.

#### **c. Majority Lower Income Requirement**

Lower Income Households must comprise a majority of the acquisition target's units at the time of the application. Project Sponsors can demonstrate this by submitting attestations from a majority of existing residents that they have household incomes at or below the requisite AMI level.

#### **d. Rehabilitation and Capital Needs Assessment**

Applicants must submit a Capital Needs Assessment (CNA) that identifies maintenance, repairs, rehabilitation and capital improvement needs within the next five (5) years, if any.

They must also provide a Scope of Work (SOW) that is responsive to the areas of life and safety concerns identified in the CNA.

Additionally, the SOW must address plans for legalizing or permitting any unpermitted dwelling spaces. All residential units must be City's definitions of a "dwelling unit" and fully conform with applicable codes. If a project includes existing unpermitted or illegal units, whether occupied or unoccupied at the time of acquisition, legalization and permitting (or demolition, if vacant) of the units must be included in the project scope.

Small NOAH Program projects are required to complete, at minimum, the items indicated within the SOW and as supported by the CNA.

**e. Timeliness**

Timely completion of affordable housing is a core objective of the Small NOAH Program, and project sponsors are required to provide a Milestones Commitment Letter as part of threshold review. The Milestones Commitment Letter must outline key pre-development and construction activities and timelines for completion thereof, including expected submission of building permits and start of construction.

Commitments shall be valid for twenty-four months. If loans are not funded and construction started within twenty-four months, the commitment may expire.

**f. Tenant Governance and Ownership**

Residents shall have a right to participate directly and meaningfully in decision-making concerning the governance of Small NOAH Program-funded projects.

**Resident Engagement and Leadership Plan Requirements**

All sponsors are required to provide a Resident Engagement and Leadership Plan that includes the following:

- Meetings to create Community Agreements.
- Monthly gatherings between property management and residents to support community cohesion and raise issues related to the building.
- Quarterly meetings between residents and property management to review operations, management, and adjust Community Agreements.
- Semi-annual meetings between residents and property management to review budgets, financials, and actuals to determine budget priorities.
- Formation of a Resident Council, as defined in Introduction Section 5. In a rental property, the Resident Council must be convened within twelve (12) months after the building is initially leased up and must meet regularly. In an ownership property, the Resident Council, whether organized as a homeowners'

association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property, must be convened within the timeframe mandated by law or six (6) months, whichever is less; and must meet as frequently as is mandated by law, but no less than quarterly, to maintain oversight over property management, finances, and community cohesion.

- Resident Trainings, which provide continuous opportunities for residents to learn about all aspects of managing a residential or mixed-use building, as applicable. Resident Trainings can be provided by capacity-building networks, including any resident governance capacity-building collaborative established by the City.
- If the property is planned for future conversion from rental to ownership, then financial and design plans for ownership should engage current residents and/or resident representatives such as those on any Resident Council, and such plans should be structured to maximize retention of current residents and their conversion from tenants to owners.
- If the property consists of condominiums, is an LEHC, or includes another form of homeownership, a timeline and process for the establishment and convening of the governing body, as well as the development of policies regarding homebuyer education and access to lending opportunities and down payment assistance, marketing and sales policies that meet Affirmatively Furthering Fair Housing standards, and any applicable Right of Return or Right of First Refusal policies, and establishment of a Resale Formula.

#### Tenant Governance Experience Requirements

All sponsors are required to provide documentation that the development team has either experience owning and/or operating residential properties under tenant governance, or, Nonprofit partner(s) with experience owning and/or operating residential properties under tenant governance.

Experience with tenant governance is demonstrated by submitting the following:

- Community Agreements that have been created and adopted by residents in at least one property, as well as two or more of the following:
- Resident Council meeting minutes from at least one property; and/or
- Resident Council bylaws adopted by the residents of at least one property; and/or
- CLT ground lease and the bylaws of resident-owned or resident-controlled housing that is the lessee of CLT land, such that, when viewed jointly, the documents demonstrate ongoing relationship between the project sponsor and residents; and/or
- Attestation from residents verifying that the project sponsor has supported a resident-governed property by engaging residents in a collective or representative decision-making process regarding their own rental or ownership housing; and/or

- Demonstrated expertise facilitating community meetings attended by participants with linguistic, cultural, household income and/or other demographic characteristics similar to the anticipated resident population; and/or
- Evidence that current staff have received capacity-building training specific to tenant governance or resident ownership, including, but not limited to, training provided by the ULA-funded Capacity-Building Program.

Developers that do not have capacity themselves to support tenant governance must partner with a locally-based Nonprofit organization that has a demonstrated history of managing residential properties under tenant governance models.

Partnerships may take the form of General Partnerships, Limited Partnerships, Limited Liability Companies, or other Special-Purpose Entities (SPEs) where the experienced Nonprofit has an ownership stake in the SPE, or fee-for-service contractual agreements with a Nonprofit demonstrating experience in tenant governance. Partnership documents must provide an outline of roles and responsibilities between developer and partner organization(s).

**g. Replacement, Relocation, and Right of First Refusal**

Units demolished for redevelopment under this Program shall be replaced at a ratio of one replacement unit for each qualified demolished unit, subject to a Replacement Unit Determination (RUD) by LAHD. Moreover, replacement units must be restricted to an AMI level that matches the affordability of the household that resided in the demolished unit, or to an AMI level that is more deeply affordable. Project sponsors shall submit a Rent/Income Restriction History Assessment, which must provide, to the best of sponsor's ability, a breakdown by income level of any deed-restricted or rent-controlled residential units that will be or were vacated within the last five (5) years, as well as a record of all Lower Income Households that were known to reside in the property within the last five (5) years.

Tenants displaced due to ULA-funded construction must be offered Relocation benefits and Right of First Refusal. Project sponsors shall submit a Relocation Plan, which must include offers of comparable dwellings, as well as a Leasing Preference Policy granting Right of First Refusal to tenants displaced by the project.

For more information, please refer to *Los Angeles Administrative Code* Section 22.618.3(d)(1)(i)(c).

**h. Accessibility Standards**

Project sponsors must provide a Self-Certification Form for Compliance to Accessibility Standards. City-funded projects must comply with all applicable accessibility standards in effect at the time of the NOFA. These include all applicable statutes, ordinances, regulations, court orders, consent decrees, or other legally enforceable standards that may apply to housing projects.

**4.2 Application Requirements**

Each year, the Fund Administrator will provide guidance that details the complete application requirements and the amount of funding available. The Fund Administrator will indicate the form of the application, which must be submitted electronically. For an application to be considered complete, all requirements listed in the notice must be provided.

**SECTION 5: SELECTION PROCESS AND CRITERIA**

This section shall be applicable if the Fund Administrator elects to hold a competitive selection process for project awards. The following section enumerates key City priorities for competitive selection of projects, with key implementation details to be developed by the Fund Administrator.

Applications determined to have passed Threshold Review would be scored and prioritized for funding based on selection criteria outlined in this section.

**5.1 Evaluation and Scoring Criteria - General**

All applications would be scored according to a Scoring Matrix, which would be further described along with a scoring methodology in each announcement of a Funding Availability. The Scoring Matrix shall prioritize tenant organizing history, cost effectiveness, tenant precarity, and projects benefiting vulnerable populations.

Applications with the highest scores will receive funding allocations first, until funds are exhausted.

**5.2 Evaluation and Scoring Criteria - Scoring Priorities**

Each Funding Availability would include specified scoring criteria that reflect the following priorities:

<b>Priority</b>	<b>Description</b>
History of Tenant Organizing	Projects with a history of outreach to the property's tenants, including but not limited to attestation and/or meeting minutes from an organized group of the property's residents, or a letter of support signed by a majority of the building's households.
Cost Effectiveness	Cost effectiveness will be evaluated on a per unit basis, with adjustments for high cost land areas.
Tenant Precarity	<p>Tenant precarity is defined as either properties at imminent risk of Ellis Act evictions, or properties with some combination of the following attributes:</p> <ul style="list-style-type: none"> <li>• History of harassment by landlord</li> <li>• History of 3-day notices</li> <li>• History of no-fault eviction notices</li> <li>• At least 10% of households are paying more than 50% of monthly household income in rent</li> <li>• Households have received a rent increase of greater than ten percent (10%) in the last twelve (12) months</li> <li>• Property owner is in violation or has more than one (1) complaint within the last twelve (12) months related to City rental housing laws, including on other properties held by the same owner in the City of Los Angeles</li> </ul>
Priority Populations	<p>Priority populations are defined as properties where:</p> <ul style="list-style-type: none"> <li>• A majority of households in the property include children, seniors, people with disabilities, and/or Limited English Proficient residents.</li> <li>• A majority of households in the property have a household income at or below 30% AMI.</li> </ul>

# **Preserving Affordability Program Guidelines**

## **SECTION 1: ADMINISTRATIVE OVERVIEW**

### **1.1 Program Administrator**

The Acquisition and Rehabilitation of Affordable Housing: Preserving Affordability Program (Preserving Affordability Program) is administered by the City of Los Angeles Housing Department (LAHD). Within LAHD, the Housing Development Bureau (HDB) manages the development and issuance of Notices of Funding Availability (NOFAs), and project review and underwriting, including scoring and awarding of applications. This subprogram would facilitate acquisition of for-profit-owned affordable properties with expiring covenants; or facilitate acquisition of Non-profit-owned affordable properties with expiring covenants, and are being sold or transferred to another Non-profit in order to maintain operations as affordable housing.

LAHD will revise maximum loan limits annually to reflect changes in the economic environment including budget, availability of external funds, legal and regulatory mandates, interest rates, commodity and land prices, and inflation. Prior to issuing NOFAs, LAHD will provide an update to the ULA Citizens Oversight Committee (COC) and City Council pertaining to maximum loan limits.

### **1.2 Notice of Funding Availability (NOFA) Schedule**

Subject to funding availability, LAHD will offer one NOFA for the Preserving Affordability Program every fiscal year. Additional information regarding the NOFA, project application, and project award schedule will be provided in Department-issued NOFAs.

## **SECTION 2: GENERAL PROVISIONS**

The following section provides a summary of general Program requirements and provisions.

### **2.1 Eligible Applicants**

Eligible Project Sponsors are public entities, local housing authorities, Community Land Trusts (CLTs), Limited Equity Housing Cooperatives (LEHCs), and 501(c)(3) non-profit entities. Partnerships such as General Partnerships, Limited Partnerships, and Limited Liability Companies (LLCs) may apply provided that the Managing General Partner is an eligible entity.



### Affordable Housing Experience

The ULA Measure and Ordinance requires applicants to have experience with affordable housing development or affordable housing property management experience within the project team. However, eligible entities without sufficient experience developing and managing affordable housing projects may partner with an experienced nonprofit to apply for Program funding, as long as the experienced nonprofit participates in the management of the project with duties equivalent to those of a Managing General Partner.

## **2.2 Eligible Projects**

Projects must meet the following requirements to be eligible for Program funds.

### Eligible Project Types:

The project must be an existing residential building that is subject to a regulatory agreement that restricts some or all of its units with respect to household incomes and/or rents. In addition, the building must have an existing regulatory agreement that will expire within ten (10) years from the time of the application for funding.

### Project Size:

- The Preserving Affordability Program has no maximum or minimum project size with respect to unit counts.

### Affordability Requirements and Rent Schedules:

- Upon completion of preservation activities, all units must be covenanted to be affordable to households earning 80% Area Median Income (AMI) or below. Existing tenants should not be displaced if their incomes exceed 80% AMI or any lower income limits adopted for their unit. Unit affordability targets should be achieved over time through natural turnover.
- All deed restricted affordable units must be affordable in perpetuity, as defined in *Section 2.5*.
- If the property is already occupied, a majority of the property's units (50% or more) must be occupied by households earning 80% AMI or below at the time of application.
- LAHD will apply HUD/LIHTC income targeting and rent schedules, with the exception of when the project or units in the projects are subject to regulatory agreements that require Health and Safety Code income targeting and/or rent schedules.

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Labor Compliance:

- Must pay prevailing wage.
- If there will be major construction or rehabilitation on projects with 40 units or more, the project must comply with the City of Los Angeles Department of Public Works Master Project Labor Agreement (PLA) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

Outside Leveraging:

Leveraging of non-ULA funding sources is only permissible if such additional funding does not preclude future conversion of the property to tenant ownership, permanent affordability, or any other requirements in the ULA measure and ordinance.

## **2.3 Eligible Activities**

Eligible activities include financial assistance, including, but not limited to, Service Payback Loans with a maximum 30-year term, and/or making subordinate, fully-amortizing, and/or residual receipts loans to projects that provide affordable rental or homeownership housing, supportive housing, and/or mixed-income housing.

Eligible project costs include:

- Acquisition costs during predevelopment;
- Predevelopment costs, including but not limited to, costs for architectural plans and renderings, Environmental Review and Historic Preservation; and Phase I Environmental Assessment Report, Phase II Environmental Assessment Report (if required), and Lead/Asbestos Reports as defined in the Department's Affordable Housing Managed Pipeline Program Requirements (Sept. 2022);
- Construction and financing costs, including but not limited to, demolition, off-site public improvements, construction bonds, general contractor and subcontractor payments including overhead, profit, and general conditions;
- Soft costs related to the construction, development, and/or rehabilitation of the project, including but not limited to, conventional financing, design, program, financing, entitlement processing, developer fees, legal fees, and professional fees;
- Replacement reserves; and
- Reasonable reserves for operating costs, for projects requiring short-term capitalized operating assistance, that are still able to demonstrate long-term financial viability without operating assistance other than from Section 8 or similar long-term rental housing vouchers.

## **2.4 Ineligible Activities**

Funds awarded under the Preserving Affordability Program shall not be used for the following expenses or activities:

- Substitution for any committed permanent project financing source, unless the substitution was approved at the time of commitment.
- Costs associated with units not funded by the City of Los Angeles.
- Reimbursement for project costs that have been paid by another permanent project funding source unless the reimbursement was approved at the time of commitment.
- Travel expenses, food, or meals.
- Application fees for other project financing.
- Office or general organizational expenses.
- The payment of delinquent taxes, fees, or charges on properties, unless payment is part of the acquisition (e.g., Chapter 8 purchases).

## **2.5 Loan / Financial Assistance Terms and Limits**

Loan Limits: At least once per year, loan limits will be established according to the following process:

1. LAHD will determine the average Total Development Costs (TDC) by unit typology in the previous fiscal year. LAHD will use comparable benchmark projects funded by ULA or other City sources to determine average costs.
  - Average per unit costs will be adjusted by an inflation factor.
2. LAHD will determine the average per unit supportable debt by income level and at prevailing interest rates.
3. LAHD will set loan limits for each AMI category based on the gap between the per unit cost, per unit soft sources, and per unit supportable debt at each AMI category.

LAHD may update loan limits more frequently if necessary to account for changes in economic conditions.

Loan Type: Construction (including reimbursement of acquisition and predevelopment costs), and permanent loans. Permanent loans may allow for transfer of ownership to a legal entity owned and/or controlled by residents.

Interest Rate: The interest rate for fully amortizing loans is three percent (3%) simple interest, and LAHD may determine a lower interest rate of no less than 1% if it is found to be necessary for project feasibility. In the case of Service Payback Loan or other forgivable loan product, the interest rate may be 0%

Calculation of Interest: Simple interest will be calculated on the loan amount outstanding and based upon a 365-day year, and actual number of days elapsed.

Term of Permanent Loan: The loan term shall be no less than 60 years if fully amortizing, or a maximum of 30 years in the case of a Service Payback Loan or other forgivable loan product.

Term of Affordability Covenant: The term of the affordability restrictions shall be in perpetuity. LAHD will have flexibility in structuring its funds to ensure affordability in perpetuity, particularly if aligning with other leveraged sources is necessary for feasibility.

Developer Fee: The allowable Developer Fee(s) will be established by LAHD for each NOFA, and shall be consistent with the most recent TCAC regulations in effect. LAHD will update developer fee limits as needed to remain consistent with TCAC limits.

These loan and financial assistance terms may be adjusted in the future, in consultation with the Citizens Oversight Committee, based on additional research and policy considerations regarding social housing strategies.

## **2.6 Sponsor and Project Underwriting Standards**

Applications shall be reviewed in accordance with LAHD Sponsor Underwriting Guidelines and Project Underwriting Guidelines.

Underwriting Guidelines are available to the public, revised regularly to reflect the most up-to-date LAHD staff analysis of financial stress and risk tolerances.

For Sponsor Underwriting Guidelines, the analysis is based on:

- Portfolio size and health, including deferred maintenance needs, lease-up rates, amount of reserves, cash flow, and debt coverage ratios;
- Development record, including number of projects completed or in development, and projects meeting development milestones on time and on budget; and
- Organization health, including reviews of three (3) most recent years of Audited Financial Statements (AFSs), and tests of assets, revenues, expenses, cash flow, debt, and liabilities, and organizational budgets, financial projections, staffing plans and board participation records.

Project Sponsors that lack significant experience or capacity are required to partner with an experienced entity that satisfies Sponsor Underwriting standards, and that can demonstrate that the organization brings adequate financial and staff capacity to guarantee successful development and operations of the project, including by showing that the partner

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organization has sufficient experience in property management and project development that would meet the standards set in the Sponsor Underwriting Guidelines.

For Project Underwriting Guidelines, the analysis is based on review of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

Project Underwriting Guidelines may include parameters for:

- Reasonable costs;
- Income and expense escalators;
- Bonding, insurance, and other liability coverage requirements;
- Operating and replacement reserve ratios;
- Lien priority;
- Taxes and fees;
- Hard and soft cost contingencies;
- Debt service;
- Vacancy rates;
- Relationship of proposed rents to neighborhood market rents; and
- Proposed project timeline for development and lease up.

## **2.7 Loan Management and Occupancy Monitoring**

### **a. Loan Management**

Sponsors of awarded projects are required to:

- Submit Audited Financial Statements (AFSs) annually and effectuate loan payments by the date indicated on the loan agreement.
- Complete a Calculation of Residual Receipts Form using information from the AFS for each project. LAHD may make technical adjustments to the calculation before issuing a final invoice for any underpayments, or providing a credit for overpayments.
- Maintain adequate operating and replacement reserves, and obtain pre-approvals from LAHD prior to withdrawals from these funds.
- Submit Real Estate Owned Schedule annually showing projected and actual operating costs and income for each project.

### **b. Occupancy Monitoring**

Once a year, project owners must submit documentation that demonstrates that tenants who occupy restricted units are income-eligible and that the rents they pay are within the

allowable program limits. Affirmative marketing practices aim to further the goals of the ULA measure and ordinance, which include improving access to permanent affordable housing for vulnerable populations. Affirmative marketing practices shall require that project owners market to non-English speakers. The project owner will also agree to provide regular reporting on demographic information related to tenants, consistent with ULA-required tracking and reporting on tenants housed using Program funds.

**c. Default**

The loan agreement will specify the events that may cause LAHD to declare the borrower in default. These events include, but are not limited to:

- Failure to purchase the subject property;
- Failure to construct/rehabilitate the proposed project within the time agreed;
- Breach of rental/ownership covenants;
- Failure to maintain the property in good condition;
- Failure to make agreed-upon loan repayments;
- Failure to receive an LAHD approval prior to any change in ownership entity;
- Breach of affirmative action, equal opportunity, contractor responsibility, equal benefits or MBE/WBE requirements;
- Failure to submit annual financial statements certified by a certified public accountant;
- Failure to comply with Measure ULA Project Labor Agreement requirements and/or prevailing wage, as applicable;
- Failure to meet accessibility construction standards, and/or failure to comply with all applicable accessibility standards, including but not limited to: Section 504 of the Rehabilitation Act of 1973 as amended, Title VIII of the Civil Rights Act of 1964 as amended in 1988 by the Fair Housing Amendments Act, and the Americans with Disabilities Act Title II, the State of California's Unruh Act, Department of Fair Employment and Housing (DFEH) Regulations and California Government Code Section 11135 et. seq.;
- Failure to maintain appropriate insurance coverage without LAHD approval;
- Commencing construction (including demolition) without LAHD authorization;
- Failure to abide by development and/or construction schedules;
- Failure to maintain the project "in balance" during construction;
- Failure to pay property taxes that are associated with the project;
- Bankruptcy;
- Dissolution or insolvency of the ownership entity; and
- Uncured event of default under any other loan agreements from federal, state or county or private lenders.

## **2.8 Event of Conflict**

Projects must comply with all covenants and loan agreements. Where there are discrepancies between these Preserving Affordability Program Guidelines and other funding requirements, the most restrictive will prevail.

## **SECTION 3: FUNDING ROUNDS, TIMING, AND APPROVAL PROCESS**

Based on these Preserving Affordability Program Guidelines, LAHD will periodically release NOFAs to announce the opening of applications and to effectuate the awarding of funds. The terms and requirements of these Preserving Affordability Program Guidelines shall be applicable to each NOFA, and a NOFA may incorporate additional supplementary terms and details that further clarify LAHD policy and objectives.

### **3.1 Notice of Funding Availability (NOFA) Development Process and Publication**

Subject to funding availability, LAHD shall issue one Preserving Affordability Program NOFA per year. The timing of each NOFA shall be announced at least three (3) months in advance, and applicants shall have at least 30 days from the release of a NOFA to submit proposals. The timing of the NOFA shall consider the timing needs of potential Preserving Affordability projects that have been pre-identified as part of the three (3) year budgeting process, described in *Introduction Section 1(b)* of these Guidelines, including those projects that plan to exercise a Right of First Refusal.

Each NOFA shall provide specific maximum loan limits both at the project level and on a per unit basis, which may or may not vary depending on unit type and depth of affordability. Loan limits will be determined as a function of estimated development costs, expected non-ULA leveraged funds, and LAHD goals with respect to unit typology and affordability mix, as described in *Section 2.5*.

Moreover, each NOFA shall define “at-risk” properties eligible for Program funding:

- **Covenant expiry:** To be eligible for this Program, projects must have existing affordability covenants that are due to expire within ten (10) years of application submission. LAHD may define a more restrictive timeframe for expiration of affordability restrictions.
- **Project financial distress:** LAHD may establish standards for financial stress testing.

At least three (3) business days before the application window opens, LAHD shall hold a Bidders’ Conference to provide a high-level overview of the NOFA and respond to sponsor questions.

### **3.2 Application Submittal and Review**

Each NOFA shall be accompanied by detailed guidance about how to submit a complete application, including where to submit an application and all documentation requirements that must be attached upon submission.

Applications shall be reviewed, underwritten, and scored on a rolling basis until the application window closes. Once the deadline to submit has passed, applications that pass threshold review will be divided into two priority pools and ranked by score within each pool.

More detailed information about this is provided in *Section 4: Threshold Requirements* and *Section 5: Selection Process and Criteria*.

Funding recommendations shall be publicized and applicants shall have a window to submit an appeal before LAHD transmits its final funding recommendations to City Council.

### **3.3 Appeal Process**

LAHD funding recommendations can be appealed by the applicant. Each NOFA will provide detailed guidance delineating acceptable grounds for appeal and the process for filing an appeal. Applicants shall not file an appeal regarding LAHD staff evaluation of another applicant's application.

### **3.4 Council Approval Process**

Consistent with Los Angeles Administrative Code Section 22.618.3(d)(iv), LAHD shall present the Preserving Affordability Program projects to the City Council and Mayor with award amounts and conditions to be met prior to funding. As applicable, the City Council and Mayor will authorize the General Manager of the LAHD, or designee, to determine that funding conditions have been met; to negotiate and execute the relevant financing documents for the project, subject to the approval of the City Attorney as to form; to prepare Controller instructions and any necessary technical adjustments consistent with Mayor and City Council actions, subject to the approval of the City Administrative Officer (CAO); and request that the Controller implement the instructions.

In the event of necessary technical corrections and adjustments that do not change the affordability mix, total number of units, or loan amount per unit, the General Manager of LAHD, or designee, shall be authorized to approve such corrections.



## **SECTION 4: THRESHOLD REQUIREMENTS**

The following section enumerates the elements of a complete Preserving Affordability Program application and describes the documentation requirements associated with each element. All applicants must demonstrate reasonableness of funding request and project feasibility. Applications will first undergo Threshold Review to ensure that all required elements have been met.

Applications that do not meet threshold requirements will not be reviewed or considered for funding.

### **4.1 Summary of Threshold Items**

The following subsections provide a summary of each Threshold Item and descriptions of materials that will be required to demonstrate the Project satisfies each Threshold Item.

#### **a. Financial Feasibility**

Financial feasibility is a threshold requirement. To demonstrate financial feasibility, applicants must submit a complete pro forma financial analysis using a template workbook that has been approved by LAHD and complies with LAHD Project Underwriting Guidelines, which shall be updated periodically and publicly available.

#### **b. Capital Needs Assessment (CNA) and Scope of Work (SOW)**

Project sponsors are required to submit a Capital Needs Assessment (CNA) identifying all current and anticipated capital and/or maintenance needs within the next five (5) years, and a proposed Scope of Work (SOW) detailing maintenance, repairs, and rehabilitation, and capital improvements to be undertaken. Projects are required to complete, at minimum, the items indicated within the SOW and as supported by the CNA.

If a Capital Improvement Plan is part of the SOW, that must be included in the application.

#### **c. Proof of Financial Stress**

Project Sponsors are required to demonstrate that the property is at risk of losing its affordability due to expiring covenants.

For any eligible project additionally claiming to be under significant financial distress, Audited Financial Statements (AFSs) must be provided as part of the application in order

to demonstrate eligibility. LAHD will establish standards for financial stress tests within each Preserving Affordability Program NOFA.

**d. Expiring Covenants**

Project sponsors are required to demonstrate that the property is at risk of losing its affordability due to expiring covenants.

A copy of the property's affordability covenant is a threshold item required to demonstrate eligibility. LAHD will establish a timeframe for covenant expiration within each NOFA, but shall be no less than ten (10) years of the project onset.

**e. Project Labor Agreement (PLA)**

For projects with 40 units or more, the project sponsor must submit a Letter of Assent attesting that it will comply with all the terms and conditions of the City of Los Angeles Board of Public Works Master Project Labor Agreement (PLA), or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH), and approved by the Los Angeles City Council.

For more information, refer to *Los Angeles Administrative Code* Section 22.618.7.

**f. Replacement, Relocation, and Right of First Refusal**

Units demolished for redevelopment under this Program shall be replaced at a ratio of one replacement unit for each qualified demolished unit, subject to a Replacement Unit Determination (RUD) by LAHD. Moreover, replacement units must be restricted to an AMI level that matches the affordability of the household that resided in the demolished unit, or to an AMI level that is more deeply affordable. Project sponsors shall submit a Rent/Income Restriction History Assessment, which must provide, to the best of sponsor's ability, a breakdown by income level of any deed-restricted or rent-controlled residential units that will be or were vacated within the last five (5) years, as well as a record of all Lower Income Households that were known to reside in the property within the last five (5) years.

Tenants displaced due to ULA-funded construction must be offered Relocation benefits and Right of First Refusal. Project sponsors shall submit a Relocation Plan, which must include offers of comparable dwellings, as well as a Leasing Preference Policy granting Right of First Refusal to tenants displaced by the project.

For more information, refer to *Los Angeles Administrative Code* Section 22.618.3(d)(1)(i)(c).

**g. Project Sponsor Experience**

Project sponsors must submit a Schedule of Projects demonstrating at least three (3) completed projects within the last ten (10) years with: a) Building Typology comparable to the proposed project; b) financing and affordability restrictions comparable or more complex than the proposed project; and c) Property Management Experience demonstrating positive cash flow, updated building repairs, and compliance with financial and affordability audits. The organization may use the experience of its principal to satisfy this requirement. In addition, sponsor experience will be evaluated based on LAHD Sponsor Underwriting Guidelines.

Eligible applicants without a history of affordable housing experience may satisfy this threshold requirement by partnering with an experienced nonprofit or show adequate staff capacity to develop and operate the project.

**h. Racial Equity Commitment**

Project Sponsors must demonstrate a commitment to advancing racial equity and reducing racial disparities in housing outcomes, as evidenced by:

- A profile describing the organization's mission, length of existence, staff experience, characteristics of its Board of Directors, and its commitment affordable housing and advancing racial equity;
- A narrative analysis of racial disparities in housing outcomes in the organization's geographic coverage area, e.g., income by race, housing cost burden by race, history of displacement of residents of color; and
- A description of actions the organization is already taking or will take to reduce racial disparities in housing outcomes (e.g., tracking the race and ethnicity of residents served by the organization, engaging with residents to inform the organization's work, marketing projects to different racial and ethnic groups, and using a tenant or homebuyer selection process that does not advantage certain groups and actively mitigates potential inadvertent racial bias).

**i. Timeliness Requirement**

Timely production of affordable housing is a core objective of the Preserving Affordability Program, and project sponsors are required to provide a Milestones Commitment Letter as part of threshold review. The Milestones Commitment Letter must outline key pre-development and construction/rehabilitation activities and timelines for completion thereof, including expected submission of building permits and start of construction/rehabilitation.

LAHD reserves the right to rescind funding commitments to projects that are awarded, but subsequently fail to reach milestones.

**j. Site Control**

Project Sponsors must demonstrate site control and clean title.

Site control may be evidenced by any of the following:

- Fee title as demonstrated by a current title report;
- Long-term leasehold interest (minimum term must equal term of LAHD regulatory agreement);
- Option to purchase or lease (obtaining financing shall be the sole impediment to exercising the option);
- Executed land sale contract or other enforceable agreement for acquisition of the property;
- Executed Disposition and Development Agreement (DDA) with a public agency; or
- Option to lease or an alternative document that meets LAHD requirements.

Regardless of the type of site control documents provided, Project Sponsors shall submit with the application a copy of a Preliminary Title Report prepared within the 90 days preceding application submission.

Where properties are subject to Right of First Refusal under State Preservation Notice Law pursuant to Government Code Section 65863.11, site control can be presumed for entities qualifying for a Right of First Refusal to purchase the property.

**k. Tenant Governance and Ownership**

Residents shall have a right to participate directly and meaningfully in decision-making concerning the operation and management of Preserving Affordability Program-funded projects.

**Resident Engagement and Leadership Plan Requirements**

All sponsors are required to provide a Resident Engagement and Leadership Plan that includes the following:

- Meetings to create Community Agreements.
- Monthly gatherings between property management and residents to support community cohesion and raise issues related to the building.

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- Quarterly meetings between residents and property management to review operations, management, and adjust Community Agreements.
- Semi-annual meetings between residents and property management to review budgets, financials, and actuals to determine budget priorities.
- Formation of a Resident Council, as defined in Introduction Section 5. In a rental property, the Resident Council must be convened within twelve (12) months after the building is initially leased up and must meet regularly. In an ownership property, the Resident Council, whether organized as a homeowners' association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property, must be convened within the timeframe mandated by law or six (6) months, whichever is less; and must meet as frequently as is mandated by law, but no less than quarterly, to maintain oversight over property management, finances, and community cohesion.
- Resident Trainings, which provide continuous opportunities for residents to learn about all aspects of managing a residential or mixed-use building, as applicable. Resident Trainings can be provided by capacity-building networks, including any resident governance capacity-building collaborative established by the City.
- If the property is planned for future conversion from rental to ownership, then financial and design plans for ownership should engage current residents and/or resident representatives such as those on any Resident Council, and such plans should be structured to maximize retention of current residents and their conversion from tenants to owners.
- If the property consists of condominiums, is an LEHC, or includes another form of homeownership, a timeline and process for the establishment and convening of the governing body, as well as the development of policies regarding homebuyer education and access to lending opportunities and down payment assistance, marketing and sales policies that meet Affirmatively Furthering Fair Housing standards, and any applicable Right of Return or Right of First Refusal policies, and establishment of a Resale Formula.

#### Tenant Governance Experience Requirements

All sponsors are required to provide documentation that the development team has either experience owning and/or operating residential properties under tenant governance, or, Nonprofit partner(s) with experience owning and/or operating residential properties under tenant governance.

Experience with tenant governance is demonstrated by submitting the following:

- Community Agreements that have been created and adopted by residents in at least one property, as well as two or more of the following:
- Resident Council meeting minutes from at least one property; and/or

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- Resident Council bylaws adopted by the residents of at least one property; and/or
- CLT ground lease and the bylaws of resident-owned or resident-controlled housing that is the lessee of CLT land, such that, when viewed jointly, the documents demonstrate ongoing relationship between the project sponsor and residents; and/or
- Attestation from residents verifying that the project sponsor has supported a resident-governed property by engaging residents in a collective or representative decision-making process regarding their own rental or ownership housing; and/or
- Demonstrated expertise facilitating community meetings attended by participants with linguistic, cultural, household income and/or other demographic characteristics similar to the anticipated resident population; and/or
- Evidence that current staff have received capacity-building training specific to tenant governance or resident ownership, including, but not limited to, training provided by the ULA-funded Capacity-Building Program.

Developers that do not have capacity themselves to support tenant governance must partner with a locally-based Nonprofit organization that has a demonstrated history of managing residential properties under tenant governance models.

Partnerships may take the form of General Partnerships, Limited Partnerships, Limited Liability Companies, or other Special-Purpose Entities (SPEs) where the experienced nonprofit has an ownership stake in the SPE, or fee-for-service contractual agreements with a nonprofit demonstrating experience in tenant governance. Partnership documents must provide an outline of roles and responsibilities between developer and partner organization(s).

## **I. Accessibility Standards**

Project sponsors must provide a Self-Certification Form for Compliance to Accessibility Standards. City-funded projects must comply with all applicable accessibility standards in effect at the time of the NOFA. These include all applicable statutes, ordinances, regulations, court orders, consent decrees, or other legally enforceable standards that may apply to housing projects.

## **4.2 Application Requirements**

Subject to funding availability, LAHD will issue one NOFA every year detailing the complete application requirements and the potential amount of funding available. Each NOFA will indicate the form of the application, which must be submitted electronically. For an application to be considered complete, all requirements listed in the NOFA must be provided.

At LAHD's discretion, a NOFA may provide additional application and/or threshold requirements that are not listed in these Preserving Affordability Program Guidelines.

## **SECTION 5: SELECTION PROCESS AND CRITERIA**

Applications determined to have passed Threshold Review will be scored and prioritized for funding based on the methodology and selection criteria outlined in this section.

### **5.1 Evaluation and Scoring Criteria - General**

All applications will be scored according to a Scoring Matrix, which will be an element of each Preserving Affordability NOFA released by LAHD. The Scoring Matrix shall prioritize, among other elements, cost effectiveness, unit typologies that align with City goals, as those criteria are further described in *Section 5.2*.

After applications are scored, LAHD will recommend funding allocations to projects in order of highest to lowest score until available funds are exhausted

In the event that two or more projects receive the same score, they will be prioritized based on a tiebreaker score, to be defined in each NOFA.

## 5.2 Evaluation and Scoring Criteria - Scoring Priorities

NOFAs will include specified scoring criteria that will reflect the following priorities.

Priority	Description
History of Tenant Organizing	Projects with a history of outreach to the property's tenants, including but not limited to attestation and/or meeting minutes from an organized group of the property's residents, or a letter of support signed by a majority of the building's households.
Cost Effectiveness	Cost effectiveness will be evaluated on a per unit basis, with adjustments to reflect the differential between covenanted rents and submarket rents.
Risk of Affordability Loss	<ul style="list-style-type: none"> <li>• Priority would be for covenants with more imminent expiry.</li> <li>• Priority would be projects that have issued a three (3) year notice under State Preservation Notice law pursuant to section 65863.10 of the California Government Code.</li> <li>• Priority would be projects where the current owner has demonstrated intent to not extend covenants and move the building to market rate. This can be shown through public statements or declarations from existing residents of their understanding of the owner's plans</li> </ul>
Risk of Financial Insolvency	Priority would be projects at greater risk of financial insolvency.
Priority Populations	Projects that set aside a certain percentage of units for special needs populations (the special needs units can count towards the 20% ALI/ELI set aside requirement).
California Department of Housing and Community Development (HCD)/TCAC Opportunity Mapping	The HCD/TCAC Opportunity Map index ranks census tracts based on socioeconomic indicators. Prioritization will be awarded to projects located in High or Highest Resource Areas.



# **ULA HOMEOWNERSHIP OPPORTUNITIES PROGRAM GUIDELINES**

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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## **INTRODUCTION**

### **1. Program Summary**

#### **a. Goals and Requirements**

The Homeownership Opportunities Program has a goal of promoting long-term housing security and wealth-building via homeownership for low-income Angelenos. The Program supports low-income households in attaining their homeownership goals by providing financial assistance for down payments and other acquisition costs.

The United to House LA (ULA) ballot measure and effectuating ordinance requires that 70% of all ULA Program revenue must be dedicated to Affordable Housing programs. These programs include Multifamily Affordable Housing, Acquisition and Rehabilitation, Capacity-Building, Homeownership, Operating Assistance and Alternative Models for Permanent Affordable Housing.

The Homeownership Opportunities Program is required to support single family and cooperative homeownership opportunities, including but not limited to down-payment assistance, shared equity homeownership, and pre-development funding associated with creating such housing.<sup>1</sup> Eligibility for the Homeownership Opportunities Program is restricted to low-income households earning at or below 80% of the Area Median Income (AMI).

### **2. Context**

The ULA measure and ordinance allows for no more than four percent (4%) of the annual ULA Program revenue to be dedicated to the Homeownership Opportunities Program, as a core strategy to support single family and cooperative homeownership opportunities. The Homeownership Opportunities Program is the only ULA Program that has no minimum required program expenditure amount.

According to the 2022 American Community Survey (ACS) 5-year estimate, there are approximately 886,998 renter households in the City of Los Angeles, and approximately 2,245,299 people are renters. In the traditional wealth building approach, homeownership opportunities are seen as a significant vehicle for housing security and the building of intergenerational wealth in the United States. Typically, households transition from renter households to owner households by purchasing their home. However, due to historic decision making in the public and private sectors, barriers continue to exist that prevent Angelenos of Color from becoming homeowners. In Los Angeles, white households have a median net worth of \$355,000. In comparison, households headed by Angelenos of Mexican

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<sup>1</sup> Los Angeles Administrative Code Section 22.618.3(d)(1)(ii)d.

descent and African American descent have a median wealth of \$3,500 and \$4,000, respectively.<sup>2</sup>

The Los Angeles Housing Department (LAHD) currently operates a low-income homeownership assistance program called the Low Income Purchase Assistance (LIPA) program. The LIPA program provides financial assistance to low-income first-time homebuyers, in the form of loans to cover the down payment, closing, and acquisition cost. While this program has supported over 1,500 low-income households in purchasing their first home, many low-income residents continue to find that homeownership is out of their reach due to high prices, low inventory, and high cost of debt.

The Homeownership Opportunities Program seeks to promote long-term housing security and wealth-building by providing down-payment assistance for low-income Angelenos.

### **3. Commitment to Racial Equity**

Existing data and scholarship confirm that Black, Latinx, and other communities of color are disproportionately affected by homelessness, housing insecurity, and lack of affordable homeownership options, and have disproportionately low percentages of homeownership. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested today in racially disparate rates of homeownership. These Homeownership Opportunities Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. The implementation of the Homeownership Opportunities Program has a goal of adhering to principles of racial equity, with a primary focus on addressing the lack of affordable homeownership options.

Consistent with this commitment to promote racial equity, the Homeownership Opportunities Program is designed to address the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other community experiences affect the vulnerability of a neighborhood, and its experiences. To this end, the Program provides resources to proactively address racial and economic segregation throughout the City by creating homeownership and wealth-building opportunities that address historic patterns of discrimination and exclusion.

### **4. Program Metrics**

The Los Angeles Housing Department (LAHD), or its designee, shall collect program metrics and participant data in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Homeownership Program. On an ongoing basis and to the extent feasible,

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<sup>2</sup> Federal Reserve Bank of San Francisco, *The Color of Wealth in Los Angeles*, 2016.  
. [https://www.aasc.ucla.edu/besol/color\\_of\\_wealth\\_report.pdf](https://www.aasc.ucla.edu/besol/color_of_wealth_report.pdf)

LAHD and any designees shall track and report data and metrics identified on the chart below. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and Council District), as well as by property type (single-family residence, condominium/townhome, or shared equity ownership models).

Goal	Metrics
Provide homeownership assistance to low-income households to promote community stability, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>• Number of households receiving first-time homeownership assistance by income, race, number of household members, and other demographic variables.</li> <li>• Number of homes purchased in High or Highest Resource Areas.</li> <li>• Number of homes purchased in Racially/Ethnically Concentrated Areas of Poverty (R/ECAP).</li> <li>• Number of homes purchased in Racially Concentrated Areas of Affluence (RCAA).</li> </ul>
Demonstrate financial impact of ULA Program investment on program participants.	<ul style="list-style-type: none"> <li>• Ratio of homeownership loan recovery by LAHD.</li> <li>• Ratio of total ULA program spend per unit to most up to date estimated property value.</li> <li>• Ratio of total ULA program spend per unit to estimated net appreciation in property value.</li> </ul>

LAHD shall analyze these and potentially additional metrics and any other participant data collected on an annual basis and provide a summary of its analysis to the ULA Citizen Oversight Commission (COC) to allow for an assessment of whether the Homeownership Opportunities Program is meeting its goals and priorities.

## **5. Branding**

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## **6. Definitions**

*“Borrower(s)”* shall mean an entity that has been approved for or received a loan from the Los Angeles Housing Department (“LAHD”) that has remaining interest or principal to be paid, or for which the term of the loan has not yet expired.

*“Citizen Oversight Committee”* shall mean the body of 15 appointed members who monitor the activities of the House LA Fund and advise the Mayor, City Council, and the Los Angeles Housing Department (“LAHD”) on priorities, program guidelines, and program implementation. It is also abbreviated as “COC.”

*“Housing Needs Assessment”* shall mean a data-informed study, conducted by the Citizen Oversight Committee (“COC”) by December 31, 2023 and updated at least once every three (3) years to understand, quantify, and qualify the City of Los Angeles’s housing needs with respect to homelessness, housing affordability, tenant protections and the housing needs of vulnerable populations, including but not limited to people experiencing homelessness, seniors in Lower Income Households, formerly homeless people, persons with disabilities, veterans, single-parent households, youth in transition, survivors of domestic violence, and Lower Income Households. The study must disaggregate data by race, family composition, sexual orientation, age, disability, and gender.

*“Lower Income Household(s)”* shall mean households earning at or below 80% Area Median Income (“AMI”).

## **SECTION 1: PROGRAM ADMINISTRATION**

### **1.1 Program Administration Overview**

The Homeownership Opportunities Program is administered by the City of Los Angeles Housing Department (LAHD), which may, at its discretion, allocate Program funding into any activity that meets all Program requirements as set forth in the ULA measure and ordinance and in these Guidelines. Under the City's existing Low Income Purchase Assistance (LIPA) program, Lending Partners originate a first mortgage to Borrowers using their own funds, while LAHD underwrites and originates a second mortgage that provides low-cost financing to assist Borrowers with down payments, closing costs, and/or paying down the principal on the first mortgage.

LAHD may elect to engage Lending Partners to administer Program-funded activities, including the origination and underwriting of loans on behalf of LAHD.

LAHD, or its designee, will annually revise applicable Underwriting Standards and maximum Program loan limits to reflect changes in the economic environment, including, but not limited to, availability of funds, legal and regulatory mandates, interest rates, and inflation. Once every fiscal year, LAHD will provide an update to the ULA Citizen Oversight Committee (COC) pertaining to the maximum loan limits.

#### Monitoring and Reporting:

LAHD, or its designee, shall be responsible for collecting and reporting Program performance metrics such as count of households preserved, demographic data on homebuyers, and metrics on cost effectiveness, including total home purchase price, estimated annual property value, City loan amounts per unit, as further delineated in *Section 4* of the Introduction to these Program Guidelines.

### **1.2 Lending Partners Role**

For all activities pertaining to the first mortgage, Lending Partners will be responsible for executing an application process, underwriting projects, and disbursing funds to selected applicants in accordance with their practices and procedures. The Lending Partners would be LAHD's main points of contact with Borrowers throughout the application, underwriting, and funding process for the first mortgage.

Upon attending a training by the Department, the Lending Partners will be responsible for completing all activities listed below:

- Outreach and Marketing
- Underwriting Loan Applications
- Originating Loans

- Executing Loan Agreements
- Metrics and Reporting

Concurrently with the commitment and/or execution of a loan agreement with a Lending Partner, LAHD will ascertain that the Borrower meets all requirements for the second mortgage from LAHD, and will prepare loan documents to provide a subordinate, deferred-payment loan to the Borrower.

### **1.3 Lending Partners Procurement**

Additional elements of the Homeownership Opportunities Program may be implemented by Contract Lending Partners selected by LAHD through a procurement process conducted consistent with the City Administrative Code and relevant City and LAHD policies. Contingent on approval by City Council, LAHD would issue a Request for Proposals (RFP) to solicit and select contractors to act as Contract Lending Partners.

#### **a. Evaluation and Selection Process**

Award of a contract to a Contract Lending Partner shall be based on best value competitive bid. Bidders may be evaluated on lending experience, demonstrated history of reaching target household types, and quality of proposed Underwriting Standards. When feasible, LAHD shall evaluate bidders on having a demonstrated history of lending to BIPOC communities and advancing homeownership opportunities for BIPOC and low-income borrowers. Bidders will also be required to be based in the City of Los Angeles and demonstrate a robust lending experience in Los Angeles City and County. Prior to release of an RFP, LAHD will establish threshold requirements. The RFP will provide additional details, including a revised update of the Program budget as ULA revenues are tabulated, as well as scoring and selection criteria for bidders, scope of work, and reporting and compliance requirements.

### **1.4 City Living Wage Ordinance**

All contractors shall comply with the Living Wage Ordinance, Los Angeles Administrative Code Section 10.37 et seq., as amended from time to time. Contractors further shall agree to comply with federal law proscribing retaliation for union organizing. Any subcontract entered into by a contractor for work to be performed under these Program Guidelines must include an identical provision.

## **SECTION 2: GENERAL PROVISIONS**

The following section provides a summary of general Program requirements and provisions related to Program operation and implementation.

### **2.1 Eligible Borrowers**

Eligible Borrowers shall be first-time homebuyers earning at or below 80% of the household Area Median Income (AMI). First-time homebuyers are defined as persons who do not hold an ownership interest in any real property and have not held ownership interest in real property at any time within the last three years. Eligible Borrowers shall additionally be US citizens, lawful permanent residents, and other qualified residents with temporary lawful immigration status. Eligible Borrowers shall occupy the acquired property as their primary residence.

### **2.2 Eligible Properties**

Eligible Properties are single-unit residential dwellings, which may include single-family detached homes, accessory dwelling units (ADUs) and/or Junior ADUs (JADUs), or single-unit residences within condominiums, townhouses, or planned unit developments.

The City Council and Mayor may, at any time and with the recommendations of LAHD and the COC, promulgate additional guidelines governing a subprogram aimed at supporting purchase of homes in cooperatives and tenancies-in-common (TICs). Such a subprogram would support tenants in projects funded by the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program in converting from rental housing to resident ownership.

Eligible Properties must be located within the City of Los Angeles.

### **2.3 Eligible Activities**

Eligible activities include making subordinate, deferred-payment loans to households for the purposes of purchasing a home.

Eligible project costs are acquisition costs, including down payment on a mortgage, inspection fees, and other closing costs.

### **2.4 Loan / Assistance Terms and Limits**

Loan Limits: Each fiscal year, LAHD may elect to establish Program loan limits according to the following process:



1. LAHD will determine the average acquisition cost by unit typology
2. LAHD will determine the average household supportable debt based on target income level, various household typologies, and prevailing interest rates
3. LAHD will set loan limits for each unit typology based on the gap between the acquisition cost and household supportable debt
  - Modifiers may be applied based on unit or household typology to ensure loan amounts are sufficient to facilitate home purchases

Loan Type: Permanent loans, with zero percent (0%) interest, deferred payment (requiring no monthly payments), and a shared appreciation component. Loans are assumable by the Borrower's heir(s).

Term of Loan: Thirty (30) Years, or earlier repayment in full upon sale, title transfer, or any other repayment condition enumerated in the City promissory note.

Shared Appreciation: Upon resale, full amortization of the loan, or triggering of any other repayment condition specified by the City, a percentage of the net appreciation in value of the property shall accrue to the City of Los Angeles. Net appreciation shall be calculated as gross appreciation less transaction costs, initial homeowner-contributed down payment, and eligible capital improvements. The percentage of the net appreciation due to the City is based on the ratio of City financial assistance to the total purchase price.

All proceeds from loan repayments and shared appreciation accrual shall be reinvested into the Homeownership Opportunities Program.

## **2.5 Default**

The Loan Agreement will specify the events that may cause LAHD, or its designee, to declare the borrower in default.

### **SECTION 3: FUNDING CYCLES, TIMING, AND APPROVAL PROCESS**

Pursuant to these Homeownership Opportunities Program Guidelines, and subject to funding availability and administrative capacity, LAHD, or its designee, may elect to periodically announce the opening of applications for a specified timeframe, or accept applications via an open window model throughout the year. During each Funding Cycle, LAHD, or its designee, may incorporate additional supplementary terms and details that further clarify City policy and objectives.

#### **3.1 Fiscal Planning and Funding Cycle Development Process**

Every fiscal quarter, LAHD will tabulate Program revenues and reconcile against projections. At any time, LAHD may apportion and encumber expenditures to Lending Partners based on projected loan volume.

Subject to funding availability and administrative capacity, LAHD, or its designee, may implement a Funding Cycle to accept applications. Each Funding Cycle will be announced with details on the duration of the Funding Cycle and specific maximum loan limits, which may or may not vary depending on unit and/or household typology. Loan limits will be determined as a function of estimated acquisition costs, supportable household debt, and LAHD goals with respect to unit and household typologies, as described in *Section 2.4*.

#### **3.2 Application Submittal and Underwriting Review**

Each Funding Cycle announcement shall be accompanied by detailed guidance about how to submit a complete application, including where to submit an application, a list of all participating lending partners, if any, and all documentation requirements that must be attached upon submission.

LAHD, or its designee, may elect to review applications on a rolling basis or only once the application window has lapsed. Applications will be underwritten to LAHD Project Underwriting Guidelines, or Lending Partner Underwriting Standards, as applicable.

#### **3.3 Loan Agreements**

LAHD, or its designee, shall execute Loan Agreements with applicants who meet LAHD Project Underwriting Guidelines or Lending Partner Underwriting Standards, as applicable. Loan Agreements will contain all elements enumerated in *Section 2.4* of these Homeownership Opportunities Guidelines, as well as additional terms, details, and conditions necessary to effectuate City goals.

# ULA CAPACITY-BUILDING PROGRAM GUIDELINES

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration

August 15, 2024

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A. United to House LA Measure

## INTRODUCTION

### 1. Program Summary

#### a. Goals and Requirements

United to House LA (ULA) includes the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program. These programs allocate unprecedented resources to position tenants to have an active and material relationship with their housing, in the form of tenant participation, management and potential ownership opportunities. The premise of this approach is that pathways to homeownership are largely inaccessible for low-income households, and thus new models, including financial resources, are necessary to facilitate homeownership opportunities for lower-income households. Moreover, a fundamental intention of the sponsors of ULA is to elevate and expand opportunities for lower-income tenants to participate in the management of their home, in partnership with building owners, landlords, or fellow owners.

Advancing such models will require engaging, educating, and empowering residents regarding these new opportunities. Through organizing, training and technical assistance, the Capacity-Building Program is intended to support successful outcomes for tenant engagement, leadership, management, and ownership of housing, including through implementation of the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program.

These Capacity-Building Program Guidelines are applicable not only to the Los Angeles Housing Department (LAHD) in its role administering the Capacity-Building Program, but also to community-based organizations and any umbrella entity overseeing or directing the activities of community-based organizations described below. For the purposes of these guidelines, community-based organizations, individually, collectively, and as an umbrella entity, shall be referred to as *Contracting Partner(s)*. For the purposes of these guidelines, any reference to LAHD, in its role as administrator of the Capacity-Building Program, shall include Contracting Partner(s) unless specifically stated otherwise.

The goals of the Capacity-Building Program are to:

- Facilitate and support tenant participation in building management.
- Provide training and resources to ensure long-term stability of non-profit and tenant-managed properties.
- Support residents and property managers in implementing and sustaining non-profit, land trust, cooperative and tenant-led management and/or ownership models.

- Facilitate equitable access to participation in ULA Production Programs, specifically the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program.

**b. List of subprograms or activities**

The Capacity-Building Program is designed to complement other ULA Affordable Housing Production Programs by ensuring that tenants and nonprofits are informed about and prepared to participate in the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program. The program will be implemented in a way that supports and expands City-funded outreach efforts associated with ULA Affordable Housing Production Programs and Homelessness Prevention Programs.

**2. Context**

The ULA measure and ordinance requires a portion of the annual ULA Program revenue to be dedicated to the Capacity-Building Program. No less than ten percent (10%), and up to fifty percent (50%), of the ten percent (10%) of ULA Program revenue allocated to Homeownership Opportunities, Capacity-Building and Operating Assistance Program annually shall go towards the Capacity-Building program.

According to the 2022 American Community Survey (ACS) 5-year estimate, there are approximately 886,998 renter households in the City of Los Angeles, and approximately 2,245,299 people are renters. In the traditional affordable housing approach, the developer owns the building and renters have a prescribed role as tenants, in which their core obligation is to pay rent in return for shelter. In this traditional housing approach, tenants are not typically consulted on issues pertaining to management and operation of the housing including, but not limited to, 1) developing the operating and leasing policies, 2) operation and maintenance decisions, and 3) other financial decisions about the building. Further, tenants are typically not extended any equity stake in the buildings in which they live, limiting their financial trajectory.

ULA Affordable Housing Production Programs, including the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program, are intended to establish a new affordable housing construct, in which tenants are actively engaged in operation and maintenance decisions about their housing, and potentially create pathways to an ownership stake in their place of residence. The Capacity-Building Program is designed to establish widespread tenant understanding of (and technical assistance with) the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program, such that individual tenants and the nonprofit organizations that are formed to own properties are equipped to meaningfully participate in these programs.

The Capacity-Building Program will make resources (including but not limited to tools, templates, models and training) available to potential future nonprofit developers, owners and residents of projects that are seeking or have secured funding from the Alternative Models of Permanent Affordable Housing and Acquisition Program and/or Rehabilitation of Affordable Housing Program, as well as current residents, developers, community partners, owners, and property managers. Subject to funding availability and administrative capacity, these resources may also be made available to residents of other publicly-funded affordable housing projects in the Los Angeles region that similarly deploy resident and community ownership models of permanently affordable social housing.

### **3. Commitment to Racial Equity**

Existing data and scholarship confirm that Black, Latinx, and other communities of color have disproportionately low percentages of property ownership. These Capacity-Building Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the inconsistency in demographics between the City's residents and property owners.

As ULA seeks to foster new opportunities for tenant management and ownership of residential buildings, the implementation of the Capacity-Building Program is specifically designed to promote racial equity, with a focus on developing tenant management and ownership of residential buildings in the City's most vulnerable, marginalized and underserved communities.

Consistent with this commitment to promote racial equity, the Capacity-Building Program is intended to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other tenant experiences affect the vulnerability of a tenant and their experiences. To this end, the Capacity-Building Program is committed to delivering culturally relevant outreach, grounded in activities, communication, and interventions that consider the community context and audience being served. Consequently, the Capacity-Building Program will emphasize the importance of interpretation, translation, and other agreed upon language justice accommodations to those whose primary language is not English.

### **4. Program Metrics**

The Los Angeles Housing Department (LAHD) and Contracting Partner(s) shall collect program metrics and participant data in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Capacity-Building Program. On an ongoing basis and to the extent feasible, LAHD and Contracting Partner(s) shall track and report data and metrics identified on the chart below. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and

Council District). LAHD and Contracting Partner(s) shall also regularly collect and report on pertinent qualitative data, including oral histories, to highlight program participant and service provider success stories.

Goal	Metrics
Facilitate and support tenant participation in building management to ensure long-term stability of tenant-managed properties.	<ul style="list-style-type: none"> <li>• General condition of the properties subject to the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program (and if there are problems, the explicit plans to address them with residents' agreement).</li> <li>• Number and location of properties, units and residents participating in the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program.</li> <li>• Number, location, and participation levels of tenant management training conducted and tools deployed (for developers, community partners, property managers, and/or residents) focused on awareness of building management programs.</li> <li>• Number, location, and participation levels of tenant management training conducted and tools deployed (for developers, community partners, property managers, and/or residents) focused on the long-term stability of tenant-managed properties, including resident involvement in adoption of Property Management Plans, Operating Budgets and Capital Improvement Plans and Budgets.</li> <li>• Number of collaboration and cross-training activities with developers, community partners and/or property management staff.</li> </ul>
Support resident and property manager implementation and maintenance of tenant-led ownership model.	<ul style="list-style-type: none"> <li>• Number and location of properties having implemented and considering implementation of tenant-led ownership models.</li> <li>• Number and location of residents participating in tenant-led ownership models.</li> <li>• Number and location of resident-led ownership model trainings conducted and tools developed (for developers, community partners, property managers, and/or residents) focused on implementation of tenant-led ownership model buildings.</li> </ul>

	<ul style="list-style-type: none"> <li>• Number of collaboration and cross-training activities with developers, community partners and/or property management staff.</li> <li>• Number of properties that have successfully converted to community or resident-led ownership.</li> </ul>
Facilitate equitable access to participation in ULA Production Programs, specifically the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program.	<ul style="list-style-type: none"> <li>• Number and location of properties, units and residents in Racially/Ethnically Concentrated Areas of Poverty (R/ECAP) participating in the Capacity-Building Program.</li> <li>• Number, location, and languages of reaches and contacts made providing exposure to and awareness of Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program.</li> </ul>

Consistent with *Section 5.2* of these Capacity-Building Program Guidelines, LAHD shall analyze these metrics and any other participant data collected on an annual basis and provide a summary of its analysis to the ULA Citizen Oversight Committee (COC) to allow for an assessment of whether the Capacity-Building Program is meeting its goals and priorities.

## 5. Branding

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).



## **SECTION 1: ADMINISTRATIVE OVERVIEW**

### **1.1 Program Administrator**

Subject to requirements of the City's Administrative Code, LAHD shall administer the Capacity-Building Program, including procuring contracts with Contracting Partner(s) to provide direct services and coordinate Program administration if multiple service providers are needed. The LAHD General Manager, or designee, shall be empowered to delegate and/or revoke administrative responsibilities to Contracting Partner(s) and/or appropriate LAHD staff at their discretion.

### **1.2 Selection Process**

The Capacity-Building Program is to be administered by LAHD's General Manager, or designee, consistent with *Section 1.1* above, and implemented by Contracting Partner(s) procured as described in *Section 5*.

## **SECTION 2: GENERAL PROVISIONS**

### **2.1 Eligible Participants**

Eligible Participants: The Capacity-Building Program shall serve tenants (inclusive of nonprofit organizations, individual tenants and tenant households), as well as developers, community partners, and property managers for properties participating in the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program in the City. The Capacity-Building Program shall target outreach and training to Eligible Participants in buildings that have sought or are seeking funding from the Alternative Models for Permanent Affordable Housing Program and/or the Acquisition and Rehabilitation for Affordable Housing Program to maximize the success of tenant management and ownership opportunities in those buildings.

Subject to funding availability and administrative capacity, these resources may also be made available to residents of other publicly-funded affordable housing projects in the Los Angeles region that similarly deploy resident and community ownership models of permanently affordable social housing.

### **2.2 Eligible Forms of Funding**

LAHD may seek and spend additional funding for the Capacity-Building Program, including potential grants, consistent with LAHD's general procedures and requirements.

Funding may be expended to facilitate Eligible Activities (further defined and discussed in *Section 2.3*) through contracts, purchase orders, and any other contracting mechanism consistent with City requirements.

## **2.3 Eligible Activities**

Eligible Activities of the Capacity-Building Program fall broadly within four categories: 1) Design, 2) Outreach, 3) Training and Tools, and 4) Monitoring and Compliance. In addition to these four categories, data collection and reporting activities will be included to monitor the efficacy of the Capacity-Building Program. Additional detail regarding these activities is provided in *Section 3.1, Scope of Services*. Activities not determined to be within these identified categories may still be determined to be Eligible Activities consistent with the Capacity-Building Program, subject to the discretion of LAHD and the ULA COC.

## **2.4 Program Funding - Caps and Limits**

The ULA measure and ordinance allocates one percent (1%) of overall annual program revenue for the Capacity-Building Program. The ULA measure and ordinance also requires that ten percent (10%) of the overall annual program allocation be directed to the Homeownership Opportunities, Capacity-Building and Operating Assistance program in any given year. Funding allocated to the Capacity-Building Program shall be apportioned and prioritized for the eligible activities identified in these guidelines subject to the approval, discretion, and delegation of LAHD.

## **2.5 Timing / Frequency of Awards**

Consistent with *Section 5* of these Capacity-Building Program Guidelines, LAHD may execute annual contract(s) and annual extensions with Contracting Partner(s) for the implementation of Eligible Activities identified in *Section 2.3*.

Notwithstanding the fact that ULA funds are allocated annually, at its discretion LAHD may execute multi-year contracts subject to funding availability with Contracting Partner(s) for the implementation of Eligible Activities identified in *Section 2.3*.

# **SECTION 3: PROGRAM REQUIREMENTS: SERVICES AND FUNDING PRIORITIES**

## **3.1 Scope of Services**

LAHD, or its designee, in collaboration with the ULA COC, shall effectuate these guidelines and provide services necessary for the execution and performance of the Eligible Activities identified in *Section 2.3* of these Capacity-Building Program Guidelines.

**a. Design**

These Capacity-Building Program Guidelines identify and acknowledge the innovative nature of the ULA Affordable Housing Production Programs (in particular the Alternative Models for Permanent Affordable Housing Program and the Acquisition and Rehabilitation for Affordable Housing Program). Tenant governance models have not been extensively implemented by the City and may need to be adapted to local needs. Accordingly, implementation of the Capacity-Building Program shall require LAHD, Contracting Partner(s), and/or any designee to conduct case study research, and based on that research, design models that articulate various approaches to tenant management and/or tenant ownership that could be functionally integrated into the Alternative Models of Permanent Affordable Housing Program or Acquisition and Rehabilitation of Affordable Housing Program, respectively. Case study research and analysis shall be shared with developers, community partners, and residents interested in pursuing social housing models (models) via ULA and/or other funding sources.

As described above, subject to funding availability and administrative capacity, these resources and activities may also be made available to residents of other publicly-funded affordable housing projects in the Los Angeles region that similarly deploy resident and community ownership models of permanently affordable social housing.

These models are not intended to be *one-size-fits-all*, but may be both general and introductory to interested nonprofit community organizations and residents, as well as be project and property specific, with design tailored to maximize likely success in specified circumstances.

**b. Outreach**

The Capacity-Building Program shall mobilize outreach team(s) and organizers to inform potential future residents, current residents, developers, community partners, owners, and property managers that are seeking or have secured funding from the Alternative Models of Permanent Affordable Housing Program and/or Acquisition and Rehabilitation of Affordable Housing Program to support tenant management and potential ownership opportunities. Outreach activities may include, but are not limited to:

- Phone and text banking tenants.
- Door to door canvassing and flier distribution.
- Mailing fliers or postcards.
- Orientation sessions.

Capacity-Building Program outreach shall be culturally competent, linguistically tailored, and focused on targeted communities and properties which are seeking or have secured funding from the Alternative Models of Permanent Affordable Housing Program and/or Acquisition and Rehabilitation of Affordable Housing Program. Capacity-Building

Program outreach shall emphasize objectives of educating, motivating, and activating Eligible Participants to engage in Capacity-Building training and assistance programs.<sup>1</sup>

**c. Training and Tools**

Training

Training will be the central component of the Capacity-Building Program, inclusive of ongoing support to residents, developers, community members, building owners and property managers who are currently implementing or planning to implement tenant management, and/or pursue tenant ownership models. The Capacity-Building Program Guidelines recognize that ongoing support and technical assistance in implementing tenant management and tenant ownership is vital to ensuring long-term stability of these Capacity-Building Program components.

The Capacity-Building Program shall implement a training program for each building subject to the Alternative Models of Permanent Affordable Housing Program and/or the Acquisition and Rehabilitation of Affordable Housing Program to support participants (including residents, developers, community members, building owners and property managers) through various stages of the property management process. Training shall be project-specific in nature, and shall, at a minimum, address topics including residential leadership, organizing, mediation, property management, asset management, building budgeting, building systems and repairs, ownership financing, tenant-landlord law, nonprofit corporation laws and regulations applicable to the ownership entities, and Governing Board rights and responsibilities.

The Capacity-Building Program shall facilitate and support the formation of Governing Boards for the implementation and governance of tenant management, and/or pursue resident ownership models, as appropriate. A Governing Board may take the form of a Resident Council, Homeowners Association, Co-op Board, or any other model that empowers building tenants as voting members. A Governing Board shall be vested with the authority to direct the operation and maintenance of a residential building, subject to by-laws and State law, as applicable. LAHD, or its designee, shall create a Resident and

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<sup>1</sup> Educating should involve, as a minimum, informing residents, Resident Councils, and community-based organizations (CBOs) about services being provided; communicating key messages about what services are provided for capacity-building, and how to participate; effectively answering questions about capacity-building services, and assessing what services are needed. Motivating should involve, as a minimum, sharing relevant and compelling information to motivate residents to participate in forming a resident council or housing cooperative, addressing information concerns, and encouraging participation through trusted messengers and channels. Activating should involve, as a minimum, reminding residents and CBOs to attend services or training, and providing outreach in community venues to continue promoting services. Outreach should detail culturally and linguistically-tailored strategies for educating, motivating, and activating the least likely to respond to residents. Strategies can mix what has worked in the past and innovative ideas.

Organizer Property Management/Oversight Training Manual, which shall be updated and revised on an on-going basis.

LAHD may, at its discretion, in consultation with the ULA COC, expand Capacity-Building Program training to include other areas of identified needs.

Training activities include but are not limited to:

- **Individual Sessions:** Initiated as requested by eligible participants, LAHD or contractors shall address specific questions and concerns raised by developers, community partners, owners, property managers, and current residents as they are raised, and as warranted, develop more extensive modules, materials, and curriculum.
- **Workshops:** Events that feature a presentation to a group of tenants, community partners, developers, and/or property managers, focused on specified elements of tenant management and/or tenant ownership. Workshops may be held at LAHD facilities, or other public or private facilities, including within a building or residential property where tenants reside. Workshops may be conducted virtually or in-person, and shall be conducted in multiple languages and be ADA accessible, as necessary.
- **Other Education Events:** Alternative formats or structures may be utilized as deemed appropriate for tenant engagement. These events may be held virtually, in-person, or hybrid as is deemed most effective for the target audience. Virtual educational events may be delivered on social media.

Training on relevant subjects related to housing operations shall be made available to all interested residents regardless of governance and/or ownership model utilized.

### Tools

LAHD or contractors shall furnish relevant Design research (as described above), including case studies, models, and templates to prospective eligible participants, including but not limited to future or current residents, developers, property managers, and/or community partners, as well as provide direct technical assistance and support access to tenant governance resources as needed.

Tools specific to maintaining rental properties may include templates, models, and training to support predevelopment, leasing and/or asset and property management activities, with an overall focus on tenants' training and education, as well as implementation of Governing Boards, as described below. If property rehabilitation is required, LAHD may provide education, in consultation with the ULA COC, to the tenants on their rights and obligations during the rehabilitation process.

Tools specific to developing ownership projects may include supporting the marketing plan, providing homebuyer training, and providing ongoing training to ensure the habitability, financial health, and sustainability of the property. Tools may evolve over time based on future policies established by the City to advance resident management and ownership opportunities.

**d. Monitoring of Activities and Milestones**

The Capacity-Building Program shall establish a monitoring and compliance system to track the functioning of tenant governance activities established consistent with the Alternative Models of Permanent Affordable Housing Program and/or the Acquisition and Rehabilitation of Affordable Housing Program. Tenant governance actions and responsibilities subject to monitoring and compliance shall be identified and highlighted in training and workshops.

LAHD, or its designee, shall track tenant governance activities and milestones pursuant to these Capacity-Building Program Guidelines and as enumerated in professional service contracts, that may include, but are not limited to:

- Meetings to create Community Agreements, which are documents that describe how a group of people will live together.
- Monthly gatherings between property management and residents to support community cohesion and raise issues related to the building.
- Quarterly meetings between residents and property management to review operations, management, and adjust Community Agreements.
- Semi-annual meetings between residents and property management to review budgets, financials, and actuals to determine budget priorities.
- In addition to the above, formation of a Governing Board, a body that directs the operations and maintenance of a property with voting rights for residents. For rental properties, the Resident Council is a representative body elected by residents and would serve as the rental property's Governing Board. The Resident Council or other resident Governing Board must be convened within twelve (12) months after the building is initially leased up and must meet regularly. For a property that has been acquired with tenants already in place, the formation of a Governing Board may take up to eighteen (18) months. If the building is developed or acquired by a Community Land Trust (CLT), it is considered already an alternative tenant-led model. The CLT will present a community outreach plan, plans to form a Resident Council or ownership model (if considered), and plans to incorporate tenants into the CLT board within twelve (12) months of the finished development or acquisition.

At LAHD's discretion, and in negotiation of the Contracting Partner(s)'s Scope of Services, monitoring activities may be extended to include the monitoring of regulatory agreements and/or mandated activities.

### **3.2 Program Budget**

The ULA measure and ordinance allocates one percent (1%) of overall program revenue for the Capacity-Building Program, which is equivalent to ten percent (10%) of the overall allocation of ten percent (10%) of ULA Program revenues to the Homeownership Opportunities, Capacity-Building and Operating Assistance program. Funding will be allocated for all services identified in these guidelines. Funding allocated to the Capacity-Building Program shall be apportioned and prioritized subject to the approval, discretion, and delegation of LAHD.

## **SECTION 4: IMPLEMENTATION PLAN**

Consistent with these Capacity-Building Program Guidelines, LAHD may contract for Capacity-Building Program administration and services, as further described in *Section 5*. Upon availability of funds, adoption of these Capacity-Building Program Guidelines, fulfillment of staffing needs, and execution of contract(s) for Capacity-Building Program services, LAHD shall direct the Contracting Partner(s) to initiate Capacity-Building Program Eligible Activities.<sup>2</sup>

## **SECTION 5: CONTRACTUAL SERVICES**

Implementation of the Capacity-Building Program may require LAHD identifying and contracting with Contracting Partner(s). All procurement activities must be conducted consistent with the City Administrative Code and any relevant City and LAHD policies. The contracting structure shall allow for the use of subcontractors, as needed, to provide specialized services based on subject matter expertise.

Contracts for Capacity-Building Program services shall at the minimum have a one-year term. Notwithstanding the fact that ULA funds are allocated annually, at its discretion LAHD may execute multi-year contracts with Contracting Partner(s) for the implementation of Eligible Activities identified in *Section 2.3*. Upon the completion of any existing contract term for the Contracting Partner(s), LAHD may consider extending the term of that contract consistent with the terms of the agreement, or conducting a competitive bid for Capacity-Building services, consistent with the City's competitive bidding requirements.

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<sup>2</sup> LAHD may take other actions to establish and in furtherance of the Capacity-Building Program, including, but not limited to the study of capacity-building and tenant ownership models and best practices in other large cities, prior to these identified steps. However, execution of Eligible Activities and the Scope of Services identified in *Sections 2.3* and *3.1*, respectively, necessarily require the completion of these steps.

## **5.1 Evaluation and Selection Process**

Award of a contract for Capacity-Building Program services shall be based on a best value competitive bid. Prior to release of a Request for Proposals (RFP) or other form of procurement, LAHD shall establish a scoring system assigning values to the following criteria, and rating responses to proposals accordingly:

- 1) Experience and approach to providing tenant-based outreach and education services of a similar nature;
- 2) Experience conducting research and program analysis in the fields of affordable housing and tenant management and/or tenant ownership;
- 3) Experience training new organizations and/or board members of nonprofits in the areas of property management, asset management, building and organizational budgeting, reporting and legal compliance activities.
- 4) Experience with and approach to providing services to the communities anticipated to be targeted for capacity-building activities; and
- 5) A cost proposal for the solicited services.

In addition to the evaluation criteria listed above, proposers must meet all of the following threshold requirements:

- 1) 501(c)(3) status with offices or experience working in the County of Los Angeles, in good standing with the California Secretary of State, and with a mission and/or program work that includes support of affordable housing and/or tenant rights initiatives;
- 2) Not carry an outstanding debt which has not been repaid or for which a repayment agreement plan has not been implemented, if the proposer has previously contracted with the State of California or the City, nor have any outstanding disallowed costs or other liability to the City under previous contracts with LAHD;
- 3) Have a minimum of four (4) years of experience performing, or partnering with Community Based Organizations to perform, tenant services that include outreach, curriculum design, and training; and
- 4) Have one or more established partnerships with organizations that have active tenant-management and/or tenant-ownership projects, including Community Land Trusts and housing cooperatives.

## **5.2 Contract Administration**

At least once per year, LAHD will provide a report to the COC and City Council summarizing the work accomplished as well as proposed programmatic improvements and contract amendments. Changes to the service contract(s) may shift elements of the Program Scope of Services between LAHD and the Contracting Partner(s), to best reflect organizational capacity, changes in service priority, and learning during the course of Program administration.



#### Payment and Invoicing Policies

The Contracting Partner(s) shall submit invoices to LAHD with an accounting of costs incurred. The contract will stipulate the frequency that costs will be invoiced to LAHD.

The contract may provide that LAHD may approve payment to be advanced to the Contracting Partner(s) on an as-needed basis, especially if there are major startup costs and challenges.

### **5.3 City Living Wage Ordinance**

All contractors shall comply with the Living Wage Ordinance, Los Angeles Administrative Code Section 10.37 et seq., as amended from time to time. Contractors further shall agree to comply with federal law proscribing retaliation for union organizing. Any subcontract entered into by a contractor for work to be performed under these Program Guidelines must include an identical provision.

### **5.4 Data Collection and Reporting**

The metrics and participant data identified in *Section 3.1* of these Capacity-Building Program Guidelines shall be collected by the Contracting Partner(s) and provided to LAHD on a quarterly basis.

Further, LAHD, or its designee, shall no less than on an annual basis, provide a report to the COC that: 1) documents how the Contracting Partner(s) and LAHD are co-learning about resident management and resident ownership best practices, 2) assesses developer/owner participation in the program to evaluate correlation with tenant management and tenant ownership goals of ULA, and 3) assesses developer/owner program compliance to ensure accountability measures are implemented, and 4) evaluates the Contracting Partner(s) success incorporating racial equity into program implementation.

LAHD shall analyze the data and metrics collected and the annual report provided by the Contracting Partner(s) identified in this *Section 5.4* to form the basis of the report to the COC, as described in *Section 5.2*, which is intended to assess whether the Capacity-Building Program is meeting its goals and the priorities. This annual analysis shall specifically include a racial equity review of the Capacity-Building Program.

# ULA OPERATING ASSISTANCE PROGRAM GUIDELINES

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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A. United to House LA Measure

## **INTRODUCTION**

### **1. Program Summary**

#### **a. Goals and Requirements**

The Operating Assistance Program supports affordable housing in the City of Los Angeles by providing operating support for projects facing a short-term disruption in cash flow or wider economic shock.

The United to House LA (ULA) ballot measure and effectuating ordinance creates an Operating Assistance program that is allocated no less than 5%, and up to 9%, of House LA Program funds.

The ULA Affordable Housing Programs include Multifamily Affordable Housing, Acquisition and Rehabilitation, Capacity-Building, Homeownership, Operating Assistance and Alternative Models for Permanent Affordable Housing. Following is a summary of universal ULA Requirements that must be met in all Affordable Housing programs, as further delineated in Los Angeles Administrative Code Section 22.618.3(d)(1)(i):

- All units affordable to Lower Income Households, with a limited exception for units created under the Alternative Models for Permanent Affordable Housing Program.
- All units are restricted affordable in perpetuity, with limited exception to permit 55-year covenant terms if required by other funding sources in the project.
- One-to-one replacement of existing qualifying units as required, as verified by a Replacement Unit Determination (RUD) from LAHD.
- Provide relocation benefits and right of first refusal to any qualifying existing occupants.
- Prevailing wage is required for all construction activities.
- A Project Labor Agreement (PLA) required for construction and rehabilitation of 40 or more units.

Additionally, the below requirements are applicable to all activities under the Operating Assistance Program:

- Activities must support new construction, acquisition, and/or rehabilitation of existing housing.
- Activities must take the form of project-based, multi-year rental subsidies, or operating subsidies, or service subsidies.
- Activities must prioritize projects housing Acutely Low Income and/or Extremely Low Income Households, as well as projects that will maintain Nonprofit

ownership, Community Land Trust (CLT) stewardship, and/or shared-equity tenant ownership.

## **2. Context**

As of June 2024, LAHD has a \$2.7 billion multifamily affordable housing loan portfolio that serves more than 120,000 residents in the City of Los Angeles. Of that loan portfolio, over \$205 million in loans are tied to projects that have nearly depleted their reserves to manage increased operational costs. Out of 649 projects analyzed in 2023, 158 projects did not have positive cash flow. Operational costs have increased for a number of reasons, including but not limited to increased inflation rates, utility bill increases, and higher insurance premiums. In addition, reduced rental income which resulted from economic impacts of the COVID-19 pandemic has further contributed to negative cash flow. In particular, many permanent supportive housing projects face substantial operational deficits that deplete reserves, sometimes completely. Some of the most at-risk projects are those with a high share of units occupied by higher acuity residents. These projects often require frequent high-cost repairs, and involve more intensive property management in addition to the provision of supportive services.

LAHD's Troubled Assets Working Group maintains a Watchlist of properties that are in most serious financial risk within the City's affordable housing portfolio. As of May 2024, there are about 100 properties on the Watchlist.

ULA provides funding for several affordable housing production paradigms. The Operating Assistance Program is unique in that it is positioned to address operational needs of new housing that may be constructed in the future as a result of the ULA affordable housing production programs, as well as ongoing operating needs of the City's existing affordable housing portfolio.

## **3. Commitment to Racial Equity**

Existing data and scholarship confirm that Black, Latinx, and other communities of color are disproportionately affected by homelessness. These Operating Assistance Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

As ULA seeks to foster innovative initiatives to manage assets and cover operational costs, the implementation of the Operating Assistance Program is specifically designed to promote racial equity, with a focus on supporting projects that serve the City's most vulnerable communities by providing operating assistance for projects facing a short-term disruption in cash flow or wider economic shock.

Consistent with this commitment to promote racial equity, the Operating Assistance Program is designed to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other community experiences affect the vulnerability of a neighborhood, and its experiences. To this end, the Operating Assistance Program provides resources to support the ongoing maintenance and operation of affordable and supportive housing, in order to ensure stability of existing vulnerable communities.

#### **4. Program Metrics**

The Los Angeles Housing Department (LAHD) and program partners will collect information in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes of the Operating Assistance Program. To the extent feasible, this information includes but is not limited to, the number of units assisted and the number of residents located within each project. Operating assistance activities will be tracked as they relate to the following metrics identified in the chart below. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and Council District).

Goal	Metrics
Ensure long-term financial stability by awarding operating assistance to qualifying housing developments.	<ul style="list-style-type: none"> <li>Number of units provided operating support, reported by: <ul style="list-style-type: none"> <li>Income category.</li> <li>Location in High or Highest Resource areas.</li> <li>Located in Racially/Ethnicity Concentrated Areas of Poverty (R/ECAP).</li> <li>Location in Racially Concentrated Areas of Affluence (RCAA).</li> <li>Location on public land.</li> <li>Location near public transit.</li> </ul> </li> </ul>
Ensure long-term housing stability for tenants, in alignment with ULA goals and priorities.	<ul style="list-style-type: none"> <li>Number of residents living in buildings receiving operating assistance, to be disaggregated by the ULA measure and ordinance reporting requirements.</li> </ul>
Ensure fiscal prudence and responsibility by strategically expending funds.	<ul style="list-style-type: none"> <li>Number of dollars expended, reported by: <ul style="list-style-type: none"> <li>Fiscal Year.</li> <li>Project.</li> <li>Unit.</li> </ul> </li> </ul>

LAHD shall analyze these and potentially additional metrics and participant data annually and provide a summary of its analysis to the ULA Citizens Oversight Committee (COC) to allow for an assessment of whether the Program is meeting its goals and priorities.

## **5. Branding**

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## **6. Definitions**

*“Acutely Low-Income”* shall have the same meaning as in Section 50063.5 of the California Health and Safety Code.

*“Audited Financial Statement(s)”* shall mean organizational records covering the balance sheet, statement of cash flow, and other documents describing the organization’s financial position and that have been reviewed and approved by independent third-party auditors.

*“Borrower(s)”* shall mean an entity that has been approved for or received a loan from the Los Angeles Housing Department (“LAHD”) that has remaining interest or principal to be paid, or for which the term of the loan has not yet expired.

*“California Tax Credit Allocation Committee”* shall mean the state agency that creates the Qualified Allocation Plan (“QAP”) for allocating Low Income Housing Tax Credits (“LIHTC”) within the State of California. It is also abbreviated as “CTCAC” or “TCAC.” The QAP published by CTCAC/TCAC is commonly referred to as “TCAC Regulations”

*“California Debt Limit Allocation Committee”* shall mean the state agency that administers the state’s annual debt limit ceiling and administers the state’s tax-exempt bond program to allocate such bonds to projects. It is also abbreviated as “CDLAC.”

*“Capital Needs Assessment”* shall mean a third-party analysis based on a building inspection that identifies problems in major building systems such as structural, electrical, plumbing, sewage, roofing, flooring, mechanical, heating/cooling, and safety.

*“Citizens Oversight Committee”* shall mean the body of 15 appointed members who monitor the activities of the House LA Fund and advise the Mayor, City Council, and the Los Angeles Housing Department (“LAHD”) on priorities, program guidelines, and program implementation. It is also abbreviated as “COC.”

*“Community Agreement(s)”* shall mean a document that is created by residents of a property for the purposes of defining how they will live together and the acceptable behaviors for

residents and their guests, and how disagreements or disputes between neighbors will be resolved. Each property that has received United to House Los Angeles (“ULA”) funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs must produce a Community Agreement.

*“Community Land Trust”* shall mean a non-profit corporation within Section 501(c)(3) of the Internal Revenue Code that satisfies all of the following: (i) Has as its primary purposes the creation and maintenance of permanently affordable single-family or multifamily residences; (ii) All dwellings and units located on the land owned by the non-profit corporation are sold to a qualified owner to be occupied as the qualified owner’s primary residence or rented to Lower Income Households or Moderate Income Households, or held by the non-profit corporation for the same purpose; (iii) When a dwelling or unit that is situated on land owned by the non-profit corporation is sold to a qualified owner, the land is leased by the non-profit corporation to the income-qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years. It is also abbreviated as “CLT.”

*“CTCAC/HCD Opportunity Map”* shall mean the geographic tool utilized by the California Tax Credit Allocation Committee (“CTCAC”) to index census tracts across the State of California based on economic, social, employment, educational, and environmental indicators. The 2024 version of the tool is linked [here](#).

*“Department of Housing and Community Development”* shall mean the California Department of Housing and Community Development. It is also abbreviated as “HCD.”

*“Department of Housing and Urban Development”* shall mean the U.S. Department of Housing and Urban Development. It is also abbreviated as “HUD.”

*“Extremely Low Income”* shall have the same meaning as in Section 50106 of the California Health and Safety Code.

*“Housing Needs Assessment”* shall mean a data-informed study, conducted by the Citizens Oversight Committee (“COC”) by December 31, 2023 and updated at least once every three (3) years to understand, quantify, and qualify the City of Los Angeles’s housing needs with respect to homelessness, housing affordability, tenant protections and the housing needs of vulnerable populations, including but not limited to people experiencing homelessness, seniors in Lower Income Households, formerly homeless people, persons with disabilities, veterans, single-parent households, youth in transition, survivors of domestic violence, and Lower Income Households. The study must disaggregate data by race, family composition, sexual orientation, age, disability, and gender.

*“LAHD Project Underwriting Guidelines”* shall mean a project review process created by the Los Angeles Housing Department (“LAHD”), shared publicly, and updated periodically to reflect LAHD staff assessment of necessary financial strength and specific acceptable

tolerance ranges for key financial assumptions and potential challenges of each proposed project. The goal of the Underwriting Guidelines shall be to ensure that each City housing investment creates a project that will be financially and physically viable for the years of the program covenants, and shall provide a good living environment for the residents over the years, and be a positive part of the community. Project Underwriting Guidelines are based on sensitivity testing of potential portfolio liabilities and challenges, benchmarks of cost drivers, economic conditions, compliance with legal and regulatory mandates, and other variables that affect the broader affordable housing environment.

*“LAHD Sponsor Underwriting Guidelines”* shall mean a review and risk assessment process created by the Los Angeles Housing Department (“LAHD”), shared publicly, and updated periodically to assess the necessary financial strength, organizational capacity and relevant experience to complete and operate the proposed housing project in compliance with guidelines, as a physically and financially healthy project that serves the residents and community well for the years of the covenant. The guidelines shall specify acceptable tolerance ranges for key financial assumptions and potential challenges. LAHD Sponsor Underwriting Guidelines are based on portfolio size and health, development record, organizational and staff capacity to own and direct operations of the proposed project, and organization financial health.

*“Limited Equity Housing Cooperative”* shall have the same meaning as in Section 817 of the California Civil Code. It is also abbreviated as “LEHC.”

*“Lower Income Household(s)”* shall have the same meaning as in Section 50079.5 of the California Health and Safety Code.

*“Low Income Housing Tax Credits”* shall mean state or federal tax credit programs that reduce tax liability in exchange for acquisition, rehabilitation, or construction of deed-restricted affordable housing. It is also abbreviated as “LIHTC.”

*“Nonprofit(s)”* shall mean an organization exempt from taxation pursuant to Internal Revenue Code Section 501(c)(3). Instrumentalities of Nonprofit organizations, including wholly owned subsidiaries, are not automatically considered Nonprofits.

*“Project Labor Agreement”* shall mean the City of Los Angeles Department of Public Works Master Project Labor Agreement (“PLA”) or a specific ULA Measure-wide PLA, negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (“SCANPH”), and approved by the Los Angeles City Council.

*“Real Estate Owned Schedule”* shall mean a list of properties owned by an entity and the parent company that controls that entity. The Real Estate Owned Schedule must include projected and actual operating costs and revenues for all properties listed.



*“Replacement Unit Determination”* shall mean an analysis specifying the count of qualified demolished units i) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income, ii) subject to any form of rent or price control through a public entity’s valid exercise of its police power within the five (5) past years, iii) rented by lower or very low income households, or iv) that were withdrawn from rent or lease per the Ellis Act, within the past ten (10) years, and the Area Median Income (“AMI”) restriction that must be recorded consistent with the income level of the most recent qualified household that resided in a demolished unit. It is also abbreviated as “RUD.”

*“Resale Formula”* shall mean a formula that is reflected in a ground lease and/or an applicable deed restriction that sets an upper limit on the price for which a home or a cooperative share with resale restrictions may be resold, and that is applied consistently to each home or share upon resale.

*“Resale of Rental Property”* shall mean a change in ownership via a change in fee title on a property, or a long-term master lease of greater than thirty (30) years.

*“Resident Council(s)”* shall mean any of the following: i) an elected body of residents in a property who represent the residents in deciding the policies and financial priorities of a building; or ii) a homeowners’ association, cooperative board, LEHC, or other similar representative or elected governance body required by state law based on the legal structure of the property. Each property that has received ULA funds through the Alternative Models for Permanent Affordable Housing and/or the Acquisition and Rehabilitation for Affordable Housing programs shall be supported in developing a Resident Council.

*“Residual Receipts”* shall mean loan terms that offer below market rate interest, deferred payments, and loan payments that are due only after, and if, operating costs and senior debt service are paid.

*“Stabilization Plan and Exit Strategy”* shall mean a document that identifies whether the project is: i) able to fully resolve operating losses using Program funding only; or ii) using Program funding as a bridge to stabilization using future, non-Program funding sources; or iii) using Program funding as a temporary stopgap in response to a sector-wide or industry-wide structural economic challenge such as increasing insurance premiums. The Stabilization Plan and Exit Strategy must provide detailed milestones for bringing the project back into positive cash flow including timelines for each stage of the stabilization process and external funding sources, if applicable.

*“Statement of Public Purpose”* shall mean a document that, in consideration of the COC’s Housing Needs Assessment and other available neighborhood-specific information on a community’s housing challenges, describes how a proposed project would benefit the community in which it is located, meet the public needs identified in the COC’s Housing

Needs Assessment through the project's community outreach and final design, and advance the goals of ULA as defined in Los Angeles Administrative Code Section 22.618.1: Purpose.

*"Very Low Income"* shall have the same meaning as in Section 50105 of the California Health and Safety Code.

## **SECTION 1: ADMINISTRATIVE OVERVIEW**

### **1.1 Program Administration**

The Operating Assistance Program is administered by the City of Los Angeles Housing Department (LAHD). Within LAHD, the Housing Development Bureau (HDB) manages the development and issuance of Notices of Funding Availability (NOFAs), and project review and underwriting, including scoring and awarding of applications, as well as asset management and portfolio monitoring.

### **1.2 Notice of Funding Availability (NOFA) Schedule**

Subject to funding availability, LAHD will offer one NOFA for the Operating Assistance Program every fiscal year. Additional information regarding the NOFA, project application, and project award schedule will be provided in Department-issued NOFAs.

More detail about the NOFA development and issuance process is detailed in *Section 3* of these Operating Assistance Program Guidelines.

## **SECTION 2: GENERAL PROVISIONS**

The following section provides a summary of general Program requirements and how the Program will be administered.

### **2.1 Eligible Applicants**

Eligible applicants are public entities, local housing authorities, Community Land Trusts (CLTs), Limited Equity Housing Cooperatives (LEHCs), and Nonprofits. Partnerships such as General Partnerships, Limited Partnership, and Limited Liability Companies may apply provided that the Managing General Partner is an eligible entity. A for-profit entity cannot be the Managing General Partner.

#### Affordable Housing Experience

The ULA Measure and Ordinance requires applicants to have experience with affordable housing development and property management within the project team. However, eligible entities without sufficient experience developing and managing affordable housing developments may partner with an experienced Nonprofit to apply for Program funding, as long as the experienced Nonprofit participates in the ownership of the project as a Managing General Partner.

### LAHD Loan Requirement

Applicants must either have an existing housing project funded by the City of Los Angeles, or a commitment for a new housing project to be funded by the City of Los Angeles. Priority will be given to projects housing Acutely Low Income or Extremely Low Income households, as well as projects that maintain ownership or stewardship by Nonprofits, Community Land Trusts (CLTs), and Limited Equity Housing Cooperatives (LEHCs).

## **2.2 Eligible Projects**

Projects must meet the following requirements to be eligible for Program funds:

### LAHD Loan

Projects must be recipients of LAHD funding or of a commitment for LAHD funding.

### Project Size:

There is no maximum or minimum project unit count applicable to this program.

### Affordability Requirements and Applicable Rent Schedules:

All units receiving operating support must be covenanted to be affordable to households earning 80% Area Median Income (AMI) or below. Mixed-income projects under the Alternative Models for Permanent Affordable Housing Program are also eligible for funding.

LAHD will apply HUD/LIHTC income targeting and rent schedules. However, projects must comply with all income targeting and rent schedules required by other funding sources and must apply the most restrictive, if there is a conflict.

### Labor Compliance:

The Operating Assistance Program does not fund major construction or rehabilitation activities. Minor and/or emergency repairs costing less than \$250,000 per funding round are allowed. Any construction, maintenance, repairs or rehabilitation work funded through this Program must pay prevailing wage.

## **2.3 Eligible Cost Basis**

Eligible costs include retrospective and/or prospective operating costs for eligible projects, including but not limited to payments for:

- Debt service;
- Insurance premiums and other insurance expenses;
- Short term security or fire watch services of less than 12 months;
- Deferred operating costs for building maintenance and repairs of less than \$250,000;
- Local, state, and federal tax liability;

- Up to two (2) months of rental subsidies per unit to cover operating shortfalls, not to exceed six (6) months per three (3) year period; or
- Replenishing of operating reserves required by LAHD.

Costs can be reimbursed for excess expenses incurred within the same fiscal year of the sponsor's application and the fiscal year immediately preceding the year of application.

Prospective expenses can be requested for an amount equal to a maximum of two (2) years of projected excess costs.

In no case shall the total retrospective and prospective basis exceed the per unit maximum assistance limit defined in the NOFA.

## **2.4 Ineligible Activities**

Funds awarded under the Operating Program shall not be used for the following capital expenses or activities:

- Major replacement, upgrades, and/or capital improvement of systems including but not limited to Heating, Ventilation, and Air Conditioning (HVAC), plumbing, electrical, sewer, fire sprinklers, roofing, water heaters, solar panels, or insulation;
- Major repairs costing more than \$250,000; or
- New construction except to replace units damaged by fire or natural disaster.

## **2.5 Maximum Assistance Limits**

Each fiscal year, LAHD shall determine maximum assistance limits based on anticipated operating assistance needs. The maximum assistance limits shall be determined in consideration of the following:

1. Portfolio-wide benchmarking of Per Unit Per Annum (PUPA) excess operating costs and vacancy losses.
  - a. PUPA excess operating costs and vacancy losses may be benchmarked against the Watchlist maintained by LAHD's Troubled Assets Working Group, and/or other subgroup average PUPA by unit typology, including unit AMI limits and Permanent Supportive Housing (PSH) use.
2. PUPA excess cost and vacancy loss estimates to be collected from surveys of properties within the LAHD loan portfolio.

LAHD's estimated PUPA limit shall be multiplied by two (2) to calculate the maximum assistance limits, representing the two (2) years of maximum allowable assistance under this Program.

## **2.6 Form of Assistance**

Operating Assistance will be provided in the form of a supplemental loan or a grant:

- For awards in excess of \$100,000, the form of assistance will be a supplement to the existing or proposed project loan, with the same loan term, interest rate, and payment terms as the existing LAHD loan.
- For awards below \$100,000, the form of assistance will be a grant to the project owner or sponsor.

## **2.7 Monitoring and Compliance**

Because only properties within the LAHD Asset Management division's existing portfolio, and projects that are slated to enter the portfolio with ULA funding, are eligible to apply for Operating Assistance Program funding, all eligible applicants would already be under LAHD occupancy monitoring and loan management upon submitting a request for operating assistance. Sponsors of awarded projects will continue submitting Audited Financial Statements (AFSs) to LAHD on an annual basis and effectuate residual receipts loan payments.

# **SECTION 3: FUNDING ROUNDS, TIMING, AND APPROVAL PROCESS**

## **3.1 Notice of Funding Availability (NOFA) Issuance**

Based on these Operating Assistance Program Guidelines, LAHD will periodically announce a Notice of Funding Availability (NOFA) to accept applications and effectuate awarding of funds. The terms and requirements of these Operating Assistance Guidelines shall be applicable to each NOFA, and a NOFA may incorporate additional supplementary terms and details that further clarify LAHD policy and objectives.

## **3.2 Development and Planning for Funding Rounds**

Subject to funding availability, LAHD shall issue one NOFA per year. Participation in the NOFA shall only be available to projects within the LAHD loan portfolio, or any projects that receive an award of funding through ULA Affordable Housing Programs. The timing of each NOFA shall be announced at least three (3) months in advance of the application opening, and applicants shall have at least 30 days from the opening of the NOFA to submit proposals.

Each Operating Assistance Program NOFA notice shall provide specific maximum assistance limits, which may vary depending on unit typology. Each NOFA may also apply limits to the maximum number of projects for which a developer can request assistance

through this Program. Prior to issuing each NOFA, LAHD will provide an update to the COC and City Council pertaining to the maximum loan limits.

At least five (5) business days before the application window opens, LAHD shall host a non-mandatory Bidders' Conference to provide a high-level overview of the NOFA and respond to sponsor questions.

### **3.3 Application Submittal and Review**

Each Operating Assistance NOFA shall be accompanied by detailed guidance about how to submit a complete application, including where to submit an application and all documentation requirements that must be attached upon submission.

Applications shall be reviewed, underwritten, and scored on a rolling basis until the application window closes. Once the deadline to submit has passed, timely applications that pass threshold review will be scored according to prioritization criteria and ranked by score. For more detailed information about these elements, see *Section 4: Threshold Requirements* and *Section 5: Selection Process and Criteria*.

LAHD will first recommend funding allocations to the highest scoring project, and then allocate to subsequent projects in order of highest to lowest score, until funding is exhausted.

Preliminary recommendations shall be publicized and applicants shall have a window to submit an appeal before LAHD transmits its funding recommendations to the City Council.

### **3.4 Appeal Process**

LAHD's preliminary recommendations of funding allocation can be appealed by the applicant. Each NOFA will provide detailed guidance delineating acceptable grounds for appeal, the process for filing an appeal, and the standards for adjudicating an appeal.

Applicants shall not file an appeal regarding LAHD staff evaluation of another applicant's application.

### **3.5 Council Approval Process**

Consistent with Los Angeles Administrative Code Section 22.618.3(d)(1)(iv), LAHD shall present the Operating Assistance Program projects to the City Council and Mayor with award amounts and conditions to be met prior to funding. As applicable, the City Council and Mayor will authorize the General Manager of the LAHD, or designee, to determine that funding conditions have been met; to negotiate and execute the relevant financing documents for the project, subject to the approval of the City Attorney as to form; to prepare Controller instructions and any necessary technical adjustments consistent with Mayor and

City Council actions, subject to the approval of the City Administrative Officer (CAO); and request that the Controller implement the instructions.

In the event of necessary technical corrections and adjustments that do not change the affordability mix, total number of units, or loan amount per unit, the General Manager of LAHD, or designee, shall be authorized to approve such corrections.

## **SECTION 4: THRESHOLD REQUIREMENTS**

This section enumerates the elements of a complete application and describes the documentation requirements associated with each element. All applicants must demonstrate reasonableness of funding request and long-term feasibility. Applications will first undergo Threshold Review by LAHD to ensure that all required elements have been met.

Applications that do not meet threshold will not be reviewed or considered for funding by LAHD.

### **4.1 Summary of Threshold Items**

The following provides a summary of each Threshold Item and descriptions of materials that will be required to demonstrate the Project satisfies each Threshold Item.

#### **a. Proof of Financial Need**

Sponsors face a threshold requirement to demonstrate financial need and reasons for requesting emergency operating assistance. To demonstrate financial need, applicants must submit:

- Audited Financial Statements (AFSs) for a lookback period to be defined by LAHD.
- A complete Variance Analysis using a template workbook that has been approved by LAHD. The Variance Analysis must identify the source(s) of excess costs and/or unexpected revenue shortfalls. The Variance Analysis must be accompanied by a narrative detailing cost-saving measures undertaken to date, as well as an itemized breakdown of how reserves were spent.
- A complete Pro Forma financial analysis using a template workbook that has been approved by LAHD. The Pro Forma must identify the sponsor's estimate for the amount of operating subsidy required to stabilize the project. If non-Program funds are required to finance capital improvements, those sources must be identified on the Pro Forma as well.



**b. Stabilization Plan and Exit Strategy**

This Program provides time-limited assistance to projects facing resolvable challenges, in an amount equal to up to two (2) years of eligible operating cost or income gaps.

Projects may resolve such operating challenges through one of three Pathways. Project Sponsors must submit a Stabilization Plan and Exit Strategy, indicating which Pathway a project will take:

Pathway A: Award of ULA Operating Assistance Program funds would fully resolve the project's operating gap, without the use of additional non-Program funding sources. Examples of this may include repairs following a fire or flooding.

Pathway B: Award of ULA Operating Assistance Program funds would bridge the project's operating needs, until a more long-term capital funding source can be accessed. Examples of this may include projects that apply for increased voucher payments under established HUD programs.

Pathway C: Award of ULA Operating Assistance Program funds would provide temporary relief from external structural economic or environmental shocks that impact a project's operating expenses or income but are not directly caused by the project sponsor, including but not limited to industry-wide price increases (e.g., increases in insurance premiums).

Sponsors of projects utilizing either Pathway A or Pathway B are required to demonstrate a financial strategy for feasibility, as demonstrated by positive cash flow for at least 15 years.

Sponsors of projects utilizing Pathway B are required to apply for any and all funding sources identified in their Pro Forma.

Sponsors of projects utilizing Pathway C are not required to demonstrate resolution of operating gaps when Operating Assistance relief terminates. Pathway C projects must instead identify systemic cost drivers or economic shocks beyond their control and show, at minimum, positive cash flow during the term of the Operating Assistance support and operating reserves funded at a level that meets the most current LAHD Project Underwriting Guidelines. Project sponsors must also identify the changes in rent levels or other operating revenue and expenses, as well as changes in funding program requirements that would be needed to make projects feasible even if the economic shock, such as higher insurance or utility costs, does not change.

A sponsor's failure to submit timely and complete applications for external funding sources, or to take meaningful action toward other milestones named in the Stabilization Plan and Exit Strategy, may result in the inability to apply for other Operating Assistance funds in the future.

**c. Rehabilitation and Capital Needs Assessment**

For projects utilizing Pathway B, if identifying capital improvement needs, Project Sponsors must submit a Capital Needs Assessment (CNA) as a threshold requirement. The CNA enumerates maintenance, repairs, rehabilitation and other capital improvement needs.

Project Sponsors must also provide a Scope of Work (SOW) that is responsive to the areas of concern identified in the CNA.

**d. Relocation**

Any tenants temporarily displaced due to ULA-funded remediation and repair activities must be offered Relocation benefits. Project sponsors shall submit a Relocation Plan, which must include offers of comparable dwellings.

For more information, please refer to *Los Angeles Administrative Code* Section 22.618.3(d)(1)(i)(c).

**e. Accessibility Standards**

Project sponsors must provide a Self-Certification Form for Compliance to Accessibility Standards. Depending on the scope of work to be funded, City-funded projects must comply with all accessibility standards in effect at the time of the NOFA, as applicable. These include the federal Americans with Disabilities Act (ADA), State of California Disabled Persons Act, the City of Los Angeles Accessible Housing Program (AcHP) and any other statutes, ordinances, regulations, court orders, consent decrees, or other legally enforceable standards that may apply to housing projects. Existing projects that do not comply with the City's AcHP standards at the time of application shall provide a certification of compliance with the tenant education and reasonable accommodation requirements of the AcHP program and an acknowledgement that future construction work would require compliance with physical standards.

**4.2 Application Requirements**

Subject to funding availability, LAHD will issue at least one NOFA per fiscal year. Public notice of the NOFA shall detail the complete application requirements and the amount of funding available. Each NOFA will indicate the form of the application, which must be submitted electronically. For an application to be considered complete, all requirements listed in the NOFA must be timely provided.

At LAHD's discretion, a NOFA may provide additional application and/or threshold requirements that are not listed in these Operating Assistance Program Guidelines.

## SECTION 5: SELECTION PROCESS AND CRITERIA

Applications determined to have passed Threshold Review will be scored and prioritized for funding based on selection criteria outlined in this section.

### 5.1 Evaluation and Scoring Criteria - General

All applications that pass Threshold Review will be scored according to a Scoring Matrix, which will be an element of each Operating Assistance NOFA issued by LAHD. The Scoring Matrix shall prioritize projects which have undertaken pre-application efforts to control and contain costs, projects that submit high-quality a Stabilization Plan and Exit Strategy, and overall cost effectiveness. These criteria will be further specified in each NOFA and refined in consideration with key priorities and available resources at the time of development of each NOFA.

Applications with the highest scores will receive funding allocations first, until funds are exhausted. In the event that two or more projects receive the same score, selection priority may be determined by a tiebreaker, to be defined in each implementing NOFA.

### 5.2 Evaluation and Scoring Criteria

Each NOFA will include specified scoring criteria that will reflect the following priorities:

Priority	Description
LAHD Troubled Asset Working Group's Watchlist	These are LAHD loan portfolio projects whose operating and/or replacement reserves are depleted.
Stabilization Efforts to Date	Projects demonstrating meaningful corrective measures to bring down operating costs or address financial challenges.
High-quality Stabilization Plan and Exit Strategy	The quality of a Stabilization Plan and Exit Strategy will be evaluated on the basis of: <ul style="list-style-type: none"> <li>Financial stress testing of the Pro Forma.</li> <li>Pathway A and B projects will also be evaluated on their ability to achieve stable operations upon the sunset of Program relief.</li> </ul>
Projects that serve ALI/ELI households	There will be priority for projects that restrict a certain percentage of units for Acutely Low Income (ALI) and/or Extremely Low Income (ELI) households.
Projects that will maintain Nonprofit, CLT, or shared-equity tenant	There will be priority for projects that are or will be owned by Nonprofits, CLTs, and/or shared equity tenant groups (i.e., public agencies and housing authorities are lower priority).

ownership	
Cost Effectiveness	Projects that need less than 70% of maximum per unit assistance limits will be prioritized.

# **ULA SHORT-TERM EMERGENCY ASSISTANCE PROGRAM GUIDELINES**

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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A. United to House LA Measure

## **INTRODUCTION**

### **1. Program Summary**

#### **a. Goals and Requirements**

The Short-Term Emergency Assistance Program seeks to prevent homelessness by ensuring that short-term emergency rental assistance is available to tenants in the City of Los Angeles (City) who are experiencing, or have recently experienced an Economic Hardship. Economic Hardship is defined as one or more individuals within a tenant household having qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other economic impacts, which can be attested to in writing.

Consistent with the United to House LA (ULA) ballot measure and effectuating ordinance, the Short-Term Emergency Assistance Program will provide short-term emergency funding to tenant households at risk of becoming homeless. Funds available through this program are intended to stabilize low-income households at risk of losing their housing due to one-time economic shocks, and may cover the entirety of rent payments for a short-term period of up to six months.<sup>1</sup>

The Short-Term Emergency Assistance Program is intended to be implemented consistent with and in coordination with other ULA Homelessness Prevention Programs and services. These Short-Term Emergency Assistance Program Guidelines shall apply to the Los Angeles Housing Department (LAHD) in its administration and execution of the Short-Term Emergency Assistance Program and other ULA Homelessness Prevention Programs. These Short-Term Emergency Assistance Program Guidelines are also applicable to any third party LAHD contracts for the purposes of executing Short-Term Emergency Assistance Program responsibilities.

#### **b. List of subprograms or activities**

The Short-Term Emergency Assistance Program will provide emergency rental assistance of up to six (6) months of rent, either arrears or prospective, to landlords on behalf of low-income tenant applicants in the City who are experiencing a loss or decrease in household income due to an Economic Hardship. If a landlord is not responsive to the tenant applicant's or the City's attempts to effectuate payment, a qualified tenant can elect to receive the rental assistance directly. The rental assistance may be provided in a pre-filing mandatory eviction diversion program, provided to preserve and maintain tenancy. Priority eligibility shall be established for households with the lowest income levels and rental arrears of six months or less. Promotion of the Short-Term Emergency Assistance Program will be coordinated with other ULA Homeless Prevention Programs.

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<sup>1</sup> Los Angeles Administrative Code Section 22.618.3(d)(2)(i)a.

## **2. Context**

The ULA measure and ordinance require five percent (5%) of the annual tax revenue to be dedicated to a Short-Term Emergency Assistance Program, as a core and proactive strategy to prevent homelessness.

According to the 2022 American Community Survey (ACS) 5-year estimate, there are approximately 886,998 renter households in the city, and approximately 2,245,299 people are renters. Of those renters, approximately 54% are rent-burdened, and 29% are severely rent-burdened.<sup>2</sup> As of March 31, 2024, approximately 24,000 eviction cases are filed each year in the city. Black and Latinx tenants, especially female heads of households, are disproportionately impacted by evictions. Evictions that ultimately lead to homelessness impose extreme hardship on the people unhoused and significant costs on local and state governments, including but not limited to the costs of emergency shelter, interim and long-term housing, hospital-backed health care, transportation costs, and increased costs associated with child dependency and incarceration.

A landlord's claim of unpaid rent is the most common reason tenants are displaced or evicted. For tenants facing Economic Hardship, such as a loss of household income, injury, or a sudden occurrence of significant costs or debt, many choose to self-evict believing there is no other option than moving out and trying to find replacement housing. The Short-Term Emergency Assistance Program is intended to prevent the potentially disruptive consequences of Economic Hardship by providing emergency rental assistance to qualifying lower-income households.

## **3. Commitment to Racial Equity**

Existing data and scholarship confirms that Black, Latinx, and other communities of color are disproportionately affected by evictions and homelessness. These Short-Term Emergency Assistance Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies, zoning practices, and laws promoting an imbalanced landlord-tenant relationship have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

As ULA seeks to combat homelessness through a variety of interventions, the implementation of the Short-Term Emergency Assistance Program is specifically designed to promote racial equity, with a focus on preventing homelessness by making short-term emergency rental assistance available to the city's most vulnerable communities.

Consistent with this commitment to promote racial equity, the Short-Term Emergency Assistance Program is designed to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other tenant experiences affect the vulnerability of a tenant, and their experiences.

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<sup>2</sup> Rent burden data from 2023 Comprehensive Housing Affordability Strategy (CHAS) estimates.

#### 4. Program Metrics

The Program Administrator, defined in *Section 1.1* of these Short-Term Emergency Assistance Program Guidelines, shall collect information in accordance with the ULA ordinance and measure reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Short-Term Emergency Assistance Program. To the extent feasible, this information includes but is not limited to, race, family composition, sexual orientation, age, ability, gender, income, whether someone is formerly homeless, a veteran, a single-parent household, a youth in transition, or a survivor of domestic violence:

Goal	Metrics
Prevent displacement and foster housing stability for lower-income households by mitigating the effects of Economic Hardship on those households by providing short-term emergency rental assistance.	<ul style="list-style-type: none"><li>• Number of displacements and evictions.</li><li>• Number of Unlawful Detainer filings.</li><li>• Number of applications filed in the Short-Term Emergency Assistance Program portal.</li><li>• Number of applications for Short-Term Emergency Assistance Program funding approved.</li><li>• Number of Short-Term Emergency Assistance Program funding applications that did not receive funding.</li><li>• Average household income of approved applications for Short-Term Emergency Assistance Program funding.</li><li>• Amount of funding and duration of assistance requested.</li></ul>

Consistent with *Section 5.3* of these Short-Term Emergency Assistance Program Guidelines, LAHD shall analyze these and potentially additional metrics and participant data annually and provide a summary of its analysis to the COC to allow for an assessment of whether the Program is meeting its goals and priorities.

#### 5. Branding

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).



## **SECTION 1: PROGRAM ADMINISTRATION**

### **1.1 Program Administrator**

LAHD shall administer the Short-Term Emergency Assistance Program, with the LAHD General Manager designated as the Short-Term Emergency Assistance Program Administrator (Program Administrator). At their discretion, the LAHD General Manager shall be empowered to delegate and/or revoke administrative responsibilities to Contracting Partner(s), and/or appropriate LAHD staff.

### **1.2 Selection Process**

The Short-Term Emergency Assistance Program is to be administered by LAHD, or its designee, consistent with *Section 1.1* above. Any program partners or outside entity charged with implementing any portions of the Program shall be procured as described in *Section 5*.

## **SECTION 2: GENERAL PROVISIONS**

### **2.1 Eligible Participants**

Eligible Participants include Eligible Tenants and Eligible Landlords.

The Short-Term Emergency Assistance Program shall serve tenants (inclusive of individual tenants and tenant households) in the City seeking short-term rental assistance. Eligible Tenants must meet all of the following criteria: 1) reside in the City, 2) be obligated to pay rent on a residential rental dwelling, 3) be experiencing or have experienced in the previous 24 months, and will attest to, an Economic Hardship (as defined above), and 4) have a household income, as of December 31st of the year prior to application date, at or below 80% of the Area Median Income (AMI) pursuant to the United States Department of Housing and Urban Development thresholds.

A landlord is an Eligible Landlord if they are collecting rent from an Eligible Tenant for a tenancy of a legal residential rental dwelling in the City of Los Angeles.

### **2.2 Eligible Forms of Funding**

ULA allocates 5% of overall annual program revenue to the Short-Term Emergency Assistance Program, for distribution in the form of emergency short-term rental assistance to tenant households at risk of homelessness or displacement. LAHD may seek and allocate additional funding for this Short-Term Emergency Assistance Program, including but not limited to potential grants, consistent with LAHD's general restrictions and requirements; any additional funding sought and received shall not change or limit in any way how ULA funding is allocated or administered.

## **2.3 Eligible Activities**

Eligible activities of the Short-Term Emergency Assistance Program are limited to the payment of short-term rental assistance<sup>3</sup> for Eligible Tenants experiencing Economic Hardship. Assistance may be used to pay debt, including rental arrears, or to make prospective payments to preempt the actual financial effects of Economic Hardship. At the discretion of LAHD or its designee, the rental assistance may be provided as part of a pre-filing mandatory eviction diversion program, as a form of eviction prevention.

Eligible activities also include administration of the Short-Term Emergency Assistance Program, including but not limited to the maintenance and operation of the Application Portal as further described in *Section 2.6, Timing / Frequency of Awards*. As further detailed in these Short-Term Emergency Assistance Program Guidelines, Eligible Activities include disbursement of Short-Term Emergency Assistance Program funds directly to the Landlords of Eligible Tenants, and in limited circumstances directly to Eligible Tenants.<sup>4</sup> Short-Term Emergency Assistance Program funds may be disbursed directly to Eligible Tenants in circumstances where a landlord has been unresponsive after a period of seven (7) business days. Additional details regarding protocols for such activities are provided in *Section 3.1, Scope of Services*.

Activities not identified in this section may still be determined to be eligible activities consistent with the Short-Term Emergency Assistance Program, subject to the discretion of the Program Administrator.

## **2.4 Ineligible Activities**

LAHD employees and their direct family members, or the employees or direct family members of any party contracting with LAHD to support the administration of the program, are ineligible for participation in the Short-Term Emergency Assistance Program. For the purposes of this prohibition, “direct family members” shall be defined as any dependents, household members, parents, siblings, or spouses, or any other such family member as defined by applicable City regulations. Any Application or potential disbursement of funds to LAHD employees and/or their direct family members, or the employees or direct family members of any party contracting with LAHD to support administration of the program, shall be considered an Ineligible Activity warranting rejection of an application.

Current and prior applicants who submit fraudulent or altered documentation or information will automatically become ineligible for the program.

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<sup>3</sup> Rental assistance shall include any debt or cost incurred by a tenant related to maintaining their rental housing. These costs can include but are not limited to rent, utility payments, security deposits that are associated with complying with orders or agreements and maintaining their rental units.

<sup>4</sup> These Short-Term Emergency Assistance Program Guidelines acknowledge that disbursements made directly to tenants may result in unintended tax consequences for those tenants. Program participants who would receive disbursements directly may determine that the benefit of assistance, and attendant housing stability, justifies the possible tax consequences. However, direct disbursements to those tenants shall only be transmitted with an acknowledgement of said potential tax consequences, and they shall be informed of these potential consequences prior to being issued direct payments.

## **2.5 Program Funding – Caps and Limits**

The ULA measure and ordinance allocates five percent (5%) of overall annual program revenue to the Short-Term Emergency Assistance Program. Funding allocated to the Short-Term Emergency Assistance Program shall be apportioned and prioritized for the eligible activities identified in these guidelines subject to the approval, discretion, and delegation of LAHD.

Any household receiving a funding disbursement consistent with these Short-Term Emergency Assistance Program Guidelines is limited to receiving no greater than the full amount of up to six (6) months rent of Short-Term Emergency Assistance Program funds, retroactive or prospective, over the course of any twelve (12) month period.

## **2.6 Timing / Frequency of Awards**

Eligible Participants shall submit applications for Short-Term Emergency Assistance Program funding (Applications) through a web-based portal approved or established by LAHD, its designee, or its Contracting Partner(s) (Application Portal). The Application Portal shall be accessible in multiple languages.

Subject to the same time limitations further identified in this *Section 2.6*, the program shall also accept Applications through modes and mediums other than the Application Portal, including by phone and at physical locations where the tenant may be provided assistance completing the Application. Representatives at physical locations shall provide additional technical assistance to help applicants in completing their application.

Contingent on available funding, LAHD may establish multiple application periods per year, or may accept applications on a rolling basis, during which time Applications may be accepted (Application Period). The length of each Application Period shall be defined prior to its commencement. Should LAHD elect to accept Applications on a rolling basis, the Application Period shall be considered indefinite.

Additionally, if the rental assistance is provided as part of a pre-filing mandatory eviction diversion program, applications may be made through a referral process outside of the Application Period.

## **SECTION 3: PROGRAM REQUIREMENTS: SERVICES AND FUNDING PRIORITIES**

### **3.1 Scope of Services**

LAHD, and any entity it contracts with for these purposes, shall effectuate these guidelines and provide services necessary for the execution and performance of the Eligible Activities identified in *Section 2.3* of these Short-Term Emergency Assistance Program Guidelines.

#### Funding Disbursements

The Short-Term Emergency Assistance Program will provide a one-time payment for rent payments owed in arrears, or prospectively, for up to six (6) months. At the discretion of LAHD or its designee, the rental assistance may be provided as part of a pre-filing diversion

program, as a form of eviction prevention. Total disbursements may be limited by *Section 2.5* of these Short-Term Emergency Assistance Program Guidelines.

Payments shall be made directly to the Applicant's landlord, property management firm, or the landlord's designated agent on behalf of the low-income tenant households at risk of losing housing or being displaced due to Economic Hardship. A tenant household is eligible for funding disbursements equivalent to up to six (6) months of rent, one time over the course of a twelve (12) month period. Except as provided below, disbursements will be made to an Eligible Landlord on behalf of an Eligible Tenant household, which shall equal the total amount awarded for the covered period based on eligibility, and apply only to rental payments owed by the current Eligible Tenant household occupants.

As further specified below, where a landlord has been unresponsive for a period of seven (7) business days, Short-Term Emergency Assistance Program funds shall be made available to be disbursed directly to Eligible Tenants who have been selected for the Program.

#### Landlord Participation and Compliance

The program shall seek landlord participation in the Short-Term Emergency Assistance Program, including agreement to accept payment upon approval of an Application. Eligible Landlords shall submit a signed W-9 form to LAHD to receive a Short-Term Emergency Assistance Program funding disbursement. The program may, at its discretion, provide assistance to landlords in completing needed participation requirements, such as W-9 forms. As circumstances dictate, LAHD may require additional documentation.

LAHD, as well as other City entities including, but not limited to, the City Attorney's Office, may seek to encourage landlord acceptance of Short-Term Emergency Assistance Program funds by informing them that refusal to do so may constitute a violation of City ordinances, including Article 5.6.1 of the Los Angeles Municipal Code, and State Fair Housing laws prohibiting discrimination based on source of income. LAHD shall have authority to request that the City Attorney investigate landlords that fail to accept Short-Term Emergency Assistance funds.

When a landlord's failure to participate or not properly provide the required documentation to the Short-Term Emergency Assistance Program constitutes source of income discrimination, it may subject landlords to monetary penalties. Separate monetary penalties may be assessed for every rental unit for which the landlord refuses to provide timely Short-Term Emergency Assistance Program documentation or accept Short-Term Emergency Assistance Program funding.

All tenant protections, consistent with City, County, State and Federal law, shall remain in place while tenants apply for funding from the Short-Term Emergency Assistance Program and while such Applications are pending or approved and pending funding disbursement. If an Eligible Landlord fails to participate and files an Unlawful Detainer against the tenant, the Program Administrator shall make available documentation that the landlord failed to participate in the Program. Such documentation can be used as affirmative defense in court proceedings for failure to participate in the Short-Term Emergency Assistance Program when the tenant has an eviction filed against them.

Notwithstanding any conflicting provisions in these Short-Term Emergency Assistance Program Guidelines, at the discretion of the Program Administrator, where the landlord has refused to participate in the Short-Term Emergency Assistance Program or failed to provide documentation within a period of seven (7) business days, payments shall be made available to be disbursed directly to Eligible Tenants who have been selected for the Program. Direct payments to Eligible Tenants in these circumstances shall not require documentation or demonstration of proof of rental payment to the landlord.

### **3.2 Program Budget**

ULA allocates five percent (5%) of overall annual program revenue to the Short-Term Emergency Assistance Program. Funding will be allocated consistent with *Sections 2.3 and 3.1* of these Short-Term Emergency Assistance Program Guidelines. Funding allocated to the Short-Term Emergency Assistance Program shall be apportioned and prioritized for the Eligible Activities identified in these guidelines subject to the approval, discretion, and delegation of LAHD.

### **3.3 Funding Priorities**

Funding allocated to the Short-Term Emergency Assistance Program shall be apportioned and prioritized for the Eligible Activities identified in these Short-Term Emergency Assistance Program Guidelines subject to the approval, discretion, and/or delegation from the Program Administrator.

#### **Use of Funds**

The Short-Term Emergency Assistance Program shall prioritize low-income households with income below 30% AMI, as well as the following priority factors:

- Tenant households living in long-term (at least six continuous years) tenancies of rental units that are subject to the Rent Stabilization Ordinance (RSO).
- Households with disabled and senior tenants who are not participating in the ULA Income Support program.
- Tenants living in deed-restricted affordable housing units.
- Households with minor children tenants.
- Households for whom up to six months' rent in its entirety will satisfy the entire debt for the unit they currently inhabit; or who have entered into an agreement with their landlord to repay the remaining balance affordably.
- Households that are extremely rent burdened, paying more than 50% of total household income for rent each month.
- Households with housing choice vouchers and households living in subsidized affordable housing.
- Households with a maximum monthly rent amount as determined by LAHD.
- Households who are at imminent risk of eviction.

Within these parameters, Applications for short-term rental assistance submitted consistent with *Section 2.6* of these Short-Term Emergency Assistance Program Guidelines will be reviewed and evaluated based on the established priorities (identified in this *Section 3.3*). Based on findings from periodic Needs Assessments required per Los Angeles Administrative Code Section 22.618.6(c)(2) and program reporting, the COC may

periodically recommend adjustments to the priority factors in order to better align with areas of identified high need and better achieve the goals of ULA, as provided in Los Angeles Administrative Code Section 22.618.6(c)(10).

The COC may, in its discretion, recommend additional factor(s), consistent with findings from periodic Needs Assessments required per Los Angeles Administrative Code Section 22.618.6(c)(2) and program reporting, in order to better align the Program Guidelines with areas of identified high need and better achieve the goals of ULA, as provided in Los Angeles Administrative Code Section 22.618.6(c)(10). Inclusion of additional factor(s) at that time shall have the effect of amending this *Section 3.3* of these Short-Term Emergency Assistance Program Guidelines, with additional factor(s) carried forward as Priority Factor(s) in subsequent Application evaluations unless 1) the COC subsequently removes that factor(s), or 2) in implementing the factor(s), the COC establishes a sunset period for that factor(s) at that time.

The COC may consider establishing Short-Term Emergency Assistance Program Priority Factors in tandem with Income Assistance Program priorities to maximize strategies to prevent homelessness and displacement of the City's most vulnerable demographics and populations.

#### **SECTION 4: IMPLEMENTATION PLAN**

The LAHD General Manager shall identify the number and required level of experience of necessary staff to administer the day-to-day responsibilities of the Short-Term Emergency Assistance Program, and seek to fill those positions expediently. Upon availability of funds, adoption of these Short-Term Emergency Assistance Program Guidelines, fulfillment of staffing needs, and procurement of any Contracting Partner(s), LAHD and/or its designee shall identify a date for the Application Portal to open.

#### **SECTION 5: CONTRACTUAL SERVICES**

At its discretion, LAHD may contract some or all of the responsibilities necessary to effectuate these Short-Term Emergency Assistance Guidelines to a third party program administrator, or Contracting Partner(s). Any procurement activities shall be conducted consistent with the City Administrative Code and relevant City and LAHD policies. Upon completion of any existing contract term, the Program Administrator may consider extending the term of that contract consistent with the terms of the existing agreement or conducting a competitive bid for Short-Term Emergency Assistance Program services, consistent with the City's competitive bidding requirements.

##### **5.1 Evaluation and Selection Process**

Should LAHD contract responsibilities to a third party, award of any contract for Short-Term Emergency Assistance Program services shall be based on a best value competitive bid. Prior to release of a Request for Proposals (RFP), LAHD shall establish a scoring system assigning values to the following criteria, and rating responses to proposals accordingly:

- 1) Experience and approach to providing services set forth in *Sections 2.3 and 3.1* of these Short-Term Emergency Assistance Program Guidelines.
- 2) Experience with and approach to providing services to the communities anticipated to be most at risk of displacement due to Economic Hardship.
- 3) A cost proposal for solicited services.

The COC may consider recommending an integrated RFP process that allows service providers to bid for multiple Homelessness Prevention Programs under the same ULA-funded contract.

## **5.2 City Living Wage Ordinance**

All contractors shall comply with the Living Wage Ordinance, Los Angeles Administrative Code Section 10.37 et seq., as amended from time to time. Contractors further shall agree to comply with federal law proscribing retaliation for union organizing. Any subcontract entered into by a contractor for work to be performed under these Program Guidelines must include an identical provision.

## **5.3 Data Collection and Reporting**

Consistent with *Section 4* of the Introduction to these Short-Term Emergency Assistance Program Guidelines, information regarding the number of applications filed (and approved) in the Short-Term Emergency Assistance Program portal, the amount of funding disbursed subject to approved applications, and other related metrics shall be compiled and provided to the COC within ninety (90) days after the closure of an Application Period.

Should the program at any time accept Applications on a rolling basis, the information identified in this *Section 5.3* shall be compiled and provided every ninety (90) days during pendency of that rolling Application Period, and within ninety (90) days after the closure of that rolling Application Period.

This information includes, but is not limited to:

- Number of displacements and evictions.
- Number of Unlawful Detainer filings.
- Number of applications filed in the Short-Term Emergency Assistance Program portal.
- Number of applications for Short-Term Emergency Assistance Program funding approved.
- Number of applications for Short-Term Emergency Assistance Program funding that did not receive funding.
- Average household income of approved applications for Short-Term Emergency Assistance Program funding.
- Amount of funding and duration of assistance requested.
- Housing status for set periods following receipt of Short-Term Emergency Assistance funds.

# **ULA INCOME SUPPORT FOR RENT-BURDENED AT-RISK SENIORS AND PERSONS WITH DISABILITIES PROGRAM GUIDELINES**

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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## INTRODUCTION

### 1. Program Summary

#### a. Goals and Requirements

The Income Support for Rent-Burdened At-Risk Seniors and Persons with Disabilities Program (Income Support Program) provides income assistance to Acutely Low Income (ALI), Extremely Low Income (ELI), and Very Low Income (VLI) renters<sup>1</sup> — specifically, rent-burdened households with seniors and/or persons with disabilities that are at risk of homelessness<sup>2</sup> — in order to prevent them from being displaced from their home.

The Income Support Program is intended to be implemented in coordination with other United to House LA (ULA) Homelessness Prevention Programs and other services focused on eviction prevention and promoting housing stability. These Income Support Program Guidelines shall apply to ULA-funded activities related to the implementation of the Income Support Program by the City, including activities conducted by City Departments or any Contracting Partners that may be procured consistent with *Section 5* of these Guidelines.

The goals of the Income Support Program are to prevent displacement and foster housing stability for lower income, rent-burdened, at-risk seniors and/or persons with disabilities by mitigating the effects of income instability on those households through the provision of income support. This Income Support Program will build on the BIG:LEAP program, the City's pilot guaranteed basic income program, contributing to the further research and understanding of the impacts of basic income programs, supplementing work that is being done at the federal and state levels. In this way, the Program seeks to uplift the city's most vulnerable residents out of poverty, connect them to the vast network of resources, aid them in their path to financial security, stabilize their housing, and ultimately increase their overall health and well-being.

#### b. List of subprograms or activities

Consistent with the ULA measure and ordinance, the Income Support Program is a financial assistance program for rent-burdened ALI, ELI, and VLI households with seniors or people with disabilities that are at risk of homelessness. The Program provides direct cash assistance to qualifying tenants. Priority eligibility is established in *Section 3.3* of these Income Support Guidelines. Promotion of the Income Support Program will be coordinated with other ULA Homelessness Prevention Programs.

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<sup>1</sup> Income categories are defined by the California Health and Safety Code.

<sup>2</sup> "At-risk of homelessness" is defined as households with past due rent or an eviction warning notice, Unlawful Detainer filing, unsafe or unhealthy living conditions, or any other household debts that serve as evidence of such risk, or that meets the definition under § 576.2 of the ESG Program Interim Rule and § 578.3 of the CoC Program Interim Rule.

## **2. Context**

The ULA measure and ordinance requires ten percent (10%) of the annual ULA Program revenue be dedicated to the Income Support Program as a core strategy to prevent homelessness.

According to the 2022 American Community Survey (ACS) 5-year estimate, there are approximately 886,998 renter households in the City, with an estimated 130,000 (14.6%) having a member who is a senior, of which an estimated 83,000 senior renters are rent burdened. While there are existing programs that provide cash and supportive services to some seniors in the City of Los Angeles (an estimated 1,000 seniors receive Los Angeles County General Relief,<sup>3</sup> most of whom are homeless; 64,000 seniors receive In-Home Supportive Services, and 35,000 seniors receive Supplemental Security Income<sup>4</sup>), it is rarely enough to ensure stable housing.

As of March 31, 2024, approximately 24,000 eviction cases are filed each year in the City, disproportionately targeting Black and Latinx tenants, especially seniors and persons with disabilities, with many resulting in homelessness. As of May 2024, approximately 4,000 seniors in the City are homeless on any given night,<sup>5</sup> imposing extreme hardship on the person unhoused and substantial costs on local and state governments, including but not limited to the costs of emergency shelter, interim and long-term housing, hospital-backed health care, and transportation costs.

Most tenants' inability to pay rent is triggered by the confluence of several factors, including but not limited to, rising housing costs, low and/or fixed income, age and/or disability which strongly correlate with housing instability. The Income Support Program is intended to prevent the potentially disruptive consequences of these factors by providing direct cash assistance to qualifying rent-burdened at-risk seniors and/or persons with disabilities.

## **3. Commitment to Racial Equity**

Existing data and scholarship confirm that Black, Latinx, and other communities of color are disproportionately affected by evictions and homelessness. These Income Support Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies, zoning practices, and the confluence of rising housing costs, low and/or fixed income, age, and disability have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

As ULA seeks to combat homelessness through a variety of interventions, the implementation of the Income Support Program is specifically designed to promote racial equity, with a focus on preventing homelessness for rent-burdened at-risk seniors and

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<sup>3</sup> L.A. County General Relief payments are \$221 per month. Eligibility is limited to people whose monthly net income is less than \$221 per month.

<sup>4</sup> The maximum Supplemental Security Income payment is \$943 per month.

<sup>5</sup> 2024 City of LA Homeless Count.

<https://www.lahsa.org/documents?id=8152-city-of-los-angeles-hc2024-data-summary>

persons with disabilities by making direct cash assistance available to the City's most vulnerable communities.

Consistent with this commitment to promote racial equity, the Income Support Program is designed to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other tenant experiences affect the vulnerability of a tenant, and their experiences.

#### 4. Program Metrics

The Program Administrator and Contracting Partners will, on an ongoing basis, collect information and metrics in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Income Support Program. To the extent feasible, this information includes but is not limited to, number of applications filed and approved, number of households supported, and amount of income support provided. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and Council District).

Goal	Metrics
Provide housing stability to lower income rent-burdened households with seniors and/or persons with disabilities by mitigating the effects of being At-Risk of homelessness, through the provision of direct cash assistance.	<ul style="list-style-type: none"><li>• Number of applications filed in the Income Support Program portal</li><li>• Number of Applications for Income Support Program approved</li><li>• Number of Applications for Income Support that did not receive funding</li><li>• Average household income of approved applications for Income Support Program funding</li><li>• Average amount of funding</li></ul>

Consistent with *Section 5.3* of these Income Support Program Guidelines, The Los Angeles Housing Department (LAHD) shall analyze these metrics and participant data annually and provide a summary of its analysis to the ULA Citizens Oversight Committee (COC) to allow for an assessment of whether the Income Support Program is meeting its goals and priorities.

#### 5. Branding

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## **SECTION 1: PROGRAM ADMINISTRATION**

### **1.1 Program Administrator**

The City shall administer the Income Support Program. The LAHD General Manager, or designee, shall be designated as the primary Income Support Program Administrator (Program Administrator), and may collaborate with other key City Departments, including the Department of Aging (DOA), the Department of Disability (DOD) and the Community Investment for Families Department (CIFD). At their discretion, the LAHD General Manager may delegate and/or revoke administrative responsibilities to Contracting Partners and/or appropriate partner City Departments.

### **1.2 Selection Process**

The Income Support Program is to be administered by LAHD, partner City Departments, and any designees, consistent with *Section 1.1* above. Any program partners or outside entity charged with implementing any portions of the Program, including the Contracting Partners, shall be procured as described in *Section 5*.

## **SECTION 2: GENERAL PROVISIONS**

### **2.1 Eligible Participants**

The Income Support Program shall serve tenants (inclusive of individual tenants and tenant households) in the City seeking direct cash assistance. Eligible Participants must meet all of the following criteria:

1. Household must reside in the City of Los Angeles and continue to reside in the City throughout the duration of assistance.
2. One or more individuals within the household must be a Senior and/or a Person with Disability, defined as follows:
  - a. Senior – a person who is at least 65 years of age or older at the time of application.
  - b. Person with Disability – a person who has a physical or mental impairment that substantially limits one or more major life activities, such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning, or working.
3. Gross household income must be at or below 50% of the Area Median Income (AMI), as of December 31st of the year prior to the application date, as defined by California Health and Safety Code.

4. Household must have experienced being rent-burdened, defined as paying more than 30% of total household income for rent each month, as of December 31st of the year prior to the application date.
5. Household must attest to being At-Risk of Homelessness, as defined below:
  - a. At-Risk of Homelessness – a household with past due rent or an eviction warning notice, Unlawful Detainer filing, unsafe or unhealthy living conditions, or any other household debts that serve as evidence of such risk, or that meets the definition under § 576.2 of the ESG Program Interim Rule and § 578.3 of the CoC Program Interim Rule.

Eligible Participants shall not include landlords, master tenants, or homeowners.

## **2.2 Eligible Forms of Funding**

Funding shall be allocated in the form of direct cash assistance to Eligible Participants, consistent with the Program Requirements described in *Section 3*. Funding may also be expended to facilitate Eligible Activities, as further defined and discussed in *Section 2.3*, through contracts, purchase orders, and other contracting mechanisms that are consistent with City requirements and approved by the Program Administrator.

At its discretion, the Program Administrator, the Mayor, or the City Council may seek to allocate additional funding for this Income Support Program, including but not limited to potential grants, consistent with the City's general restrictions and requirements. Any additional funding allocated to these Program activities shall not change or limit in any way how ULA funding is allocated or administered.

## **2.3 Eligible Activities**

Eligible Activities of the Income Support Program are limited to the payment of direct cash assistance, in the form of unrestricted income support, to Eligible Participants.<sup>6</sup> Program activities may additionally include benefits counseling services with qualified service providers and Contracting Partners, as well as referrals to case management and/or navigation services, for the purposes of assisting Eligible Participants with enrollment in other social services programs. Additional detail regarding these activities is provided in *Section 3.1, Scope of Services*.

Activities not identified in this *Section 2.3* may still be determined to be Eligible Activities consistent with the Income Support Program, subject to the discretion of the Program Administrator.

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<sup>6</sup> These Income Support Program Guidelines acknowledge that disbursements made directly to tenants may result in unintended benefit reduction consequences for those tenants, though conclude that the competing priority of ensuring tenants avoid being at-risk is paramount. Direct disbursements to tenants shall be transmitted with an acknowledgement of potential benefit reduction consequences, and wherever possible, paired with benefits counseling resources.

## **2.4 Ineligible Activities**

Any provision of services to landlords or property owners, is expressly prohibited under this Program.

City employees and their direct family members, or the employees or direct family members of any party contracting with the Program Administrator to support the administration of the program, are ineligible for participation in the Income Support Program. For the purposes of this prohibition, “direct family members” shall be defined as any dependents, household members, parents, siblings, or spouses, or any other such family member as defined by applicable City regulations. Any Application or potential disbursement of funds to City employees and/or their direct family members, or the employees or direct family members of any party contracting with the Program Administrator to support administration of the program, shall be considered an Ineligible Activity warranting rejection of an application.

Current and prior applicants who submit fraudulent or altered documentation or information will automatically become ineligible for the program.

## **2.5 Program Funding – Caps and Limits**

The ULA measure and ordinance allocates ten percent (10%) of overall annual program revenue to the Income Support Program. Funding allocated to the Income Support Program shall be apportioned and prioritized for the Eligible Activities identified in these guidelines subject to the approval, discretion, and delegation of the Program Administrator.

Any household receiving funding disbursement consistent with these Income Support Program Guidelines is limited to receiving no more than the total maximum amount of cash assistance as established for that Application Period. In collaboration with the ULA COC, LAHD shall also establish disbursement minimums based on market factors, available funds, and demand, to be adjusted at least every three (3) years.

## **2.6 Timing and Frequency of Awards**

Eligible Participants shall submit applications for Income Support Program funding (Applications) through a web-based portal established by the Program Administrator, its designee, or its Contracting Partners (Application Portal). The Application Portal shall be accessible in multiple languages.

Subject to the same time limitations further identified in this *Section 2.6*, the Program shall also accept Applications through modes and mediums other than the Application Portal, including by phone and at physical locations where the tenant may be provided assistance completing the Application. Representatives at physical locations shall provide additional technical assistance to help applicants in completing their application.

Contingent on available funding, the Program Administrator may establish multiple application periods per year, or may accept applications on a rolling basis, during which time Applications may be accepted (Application Period). The length of each Application Period shall be defined prior to its commencement. Contingent on funding availability, the program

may accept applications on a rolling basis. In such an event, the Application Period shall be considered indefinite.

### **SECTION 3: PROGRAM REQUIREMENTS: SERVICES AND FUNDING PRIORITIES**

#### **3.1 Scope of Services**

The Program Administrator, and any other entity it contracts with for these purposes, shall effectuate these guidelines and provide services necessary for the execution and performance of the Eligible Activities identified in *Section 2.3* of these Income Support Program Guidelines.

##### Funding Disbursements

Payments shall be made directly to the Eligible Participant, upon verification of eligibility criteria and selection based on Funding Priorities described in *Section 3.3*. The Income Support Program will provide recurring monthly payments, in an amount to be determined prior to the onset of each Application Period. Contingent on ultimate implementation design and funding availability, total disbursements may be limited to a period ranging from twenty-four (24) to sixty (60) months, or may be provided to the Eligible Participant for an indefinite period.

Payment amounts described above will be adjusted annually to account for inflation using the Consumer Price Index (CPI-U) for the Los Angeles-Long Beach-Anaheim area, or, if such index ceases to be published, using an equivalent index chosen by the Program Administrator.

##### Benefits Counseling

Eligible Participants selected to receive Income Support payments shall be provided access to benefits counseling services in advance of receiving payments, and as needed, throughout enrollment. Benefits counseling will ensure participants are sufficiently aware of the impact of the cash payments on their continued eligibility for existing public benefit programs, and allow participants to make informed decisions about participating in the Income Support Program.

In addition, interested participants shall be intentionally and proactively referred to other public benefits and social services programs for which they may be eligible, in order to access additional resources. Participants may be referred to other programs that include assistance with case management, food, transportation, employment, mental and physical health services, legal services, and housing navigation.

Counseling should be accessible to every program participant; reasonable accommodations should be provided via appropriate interpretation, modification and/or facilitation of these services to ensure equal access.

### **3.2 Program Budget**

ULA allocates ten percent (10%) of overall annual program revenue to the Income Support Program. Funding will be allocated consistent with *Sections 2.3 and 3.1* of these Income Support Program Guidelines. Funding allocated to the Income Support Program shall be apportioned and prioritized for the Eligible Activities identified in these guidelines subject to the approval, discretion, and delegation of the Program Administrator.

### **3.3 Funding Priorities**

Funding allocated to the Income Support Program shall be apportioned and prioritized for the Eligible Activities identified in these Income Support Program Guidelines subject to the approval, discretion, and/or delegation from the Program Administrator.

#### Use of Funds

As provided in *Section 2.1* of these Guidelines, Eligible Participants for the Income Support Program shall include rent-burdened households with seniors and/or persons with disabilities that are acutely low income, extremely low income, or very low income, and are at-risk of becoming homeless.

Within these parameters, Applications for direct cash assistance submitted consistent with *Section 2.6* of these Income Support Program Guidelines will be reviewed and evaluated based on the Priority Factors identified below in order to establish application priority. Prior to the commencement of each Application Period, the Program Administrator and ULA Citizens Oversight Committee (COC) shall establish a weighting methodology for the purposes of ranking the Priority Factors. Disbursement of Income Support Program funding shall prioritize Applications from Eligible Participants based on the Priority Factors.<sup>7</sup>

Priority factors shall include, but are not limited to:

- Tenant households with income at/or below 30% AMI.
- Tenant households that are severely rent burdened, defined as paying more than 50% of total household income for rent each month.
- Tenant households that have an open case with the City Department of Aging, or the City Department of Disability, or the State of California Adult Protective Services agency.
- Tenant households residing in units located in high displacement risk ZIP codes.
- Tenant households with a prior history of homelessness.
- Tenant households with long-term tenancies (at least six continuous years) in rental units subject to the City's Rent Stabilization Ordinance (RSO).
- Tenant households residing in units that are deed-restricted affordable units, or other subsidized affordable housing.
- Tenant households that are receiving housing choice vouchers.
- Tenant households with a history of eviction or pending/active eviction notices.

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<sup>7</sup> If the Program Administrator and COC do not establish a new weighting methodology for prioritization prior to an opening of an Application Period, the previous approved methodology shall remain in effect.



The COC may, in its discretion, recommend additional factor(s), consistent with findings from periodic Needs Assessments required per Los Angeles Administrative Code Section 22.618.6(c)(2) and program reporting, in order to better align the Program Guidelines with areas of identified high need and better achieve the goals of ULA, as provided in Los Angeles Administrative Code Section 22.618.6(c)(10). Inclusion of additional factor(s) at that time shall have the effect of amending this *Section 3.3* of these Income Support Program Guidelines, with additional factor(s) carried forward as Priority Factor(s) in subsequent Application evaluations, unless 1) the COC subsequently removes that factor(s), or 2) in implementing the factor(s), the COC establishes a sunset period for that factor(s) at that time.

The COC may consider establishing Income Support Program Priority Factors in tandem with Short-Term Emergency Assistance Program priorities to maximize strategies to prevent homelessness and displacement of the City's most vulnerable demographics and populations.

#### **SECTION 4: IMPLEMENTATION PLAN**

The Program Administrator shall identify the number and required level of experience of necessary staff to administer the day-to-day responsibilities of the Income Support Program, and seek to fill those positions expediently. Further, the Program Administrator shall identify opportunities to synergize, collaborate, and/or consolidate implementation of the Income Support Program with other City departments, County of Los Angeles departments, and the Los Angeles Homeless Services Authority (LAHSA). Lastly, the Program Administrator shall also work with appropriate partners to understand how to minimize negative impacts on publicly funded benefits including but not limited to Medi-Cal, Medicare, CalFresh, General Relief, and/or Supplemental Security Income, and work to ensure those negative impacts are minimized through Program design and delivery. Upon availability of funds, adoption of these Income Support Program Guidelines, fulfillment of staffing needs, identification of appropriate partnerships with LAHSA and other County departments, and mechanism to minimize negative impacts on benefits, the Program Administrator shall finalize Program implementation parameters and identify a date for the Application Period to open.

#### **SECTION 5: CONTRACTUAL SERVICES**

At its discretion, the Program Administrator may contract some or all of the responsibilities necessary to effectuate these Income Support Program Guidelines to a third party program administrator, or Contracting Partner(s). Any procurement activities shall be conducted consistent with the City Administrative Code and relevant City and Department policies. Upon completion of any existing contract term, the Program Administrator may consider extending the term of that contract consistent with the terms of the existing agreement or conducting a competitive bid for Income Support Program services, consistent with the City's competitive bidding requirements.

## **5.1 Evaluation and Selection Process**

Should the Program Administrator delegate contract responsibilities to a third party, the award of any contract for Income Support Program services shall be based on a best value competitive bid. Prior to release of a Request for Proposals (RFP), the Program Administrator shall establish a scoring system assigning values to the following criteria (at minimum), and rating responses to proposals accordingly:

- 1) Experience and approach to providing services set forth in *Sections 2.3 and 3.1* of these Income Support Program Guidelines.
- 2) Experience with and approach to providing services to similar communities as those that would receive income support and services under these Income Support Program Guidelines.
- 3) A cost proposal for solicited services.

The COC may consider recommending an integrated RFP process that allows service providers to bid for multiple Homelessness Prevention Programs under the same ULA-funded contract.

## **5.2 City Living Wage Ordinance**

All contractors shall comply with the Living Wage Ordinance, Los Angeles Administrative Code Section 10.37 et seq., as amended from time to time. Contractors further shall agree to comply with federal law proscribing retaliation for union organizing. Any subcontract entered into by a contractor for work to be performed under these Program Guidelines must include an identical provision.

## **5.3 Data Collection and Reporting**

Consistent with *Section 4* of the *Introduction* to these Income Support Program Guidelines, information regarding the number of applications filed (and approved) in the Income Support portal, the amount of funding disbursed subject to approved applications, and other related metrics shall be compiled and provided to the COC within ninety (90) days after the closure of an Application Period.

Should the Program Administrator, at any time, accept Applications on a rolling basis, the information identified in this *Section 5.2* shall be compiled and provided every ninety (90) days during pendency of that rolling Application Period, and within ninety (90) days after the closure of that rolling Application Period.

This information includes, but is not limited to:

- Number of applications filed in the Income Support Program portal.
- Number of Applications for Income Support Program approved.
- Number of Applications for Income Support that did not receive funding.

- Average household income of approved applications for Income Support Program funding.
- Average amount of funding.

In addition to ongoing program reporting, the Program Administrator may conduct additional Program evaluation, including partnering with researchers or academic institutions to study and assess the long-term impacts of the Program on participants and their outcomes.

# **ULA EVICTION DEFENSE AND PREVENTION PROGRAM GUIDELINES**

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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A. United to House LA Measure

## **INTRODUCTION**

### **1. Program Summary**

#### **a. Goals and Requirements**

The Eviction Defense and Prevention Program is a right-to-counsel program that seeks to prevent homelessness and to promote housing stability by providing legal representation and other legal services, including tenants' rights education, to eligible tenants facing eviction. The Eviction Defense and Prevention Program is intended to be implemented consistent with and in coordination with other United to House LA (ULA) Homelessness Prevention Programs.

These Eviction Defense and Prevention Program Guidelines are applicable to Los Angeles Housing Department (LAHD)-administered ULA-funded programs and any and all programs funded with ULA "Eviction Defense/Prevention"<sup>1</sup> program funding.<sup>2</sup>

The goals of the Eviction Defense and Prevention Program are to:

- Provide Full Scope Legal Services, as defined in *Section 3.1* of these Eviction Defense and Prevention Program Guidelines, to low-income tenants in eviction proceedings
- Provide Limited Scope Legal Services, as defined in *Section 3.1* of these Eviction Defense and Prevention Program Guidelines, to low-income tenants not eligible to receive Full Scope Legal Services
- Increase tenant awareness of their rights and responsibilities

#### **b. List of subprograms or activities**

Consistent with the ULA measure and ordinance, the Eviction Defense and Prevention Program is a right-to-counsel program designed to complement other ULA Homelessness Prevention Programs by ensuring that eligible tenants have access to legal resources to prevent and defend evictions. These Eviction Defense and Prevention Program Guidelines implement two tiers of legal services: 1) Full-scope services which include but are not limited to defending a tenant throughout the legal process after an eviction complaint has been filed by their landlord or a housing authority termination of

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<sup>1</sup> Los Angeles Administrative Code Section 22.618.3 (d)(2)(ii)(a).

<sup>2</sup> At the time of the drafting of these Eviction Defense and Prevention Guidelines, LAHD is under contract with Stay Housed LA (which includes Legal Service Providers), which may one day be funded to implement this program. These Eviction Defense and Prevention Guidelines are intended to be read as consistent with Stay Housed LA's existing contractual obligations. If these Eviction Defense and Prevention Guidelines conflict with an existing contractual obligation, including a contract with StayHousedLA, that conflict shall not be deemed a material breach of any obligation. Notwithstanding the foregoing, these Eviction Defense and Prevention Guidelines are applicable to any subsequent contract with any party funded by ULA's Eviction Defense/Prevention program funds.

subsidized housing; and, 2) Limited-scope services which are shorter-term services that include consultation or legal clinic support that seeks to prevent an eviction complaint from being filed in the first place, as well as pro per assistance to assist tenants advocating for or representing themselves in an eviction action.

Full Scope Legal Services are provided by attorneys and staff who represent tenants in Unlawful Detainer eviction proceedings or subsidized housing terminations. Until there are sufficient resources available to provide Full Scope Legal Services to all eligible low-income tenants in the City facing eviction, the program prioritizes tenants living in zip codes that are at higher risk of eviction. As more resources become available, the program will expand Full Scope Legal Services to more zip codes, according to eviction risk, until all City zip codes are covered.

Limited-scope legal services include clinics that enable and empower tenants to address eviction complaints and prepare for eviction proceedings and prevention legal services. Limited Scope Legal Services will be available to qualifying tenants residing in all zip codes.

## **2. Context**

The ULA measure and ordinance requires ten percent (10%) of annual tax revenue to be “allocated to fund a right-to-counsel program” to provide housing-related legal services to Lower Income household(s).<sup>3</sup> The Eviction Defense and Prevention Program is that program.

According to the 2022 American Community Survey (ACS) 5-year estimate, there are approximately 886,998 renter households in the City, and approximately 2,245,299 people are renters. Of those renters, approximately 54% of tenants are rent-burdened, and 29% are severely rent-burdened.<sup>4</sup> As of March 31, 2024, approximately 24,000 eviction cases are filed each year in the City. Black and Latinx tenants, especially female head of households, are disproportionately impacted by evictions in the City. Evictions that ultimately lead to homelessness create significant costs for local and state governments, including but not limited to the costs associated with providing emergency shelter, interim and long-term housing, hospital-based health care, and transportation costs, which can also result in increased costs associated with child dependency and incarceration of unhoused family members.

Providing counsel and legal services to defend and prevent evictions has proven to prevent the disruptive displacement of families that results in social, economic, and public health costs. Preventing these costs helps to mitigate and reduce the serious threats to the public health, safety, and general welfare of residents in Los Angeles caused by displacement and

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<sup>3</sup> Los Angeles Administrative Code, Section 22.618.3 (d)(2)(ii)(a).

<sup>4</sup> Rent burden data from 2023 Comprehensive Housing Affordability Strategy (CHAS) estimates.

eviction. Accordingly, the Eviction Defense and Prevention Program is a core component of ULA's Homelessness Prevention Program.

### **3. Commitment to Racial Equity**

Existing data and scholarship confirms that Black, Latinx, and other communities of color are disproportionately affected by homelessness. These Eviction Defense and Prevention Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

As ULA seeks to combat homelessness through a variety of interventions, the implementation of the Eviction Defense and Prevention Program is specifically designed to promote racial equity, with a focus on preventing homelessness by preventing eviction in the City's most vulnerable communities, both because of their historic mistreatment and because of the modern currents of gentrification, which manifests in a disproportionate number of tenants of color being evicted.

Consistent with this commitment to promote racial equity, the Eviction Defense and Prevention Program is designed to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other tenant experiences, affect the vulnerability of a tenant and their experiences. To this end, until sufficient resources are available to provide a right-to-counsel to all eligible tenants facing eviction, the Eviction Defense and Prevention Program prioritizes full-scope legal services for renters living in zip codes that are at higher risk of eviction, which tend to have a strong correlation to historically marginalized communities.

Further, legal services providers (LSPs) or other entities receiving ULA funding to implement this program are encouraged to hire staff and partner with organizations that are reflective of the target populations that will be served, to best ensure that the Eviction Defense and Prevention Program is responsive to the community context.

#### 4. Program Metrics

LSPs shall collect program metrics and participant data in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Eviction Defense and Prevention Program, and shall continuously track and report data and metrics identified on the chart below. To the extent feasible, LSPs shall regularly report the status of legal proceedings and the outcomes associated with legal services provided, and any umbrella entity that subcontracts with LSPs will be required to collect this reporting and submit to LAHD on a regular basis.

Goal	Metrics
As part of a right-to-counsel program, provide Full Scope Legal Services to qualifying low-income tenants in eviction proceedings.	<ul style="list-style-type: none"><li>• Number of displacements and evictions as compared to previous years.</li><li>• Outcomes of Unlawful Detainer and eviction cases.</li><li>• Number of tenants provided case management services.</li><li>• Number of clients assisted with Full Scope Legal Services.</li><li>• Number of Unlawful Detainer cases, and outcomes, where LSPs were engaged and provided Full Scope Legal Services.</li><li>• Amount of rental assistance paid and the number of instances in which rental assistance was paid to settle Unlawful Detainer and eviction cases.</li><li>• Number of subsidized housing termination hearings.</li></ul>
Provide Limited Scope Legal Services to low-income tenants not eligible to receive Full Scope Legal Services.	<ul style="list-style-type: none"><li>• Number of clients assisted with Limited Scope Legal Services.</li><li>• Specific types of Limited Scope Legal Services engaged in by LSPs.</li></ul>
Increase tenant awareness of their rights and responsibilities.	<ul style="list-style-type: none"><li>• Number of Tenant Education workshops, clinics, and other educational events held, as defined in the Tenant Outreach and Education Program Guidelines, participated in by LSPs.</li></ul>

Consistent with *Section 5.2* of these Eviction Defense and Prevention Program Guidelines, LAHD shall analyze these metrics and participant data annually and provide a summary of its analysis to the COC to allow for an assessment of whether the Eviction Defense and Prevention Program is meeting its goals and priorities.



## **5. Branding**

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## SECTION 1: PROGRAM ADMINISTRATION

### 1.1 Program Administrator

LAHD shall administer the Eviction Defense and Prevention Program, with the LAHD General Manager, or designee, designated as the Eviction Defense and Prevention Program Administrator. At their discretion, the LAHD General Manager shall be empowered to delegate and/or revoke administrative responsibilities over the Eviction Defense and Prevention Program to participating LSPs and/or appropriate LAHD staff.

### 1.2 Selection Process

The Eviction Defense and Prevention Program is to be administered by LAHD's General Manager, or designee, consistent with *Section 1.1* above, and implemented by LSPs as further discussed in *Section 2* of these Eviction Defense and Prevention Program Guidelines. Should LAHD delegate administrative responsibilities over the Eviction Defense and Prevention Program to any outside party, such a determination shall be made consistent with LAHD and City policy, and with *Sections 1.1* and *1.2* of these Eviction Defense and Prevention Program Guidelines amended as required and appropriate.

## SECTION 2: GENERAL PROVISIONS

### 2.1 Eligible Participants and Grantees

Eligible Participants: The Eviction Defense and Prevention Program shall serve tenants (inclusive of individual tenants and tenant households) in the City of Los Angeles. The Eviction Defense and Prevention Program does not apply to or extend to, landlords, homeowners, or building owners. All tenants in the City that are low-income households, at or below 80% of the Area Median Income (AMI), that do not reside in the same dwelling as their landlord are considered *Eligible Participants* for the Eviction Defense and Prevention Program and may receive legal services and/or assistance consistent with the Eviction Defense and Prevention Program. Tenants requesting legal services shall fill out an application to the program to assess eligibility (see *Section 6* of these Eviction Defense and Prevention Program Guidelines).

For the Eviction Defense and Prevention Program, *Eligible Participants* include both *Covered Tenants* (those who live in zip codes where Full Scope Legal Services are being provided), and *Non-Covered Tenants* (those who live outside of zip codes where Full Scope Legal Services are being provided but are still eligible to receive Limited Scope Legal Services). *Covered Tenants* who do not receive Full Scope Legal Services are also eligible to receive Limited Scope Legal Services. *Non-Covered Tenants* may, at the discretion of the LSP, receive Full Scope Legal Services depending on capacity.

As further described below, the provision of Full Scope Legal Services will be phased in by zip code over a five-year period, contingent on funding availability. Prioritization of zip codes for the purposes of phasing in Full Scope Legal Services shall be subject to the discretion of LAHD, or its designee, based on relevant factors including but not limited to:

- Prioritization of certain groups of vulnerable individuals in zip codes utilizing the City of Los Angeles' forthcoming anti-displacement mapping tool to identify and predict existing and future direct and indirect displacement risks as part of LAHD's efforts to implement goals, policies, and objectives of the Eviction Defense and Prevention Program Guidelines;
- Availability of funding from all eligible sources;
- Availability of trained and qualified attorneys to provide legal representation;
- Geographic considerations vis-a-vis shared zip codes with other jurisdictions;
- Scope of the need for legal representation; and
- Other appropriate logistical considerations.

LAHD or its designee may, at its discretion, further study the projected need for eviction defense services to inform geographic prioritization and availability of LSPs in those areas. Depending on the level of resources available relative to the projected level of need, LAHD or its designee may consider evaluating additional or alternative prioritization criteria to implement limited resources.

Eligible Grantees: Eviction Defense and Prevention Program funding may be disbursed to designated nonprofit LSPs, either directly or through umbrella entities sub-contracting with nonprofit LSPs. Participating LSPs are chosen subject to the terms of *Section 5* of these Eviction Defense and Prevention Program Guidelines.

To provide services under the Eviction Defense and Prevention Program, an LSP must be designated to do so by LAHD, or its designee. As a requirement for designation, an LSP shall demonstrate substantial experience and effectiveness in defending renters in Unlawful Detainer eviction actions, preventing evictions from being filed, and in administering rental assistance to resolve evictions. In addition, an LSP shall provide documentation demonstrating incorporation as a 501(c)(3) nonprofit organization in good standing.

Subject to the preceding requirements for designation, LSPs may be non-profit organizations that contract directly with LAHD, or contract with LAHD through an umbrella entity serving as its designee, to provide full or limited-scope legal services to Covered Tenants. Any designated LSP may provide limited scope legal services to Non-Covered Tenants as directed by LAHD or its designee, consistent with terms of their contracts executed with LAHD and/or the umbrella entity.

LAHD, or its designee, shall conduct an annual review of all LSPs and may decline to renew the designation of any such organization.

## **2.2 Eligible Forms of Funding**

The ULA measure and ordinance allocates ten percent (10%) of overall annual program revenue for a right-to-counsel Eviction Defense and Prevention Program. LAHD may seek and allocate additional funding for this Eviction Defense and Prevention Program, including but not limited to potential grants, consistent with LAHD's general restrictions and requirements but that additional funding shall not change or limit in any way how the ULA funding is allocated or administered.

Funding may be expended to facilitate eligible activities (further defined and discussed in *Section 2.3*) through contracts, purchase orders, and any other contracting mechanism consistent with City requirements.

## **2.3 Eligible Activities**

Eligible right-to-counsel program activities of the Eviction Defense and Prevention Program include the provision of Full Scope Legal Services, the provision of Limited Scope Legal Services, and the disbursement of rental assistance to resolve evictions. Eligible activities may also include participation in a pilot program implemented for the purposes of pre-litigation filing dispute resolution or mediation. Eligible activities include any Eviction Defense and Prevention Program activity administered in coordination with or supplementary to any Homelessness Prevention Program, including, but not limited to, participating in workshops, clinics, and/or events consistent with the Tenant Outreach and Education Program and any activities requiring the assistance of LSPs in furtherance of the goals and objectives of the Protections from Tenant Harassment Program. Activities not specifically identified within these Eviction Defense and Prevention Program Guidelines may still be determined to be eligible activities consistent with the Eviction Defense and Prevention Program, subject to the discretion of the COC, LAHD General Manager, or its designee. Additional detail regarding these activities is provided in *Section 3.1, Scope of Services*.

## **2.4 Ineligible Activities**

Any provision of services to landlords or property owners is expressly prohibited under this Program.

## **2.5 Timing / Frequency of Awards**

Notwithstanding the fact that Measure ULA funds are allocated annually, LAHD may execute multi-year contract(s) with designated LSPs, or an umbrella entity administering LSP service provision, for the implementation of eligible activities identified in *Sections 2.3* and *3.1*.

## **SECTION 3: PROGRAM REQUIREMENTS: SERVICES AND FUNDING PRIORITIES**

### **3.1 Scope of Services**

Designated LSPs shall provide services necessary for the execution and performance of the Eligible Activities identified in *Section 2.3* of these Eviction Defense and Prevention Program Guidelines.

#### **Full Scope Legal Services**

Full Scope Legal Services is ongoing legal representation, inclusive of all legal advice, advocacy, and assistance associated with that representation, provided by an LSP to a Covered Tenant in any (or, as determined by LAHD, the functional equivalent of an) Unlawful Detainer or judicial proceeding to terminate the tenancy of a Covered Tenant or any appeal of such a proceeding where an LSP determines that there are good grounds for an appeal. Full Scope Legal Services include, but are not limited to:

- Preparation and submission of a formal response to a notice of termination of tenancy on behalf of a tenant.
- Representation of a tenant in mediation, negotiation, or other dispute resolution between a tenant and a landlord.
- Legal research, investigation, and/or document review in preparation for trial or any other judicial proceeding.
- Representation of tenants at an Unlawful Detainer trial, settlement negotiations, or any administrative proceedings that may result in the termination of a tenancy or the loss of a federal, state, or local rent subsidy.
- Provision of additional and/or ongoing services after the formal conclusion of an eviction proceeding or trial to stabilize a tenant's housing, including but not limited to sealing eviction records.
- Out-of-court assistance with mediation, negotiation, and/or other dispute resolution between a tenant and a landlord, including negotiating rental assistance.
- Any other service ordinarily provided by an attorney or otherwise contracted legal service provider, reasonably related to preventing a tenant from eviction or disruptive displacement.

#### **Limited Scope Legal Services**

Limited Scope Legal Services is legal consultation/advice, assistance with filing or completing forms in pro per (self-representing proceedings), and/or referrals provided by a LSP to a Non-Covered Tenant. In addition to the direct services provided to Non-Covered Tenants specified below, Limited Scope Legal Services may also include the facilitation of in-person and virtual clinics that enable tenants to answer eviction complaints and prepare for eviction trials. Limited Scope Legal Services may include, but is not limited to:

- One-on-one consultations in-person, via phone, virtual meetings, or videoconference.
- Preparation of a formal response to a Notice to Terminate Tenancy on behalf of a tenant.
- Assistance with preparation of responsive eviction pleadings, such as answers and fee waiver forms on behalf of a pro per tenant.
- Other pro per trial preparation assistance.
- Enforcement of existing ordinances and local executive orders through such means as drafting demand letters to landlords.
- Counsel and advise on housing matters including but not limited to rent increases, tenant harassment, and landlord notices
- Requests for reasonable accommodations
- Determination that the three-day notice is in violation of any applicable laws and referring any potential violations to LAHD for investigation and any other appropriate action.
- Assisting tenants with LAHD complaints to ensure tenants receive responses to their issues and can file complaints with the appropriate City bureau, and for assistance with Tenant Navigation issues, as defined by the Tenant Outreach and Education Program Guidelines.
- Any other service ordinarily provided by an attorney or otherwise contracted legal service provider, reasonably related to preventing a tenant from eviction or displacement.

If it is determined a Non-Covered Tenant receiving Limited Scope Legal Services requires Full Scope Legal Services, the LSPs may at their discretion provide Full Scope Legal Services to a Non-Covered Tenant, pending availability of Full Scope Legal Services capacity.

### **Clinics and Workshops**

Consistent with other Homelessness Prevention Programs, including, but not limited to the Tenant Outreach and Education Program and the Protections from Tenant Harassment Program, the LSPs are responsible for educating tenants about their rights. LSPs shall work in conjunction with LAHD, entities LAHD deems appropriate, and other community-based organizations to provide legal expertise at workshops and clinics.

Where appropriate, providers will refer clients to services provided through other relevant ULA Programs, including the Tenant Outreach and Education Program.

### **Settlement Rental Assistance**

The Homelessness Prevention Program includes funding for LSPs to provide rental assistance in the form of financial settlement of eviction lawsuits. If, through the course of providing Full or Limited Scope Legal Services, an LSP determines that the case could be

favorably resolved for the tenant contingent upon a to-be-determined repayment of rental debt, the LSP will have the authority to offer up settlement terms, pending available funds. The amount available for settlements in any given year may vary depending on available ULA revenue and/or contractual terms between the LAHD and the LSPs. Accordingly, the facilitation and provision of Settlement Rental Assistance, in conjunction with an LSP's provision of Full Scope Legal Services or Limited Scope Legal Services shall be considered an *eligible activity* consistent with these Eviction Defense and Prevention Program Guidelines.

### **Pre-Litigation Filing Dispute Resolution or Mediation**

The COC, LAHD, or its designee may implement a Pre-Litigation Filing Mandatory Dispute Resolution/Mediation pilot program, allowing LSPs to represent tenants in dispute resolutions, mediations, or other structured negotiations with landlords. To be an eligible use of this funding, the pilot program's structured negotiations must occur prior to any commencement of eviction proceedings or the filing of an Unlawful Detainer action, and landlord participation is required before the landlord can commence eviction proceedings or file an Unlawful Detainer action. Should a Pre-Litigation Filing Dispute Resolution or Mediation pilot program as described above be implemented, during the pilot period, such services shall be within the ambit of Full Scope Legal Services available to Covered Tenants. At the conclusion of the pilot period, if the COC, LAHD, or its designee determines to include Pre-Litigation Filing Dispute Resolution/Mediation as eligible activities of the Eviction Defense and Prevention Program, it may, at its discretion, limit access to that activity to Covered Tenants or extend access to Non-Covered Tenants, based on resource availability.

## **3.2 Program Budget**

The ULA measure and ordinance allocates ten percent (10%) of overall annual program revenue, minus administrative costs, for a "for a right-to-counsel program to provide housing-related legal services to Lower Income Household tenants threatened with eviction" that shall be the Eviction Defense and Prevention Program. Funding will be allocated for all services identified in *Sections 2.3* and *3.1*.

## **3.3 Funding Priorities**

Funding allocated to the Eviction Defense and Prevention Program shall be apportioned and prioritized for the eligible activities identified in Eviction Defense and Prevention Program Guidelines subject to the approval, discretion, and delegation of LAHD or its designee.

Consistent with *Sections 2.3* and *3.1* of these Eviction Defense and Prevention Program Guidelines, in addition to legal services, the Eviction Defense and Prevention Program authorizes LAHD, its designee, or LSPs to disburse one-time financial settlement assistance

to tenants or owners to facilitate agreements to prevent eviction, such as to pay back rent or deposits.

#### **SECTION 4: IMPLEMENTATION PLAN**

The Eviction Defense Program was officially launched and began providing services on July 1, 2021. The City of Los Angeles partnered with Los Angeles County, as well as local community and legal service providers to keep City residents in their homes by providing information, services, and resources through the Stay Housed LA. The eligible activities identified in these Eviction Defense and Prevention Program Guidelines (*Sections 2.3 and 3.1*) are consistent with and intended to enhance the provision of services already being implemented by Stay Housed LA and its subcontractor LSPs and CBOs. The existing Stay Housed LA program is anticipated to continue to operate as implemented and as enhanced by these Eviction Defense and Prevention Program Guidelines. At the expiration of the existing contracts, a procurement process may be required, consistent with the City Administrative Code and any relevant City and LAHD policies.

#### **SECTION 5: CONTRACTUAL SERVICES**

Implementation of the Eviction Defense and Prevention Program requires contracting with LSPs. All procurement activities must be conducted consistent with the City Administrative Code and any relevant City and LAHD policies. Upon the completion of any existing contract term for Stay Housed LA and/or any independently-contracted LSP, the COC and LAHD, pending approval of the City Council and Mayor, may 1) consider extending the term of that contract consistent with the terms of the existing agreement or 2) conducting a competitive bid for LSPs, consistent with the City's competitive bidding requirements.

##### **5.1 Evaluation and Selection Process**

Award of a contract for services shall be based on a best value competitive bid. Prior to release of a Request for Proposals (RFP), LAHD shall establish a scoring system assigning values to the following criteria, and rating responses to proposals accordingly:

- 1) Experience with and approach to defending renters in Unlawful Detainer eviction actions, preventing evictions from being filed, and in administering rental assistance to resolve evictions.
- 2) Experience with and approach to providing related eviction defense and prevention services.
- 3) Experience with and approach to providing services to the communities anticipated to be targeted for Full Scope Legal Services.
- 4) Cost proposal for the solicited services.



The COC may consider recommending an integrated RFP process that allows service providers to bid for multiple Homelessness Prevention Programs under the same Measure ULA-funded contract.

## **5.2 City Living Wage Ordinance**

All contractors shall comply with the Living Wage Ordinance, Los Angeles Administrative Code Section 10.37 et seq., as amended from time to time. Contractors further shall agree to comply with federal law proscribing retaliation for union organizing. Any subcontract entered into by a contractor for work to be performed under these Program Guidelines must include an identical provision.

## **5.3 Data Collection and Reporting**

Consistent with *Section 4* (Program Metrics) of the Introduction to these Eviction Defense and Prevention Program Guidelines, information on the number of people served by this program, as well as outcomes where relevant, shall be collected and provided to the LAHD on a monthly basis. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and Council District). This information includes, but is not limited to:

- Upon completion of representation, a summary of specific legal services provided to tenants, including: outcome (including sealed eviction record and administrative proceedings which may result in the termination or protection of a federal, state, or local rent subsidy), and benefits to the tenant (including extra time to move out and economic benefits such as fee waivers, relocation assistance, and waived back rent).
- Number of tenants Full Scope Legal Services provided to.
- Number of tenants Limited Scope Legal Services provided to.
- Number of households for whom extra time to move out, waived back rent, moving expenses, and/or other quantifiable outcomes are negotiated.
- Number of tenants who stay in place.
- Number of residents served by location, disaggregated and searchable by legal service provided, race, family composition, sexual orientation, age, ability, and gender.
- Number of Tenant Education workshops, clinics, and other educational events participated in by LSPs, by location.

Eviction Defense and Prevention Program metrics shall be analyzed annually to allow for an assessment of whether Measure ULA Programs are meeting their stated goals and accomplishing the priorities of the COC.

# **ULA TENANT OUTREACH AND EDUCATION PROGRAM GUIDELINES**

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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A. United to House LA Measure

## **INTRODUCTION**

### **1. Program Summary**

#### **a. Goals and Requirements**

The Tenant Outreach and Education Program seeks to prevent homelessness by ensuring that tenants are educated about their rights, understand how to exercise their rights, and avail themselves of available resources. The Tenant Outreach and Education Program is designed to be synergistic with other United to House LA (ULA) programs and services that focus on eviction prevention, promote collaboration with Legal Service Providers, and draw upon and incorporate local expertise on eviction prevention and homeless prevention. The Tenant Outreach and Education Program is intended to be implemented consistent with and in coordination with other ULA Homelessness Prevention Programs.

These Guidelines describe how to implement the section of the ULA measure and ordinance which supports eviction and homelessness prevention via tenant outreach and education. These Tenant Outreach and Education Program Guidelines are applicable not only to Los Angeles Housing Department (LAHD)-administered, ULA-funded tenant outreach and education programs, but also to community-based organizations and any umbrella entity overseeing or directing the activities of community-based organizations described below. For the purposes of these guidelines, these community-based organizations individually, collectively, and the umbrella entity, shall be referred to as the “Contracting Partners.” These Tenant Outreach and Education Program Guidelines shall also apply to future outreach and education programs established at the direction of the ULA Citizen Oversight Commission (COC).

The Tenant Outreach and Education Program seeks to ensure housing stability for lower-income households at risk of displacement from their homes and communities through proactive homelessness prevention and eviction prevention efforts. It is anticipated that the Tenant Outreach and Education Program will be administered in coordination with LAHD services, provide connection and referrals to local resources and community groups, and align with other programmatic aspects of ULA.

The goals of the Tenant Outreach and Education Program are to:

- Increase public awareness of tenants’ rights, obligations, and protections by making contact with at least 250,000 residents within the City annually.
- Educate tenants about their rights in order to reduce displacement and eviction.
- Empower tenants to assert their rights through providing Tenant Navigation, in which a tenant receives support to address housing and housing-related issues.

- Prevent and reduce homelessness by connecting tenants at risk of homelessness to resources such as rental assistance, wrap-around services, and supportive services.
- Maintain and preserve the current affordable housing stock by informing tenants of their rights, how to seek unit repairs, file complaints with the City, and address code violations, and more.

**b. List of subprograms or activities**

The Tenant Outreach and Education Program is a ULA Homelessness Prevention Program, designed to complement ULA's direct service and/or financial assistance programs by ensuring that tenants are informed about and able to assert their rights, and informed about and able to access resources. In addition, the Program will provide Tenant Navigation services to connect tenants with appropriate programs and services. The program will be implemented in a way that supports and expands existing City-funded outreach efforts.<sup>1</sup>

**2. Context**

The ULA measure and ordinance requires two percent (2%) of the annual ULA Program revenue to be dedicated to the Tenant Outreach and Education Program, as a core and proactive strategy to prevent homelessness.<sup>2</sup>

According to the 2022 American Community Survey (ACS) 5-year estimate, there are approximately 886,998 renter households in the City, and approximately 2,245,299 people are renters. Of those renters, approximately 54% of tenants are rent-burdened, and 29% are severely rent-burdened.<sup>3</sup> As of March 31, 2024, approximately 24,000 eviction cases are filed each year in the City. Black and Latinx tenants, especially female head of households, are disproportionately impacted by evictions in the City. Evictions that ultimately lead to homelessness create significant costs for local and state governments, including but not limited to the costs associated with providing emergency shelter, interim and long-term housing, hospital-based health care and transportation costs, and can also result in increased costs associated with child dependency and incarceration of unhoused family members.

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<sup>1</sup> At the time of the drafting of these Tenant Outreach and Education Program Guidelines, Stay Housed LA (SHLA) was under contract with LAHD to operate as the outreach contractor, or the Contracting Partner as defined above. These Tenant Outreach and Education Program Guidelines are intended to be read as consistent with SHLA's existing contractual obligations. If these Tenant Outreach and Education Program Guidelines conflict with an existing contractual obligation, that conflict shall not be deemed a material breach of any obligation. Notwithstanding the forgoing, these Tenant Outreach and Education Program Guidelines are applicable to any subsequent contract with any party for operation of Tenant Outreach and Education activities.

<sup>2</sup> Los Angeles Administrative Code, Section 22.618.3(d)(2)(ii)b.

<sup>3</sup> Rent burden data from 2023 Comprehensive Housing Affordability Strategy (CHAS) estimates.

Another ULA program, the Eviction Defense and Prevention Program, is a right-to-counsel program which provides legal services to eligible tenants facing eviction. Providing counsel to tenants in eviction cases has proven to prevent the disruptive displacement of families and the resulting social, economic, and public health costs of such displacement. Inherent to providing counsel to tenants in eviction cases is ensuring that those tenants are aware of the opportunity to seek counsel through LAHD. Making tenants' rights education accessible to tenants helps mitigate and reduce the serious threats to the public health, safety, and general welfare of residents in Los Angeles caused by displacement and illegal eviction. Accordingly, the Tenant Outreach and Education Program is a necessary, complementary component of the City's right-to-counsel program for tenants to prevent illegal evictions.

ULA also mandates that the City establish a program to provide protections and enforcement against illegal tenant harassment. The Los Angeles Municipal Code prohibits tenant harassment and authorizes the City Attorney to pursue criminal penalties, individual tenants a right to pursue a private cause of action in civil proceedings, and through the Administrative Citation Enforcement ordinance, LAHD to issue citations. Vital to the effective implementation and enforcement of those protections is providing tenants and landlords with an understanding of their rights and responsibilities. Toward those ends, the ULA measure and ordinance requires that a minimum of 30% of the Protections from Tenant Harassment program funding be allocated to non-profit organizations such as those currently included under Stay Housed LA (SHLA). These organizations will play a critical role in providing direct outreach in areas identified as particularly vulnerable to displacement and/or harassment.

Finally, tenants must be made aware of long-standing state statute and Los Angeles Municipal Code tenant protections, as well as the recent additional protections provided by City Council through the adoption of TAHO. General public awareness campaigns intended to ensure Angeleno tenants are aware of the laws that affect them will provide critical context to the more targeted ULA-funded homelessness prevention efforts.

### **3. Commitment to Racial Equity**

Existing data and scholarship confirms that Black, Latinx, and other communities of color are disproportionately affected by homelessness. These Tenant Outreach and Education Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies and zoning practices have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

As ULA seeks to combat homelessness through a variety of interventions, the implementation of the Tenant Outreach and Education Program is specifically designed to promote racial equity, with a focus on preventing homelessness by preventing eviction in the City's most vulnerable communities, both because of their historic mistreatment and

because the modern currents of gentrification, which manifests in a disproportionate number of tenants of color being evicted.

Consistent with this commitment to promote racial equity, the Tenant Outreach and Education Program is intended to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other tenant experiences affect the vulnerability of a tenant and their experiences.. Tenant harassment is strongly correlated to historically marginalized communities. To this end, the Tenant Outreach and Education Program is committed to delivering culturally relevant outreach, grounded in activities, communication, and interventions that consider the community context and audience being served. Consequently, the Tenant Outreach and Education Program will emphasize the importance of interpretation, translation, and other agreed upon language justice accommodations to those whose primary language is not English.

Further, the program should strive to hire staff and partner with organizations that are reflective of the target populations to be served, to best ensure that the Tenant Outreach and Education Program is responsive to the community context.

#### **4. Program Metrics**

The Los Angeles Housing Department (LAHD) and Contracting Partners shall collect program metrics and participant data in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Tenant Outreach and Education Program, and shall on an ongoing basis track and report data and metrics identified on the chart below. LAHD and Contracting Partners shall also regularly collect and report on pertinent qualitative data, including oral histories, to highlight program participant and service provider success stories.

Goal	Metrics
Increase public awareness of tenants' rights, obligations, and protections by making contact with at least 250,000 residents within the City annually.	<ul style="list-style-type: none"> <li>Number of reaches and contacts made providing exposure to and awareness of services (e.g., number of workshop participants, number of doors knocked, phone calls made, text messages sent, emails sent, fliers distributed, digital ads placed, and digital ads clicked.).</li> </ul>
Educate tenants about their rights to prevent displacement and eviction.	<ul style="list-style-type: none"> <li>Number of Tenant Education workshops, clinics, and other educational events held, as defined by <i>Section 3.1</i>.</li> <li>Number of participants at events.</li> </ul>
Empower tenants to assert their rights through providing Tenant Navigation, in which a tenant receives support to address housing and housing-related issues.	<ul style="list-style-type: none"> <li>Number of households assisted with Tenant Navigation.</li> <li>Number of instances of assistance provided to each household.</li> </ul>
Prevent and reduce homelessness by connecting tenants at risk of homelessness to resources such as rental assistance, wrap-around services, supportive services.	<ul style="list-style-type: none"> <li>Number of displacements and evictions as compared to previous years.</li> <li>Number of households assisted with Tenant Navigation.</li> <li>Number of instances of assistance provided to each household.</li> </ul>
Maintain and preserve the current affordable housing stock by informing tenants of their rights, how to seek unit repairs, file complaints with the City, and address code violations.	<ul style="list-style-type: none"> <li>Number of reports made to LAHD and cases filed with the Los Angeles Department of Building and Safety regarding Building Code violations.</li> </ul>

Consistent with *Section 5.2* of these Tenant Outreach and Education Program Guidelines, LAHD shall analyze these metrics and participant data annually and provide a summary of its analysis to the COC to allow for an assessment of whether the Tenant Outreach and Education Program is meeting the goals and the priorities of the COC.

## 5. Branding

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## **SECTION 1: PROGRAM ADMINISTRATION**

### **1.1 Program Administrator**

LAHD shall administer the Tenant Outreach and Education Program, procure contracts with service providers, and administer the Program in partnership with the awardees. The LAHD General Manager, or designee, shall be empowered to delegate and/or revoke administrative responsibilities to Contracting Partners and/or appropriate LAHD staff at their discretion.

### **1.2 Selection Process**

The Tenant Outreach and Education Program, is to be administered by LAHD's General Manager, or designee, consistent with *Section 1.1* above, and implemented by Contracting Partners procured as described in *Section 5*.

## **SECTION 2: GENERAL PROVISIONS**

### **2.1 Eligible Participants**

Eligible Participants: The Tenant Outreach and Education Program shall serve tenants (inclusive of individual tenants and tenant households) in the City. The Tenant Outreach and Education Program does not focus on landlords or master tenants. Tenant rights information and education will be communicated citywide, with an emphasis on targeted outreach to areas of the City where tenants are at highest risk of eviction and displacement. Provision of Tenant Navigation services is limited to low-income households at or below 80% of the Area Median Income.

### **2.2 Eligible Forms of Funding**

The ULA measure and ordinance allocates two percent (2%) of overall annual program revenue for the Tenant Outreach and Education Program. LAHD may seek and spend additional funding for the Tenant Outreach and Education Program, including but not limited to potential grants, consistent with LAHD's general procedures and requirements.

Funding may be expended to facilitate eligible activities (further defined and discussed in *Section 2.3*) through contracts, purchase orders, and any other contracting mechanism consistent with City requirements.

### **2.3 Eligible Activities**

Eligible activities of the Tenant Outreach and Education Program fall broadly within four categories: Public Awareness, Outreach, Education, and Tenant Navigation. In addition to



these four categories, data collection and reporting activities will be included to monitor the efficacy of the Tenant Outreach and Education Program. Additional detail regarding these activities is provided in *Section 3.1, Scope of Services*. Eligible activities include any Tenant Outreach and Education Program activity engaged in in coordination with or supplementary to outreach and education activities under the Homelessness Prevention Programs. Activities not determined to be within these identified categories may still be determined to be eligible activities consistent with the Tenant Outreach and Education Program, subject to the discretion of LAHD.

## **2.4 Program Funding - Caps and Limits**

The ULA measure and ordinance allocates 2% of overall annual program revenue for the Tenant Outreach and Education Program. Funding allocated to the Tenant Outreach and Education Program shall be apportioned and prioritized for the eligible activities identified in these guidelines subject to the approval, discretion, and delegation of LAHD.

## **2.5 Timing / Frequency of Awards**

Notwithstanding the fact that ULA funds are allocated annually, LAHD may execute multi-year contract(s) with Contracting Partners, currently SHLA, for the implementation of eligible activities identified in *Section 2.3*.

# **SECTION 3: PROGRAM REQUIREMENTS: SERVICES AND FUNDING PRIORITIES**

## **3.1 Scope of Services**

LAHD, Contracting Partners, or any designee, shall effectuate these guidelines and provide services necessary for the execution and performance of the Eligible Activities identified in *Section 2.3* of these Tenant Outreach and Education Program Guidelines.

### **Public Awareness**

Citywide multilingual public awareness campaigns shall educate tenants regarding their rights and responsibilities under the Rent Stabilization Ordinance (RSO), Just Cause for Eviction, and Tenant Anti-Harassment ordinances, as well as other laws of the City, the County of Los Angeles, the State of California, and the federal government. Public awareness campaigns shall highlight the resources and services available to tenants and other relevant tenant rights information applicable in the City, and be broadly accessible to all tenants and communities in the City, regardless of immigration status, technical literacy, language skills, and/or access to online information. The public awareness campaign shall be consistent with the ongoing *Know Your Rights* educational campaign, the tenant outreach and education activities of the Tenant Outreach and Education Program, and other applicable programs.

This Public Awareness element of the Tenant Outreach and Education Program shall be managed and implemented directly by LAHD, which may, at its discretion, assign these responsibilities to the Contracting Partners, or any other independent entity. LAHD may subcontract with qualified strategic communications experts to execute all aspects of a public awareness campaign, including but not limited to:

#### Advertising

- Digital advertisements on major social media platforms to educate tenants regarding their rights and the services available to them through the Tenant Outreach and Education Program. Digital advertising activities include development, assessment of placement, placement, facilitating of advertising purchasing, and digital marketing implementation. Designated partners such as community-based organizations may be consulted, as appropriate, to develop a coordinated strategy for targeting digital advertisements.
- Print advertisements, including but not limited to fliers, postcards, mailers, banners, and other appropriate assets, which shall be produced and distributed in collaboration with designated partners.
- An Earned Media engagement plan, including a strategy for media outreach including pitching media placements about tenant protections and services provided by the Tenant Outreach and Education Program. Target media outlets may include major print, television, and radio outlets, housing specific publications, hyperlocal media, and non-English outlets.

#### Web page and Graphic Design

A multilingual, ADA accessible web page shall be established, maintained, and updated as a centralized location for information on tenant rights and resources pertinent to tenants across the City. The webpage shall include, but not be limited to the following information:

- Executive orders and emergency protections enacted by the City
- Information on the RSO, resources offered by LAHD, and other relevant tenant rights information for City tenants. Information regarding relevant County, State, and Federal tenant protections shall also be made available.
- Archive of digital materials and resources, such as fact-sheets, letter/notice templates, FAQs, and other materials as necessary.
- Contact information and links for the relevant programs, including programs related to the RSO, and Family Source Centers (FSCs).
- Links to key City and County departments that offer wrap-around and supportive services.

All digital and non-digital resources shall be regularly updated to maintain their functionality and provide timely, current, and relevant information. In addition, continuous efforts should

be made to improve accessibility and the user experience. Updates should also be made regularly to LAHD's related web-based resources including the LAHD Property Look Up system, which provides access and transparency to critical tenants' rights information, including the history of complaints, filings, and management of their rental property.

### **Outreach**

Outreach shall be conducted in a manner that is professional, culturally competent, multilingual, and ADA accessible. Tenant outreach activities shall be both citywide as well as focused in high-need areas in the City to inform tenants of their rights and the resources that are available, with the objective of linking tenants to the education activities and tenant navigation described below. Outreach activities include, but are not limited to:

- Phone and text banking
- Canvassing
- Flier distribution to and at locations such as grocery stores, hardware stores, pharmacies, medical facilities, foodbanks, and locations where homeless services are provided.
- Mailing fliers or postcards to low-income households in targeted buildings or blocks.
- Door to door outreach to low-income households in targeted buildings or blocks at high risk of displacement

Outreach staff shall be trained, equipped, and prepared to:

- Refer tenants to legal service providers to receive emergency rental assistance (as available), pre-eviction services, legal representation/ consultation, or any other legally related issue.
- Refer tenants to wrap around services if the tenant is interested in or needs additional services to facilitate housing stability.
- Refer tenants to other resources applicable to the tenant's needs, drawing upon the local expertise of community-based organizations.
- Facilitate the submission of any applicable complaints related to RSO housing, Code Enforcement, harassment, and/or fair housing issues or referrals to the applicable agency.
- Follow complaint resolution procedures.
- Provide referrals to tenant navigation and education services as described below.
- Address any issues raised regarding other ULA Homelessness Prevention Programs and/or provide direct referrals to LAHD Staff that can assist with such issues.

### **Education**

Culturally competent, multilingual, ADA accessible, tenant education activities shall be delivered citywide as well as focused in high-need areas in the City to accomplish the goals

of the Tenant Outreach and Education Program, namely to educate tenants on their rights and available services in the City. Tenant education activities include but are not limited to:

- **Workshops:** Events that feature a presentation to a group of tenants, focused on *Know Your Rights* topics. Workshops may be held at LAHD facilities, or other public or private facilities, including within a building or residential property where tenants reside (“Building Workshops”). Workshops may be conducted virtually or in-person, and shall be conducted in multiple languages and be ADA accessible, as necessary.
- **Clinics:** Events hosted by a community-based organization facilitating individualized tenant engagement with a qualifying legal service provider for the purpose of obtaining legal advice.
- **Other Education Events:** Alternative formats or structures may be utilized as deemed appropriate and effective in homelessness and eviction prevention. These events may be held virtually, in-person, or hybrid as is deemed most effective for the target audience. Virtual educational events may be delivered on social media.

Tenant education staff shall be trained, equipped, and prepared to:

- Refer tenants to legal service providers to receive emergency rental assistance (as available), pre-eviction services, legal representation/ consultation, or any other legally related issue.
- Refer tenants to wrap around services if the tenant is interested in or needs additional services to facilitate housing stability.
- Refer tenants to other resources applicable to the tenant’s needs, drawing upon the local expertise of community-based organizations.
- Facilitate the submission of any applicable complaints related to rental housing, Code Enforcement, harassment, and/or fair housing issues or referrals to the appropriate agency.
- Follow complaint resolution procedures.
- Provide referrals to tenant navigation and education services as described below.
- Address any issues raised regarding other ULA Homelessness Prevention Programs and/or provide direct referrals to LAHD Staff that can assist with such issues.

### **Tenant Navigation**

Tenants shall be assisted in navigating the complex and often confusing housing rights and legal system. Tenant navigation generally includes, but is not limited to:

- Answering tenant questions regarding their housing situation via email, phone, text, video chat, and in-person.
- Assisting tenants with completing online intake forms and/or enrolling in workshops.
- Monitoring conditions and circumstances at buildings, including where an owner has filed an Ellis Act withdrawal application or has requested a Replacement Unit

- Determination, to assess compliance with notice and other requirements, and explain the process to tenants.
- Reminding tenants to submit necessary paperwork to their landlords and/or their assigned attorney.
- Helping tenants connect with their assigned attorney to receive legal guidance and representation.
- Providing other types of support to tenants and referrals, on an as-needed basis, to help them resolve their housing crisis, including seeking rental assistance and other housing-related resources.

### **Data Collection and Documentation**

These guidelines recognize that in addition to the public awareness, outreach, education, and tenant navigation activities identified and described above, the collection and analysis of key metrics related to the effectiveness of the Tenant Outreach and Education Program are essential activities in order to monitor the efficacy of the Programs and to ensure compliance with the reporting requirements in the ULA measure and ordinance. The following program metrics and participant data shall be collected on a monthly basis:

- Number, type, and location (when applicable) of activity (including virtual workshops, webinars, clinics, or other engagement events)
- Number of tenants reached (through all platforms, including but not limited to online public awareness, outreach, digital ads, and educational platforms) with socio and demographic data as deemed available.
- Narrative reports with overviews of communications, outreach, and education activities
- As available, oral narratives to highlight program participant and service provider success stories

Tenant Outreach and Education Program metrics and participant data shall be analyzed annually to allow for an assessment of whether ULA Programs are meeting their stated goals and accomplishing the priorities of the COC.

### **3.2 Program Budget**

The ULA measure and ordinance allocates two percent (2%) of overall program revenue for the Tenant Outreach and Education Program. Funding will be allocated for all services identified in *Sections 2.3 and 3.1*. Funding allocated to the Tenant Outreach and Education Program shall be apportioned and prioritized subject to the approval, discretion, and delegation of LAHD.

## **SECTION 4: IMPLEMENTATION PLAN**

Stay Housed LA was secured as a Contracting Partner in 2020 to provide services which LAHD has deemed to be consistent with the purpose and intent of the ULA measure and ordinance. The eligible activities identified in these Tenant Outreach and Education Program Guidelines (Sections 2.3 and 3.1) are consistent with and intended to enhance the provision of services already being implemented by SHLA. The existing Contracting Partners will continue to operate as it is currently tasked and as enhanced by these Tenant Outreach and Education Program Guidelines. At the expiration of the Contracting Partners' existing contracts, the Contracting Partners will be required to re-establish their membership through a procurement process, consistent with the City Administrative Code and any relevant City and LAHD policies.

## **SECTION 5: CONTRACTUAL SERVICES**

Implementation of the Tenant Outreach and Education Program requires contracting with the Contracting Partners, and most likely other contractors, for a portion of Program activities. All procurement activities must be conducted consistent with the City Administrative Code and any relevant City and LAHD policies. Upon the completion of any existing contract term for the Contracting Partners, LAHD may consider extending the term of that contract consistent with the terms of the existing agreement, or conducting a competitive bid for outreach and education services, consistent with the City's competitive bidding requirements.

### **5.1 Evaluation and Selection Process**

Award of a contract for Tenant Outreach and Education services shall be based on a best value competitive bid. Prior to release of a Request for Proposals (RFP), LAHD shall establish a scoring system assigning values to the following criteria, and rating responses to proposals accordingly:

- 1) Experience and approach to providing tenant-based outreach and education services of a similar nature
- 2) Experience and approach to providing tangentially related services
- 3) Experience with and approach to providing services to the communities anticipated to be targeted for direct outreach and education
- 4) Experience with and approach to providing homelessness and eviction prevention services
- 5) A cost proposal for the solicited services

At the discretion of LAHD, the Department may allocate a portion of Program funds into contracts that may be procured for services to be provided under any other Homeless Prevention Program, to conduct outreach and education activities related to those programs.

## **5.2 Contract Administration**

At least once per year, LAHD will provide a report to the COC and City Council summarizing the work accomplished, and recommending programmatic improvements and contract amendments. Changes to the service contract(s) may shift elements of the Program Scope of Services between LAHD and the Contracting Partners, to best reflect organizational capacity, changes in service priority, and learning during the course of program administration.

### Payment and Invoicing Policies

The contractor shall submit invoices to LAHD with an accounting of costs incurred. The contract will stipulate the frequency that costs will be invoiced to LAHD.

The contract may provide that LAHD may approve payment to be advanced to the contractor on an as-needed basis, especially if there are major startup costs and challenges.

## **5.3 City Living Wage Ordinance**

All contractors shall comply with the Living Wage Ordinance, Los Angeles Administrative Code Section 10.37 et seq., as amended from time to time. Contractors further shall agree to comply with federal law proscribing retaliation for union organizing. Any subcontract entered into by a contractor for work to be performed under these Program Guidelines must include an identical provision.

## **5.4 Data Collection and Reporting**

Consistent with *Section 3.1* of these Tenant Outreach and Education Program Guidelines, program metrics and participant data shall be collected by the Contracting Partners and provided to LAHD on a monthly basis. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and Council District). This information includes, but is not limited to:

- Number and type of activity (including virtual workshops, webinars, clinics, or other engagement events).
- Number of tenants reached (through all platforms including online public awareness, outreach, digital ads, and educational platforms) with socio and demographic data as deemed available.
- Narrative reports with overviews of communications, outreach, and education activities.
- As available, oral histories to highlight program participant and service provider success stories.

LAHD shall analyze Tenant Outreach and Education Program metrics and participant data annually and provide a summary of its analysis to COC to allow for an assessment of whether the Programs are meeting their goals and the priorities of the COC.



# **ULA PROTECTIONS FROM TENANT HARASSMENT PROGRAM GUIDELINES**

Recommended by the United to House LA Citizen Oversight Committee for Mayor and City  
Council Consideration  
August 15, 2024

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A. United to House LA Measure

## INTRODUCTION

### 1. Program Summary

#### a. Goals and Requirements

The Protections from Tenant Harassment Program seeks to prevent homelessness by ensuring that both landlords and tenants are educated about their rights and what constitutes tenant harassment, and that tenants understand how to exercise their rights and avail themselves of City of Los Angeles (City) resources to address harassment.

The Protections from Tenant Harassment Program is designed to be synergistic with other United to House LA (ULA) programs and services focused on eviction prevention, promoting housing stability, and collaboration with community-based organizations to inform tenants about protections against harassment and other rights. The Protections from Tenant Harassment Program is intended to be implemented consistent with and in coordination with other ULA Homelessness Prevention Programs.

The City adopted the Tenant Anti-Harassment Ordinance (TAHO), effective August 6, 2021, to protect tenants residing in the City from harassment by landlords. The Protections from Tenant Harassment Program establishes protocols, guidelines, resources, and expectations for harassment investigations, outreach and education to both tenants and landlords, and mechanisms for enforcing the TAHO.

The Protections from Tenant Harassment Program Guidelines shall apply to ULA-funded activities related to the implementation and enforcement of TAHO or other anti-harassment laws. LAHD may, at its discretion, subcontract with and/or delegate responsibilities for the purposes of pursuing civil remedies on behalf of eligible program participants.<sup>1</sup> These Protections from Tenant Harassment Program Guidelines also apply to education and outreach activities funded by ULA, to be implemented by community-based organizations and any umbrella entity overseeing or directing the activities of community-based organizations and non-profit organizations, collectively referred to as “Contracting Partners.”<sup>2</sup>

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<sup>1</sup> Guidelines established for other ULA Homelessness Prevention Programs (including, but not limited to, the Eviction Prevention and Defense Program) empower LAHD to partner with and subcontract to Legal Service Providers for identified activities. While Legal Service Providers, or LSPs, include the same name in these Protections from Tenant Harassment Program Guidelines as in other guidelines, and may consist of the same entities, the guidelines, standards, and requirements included in these Protections from Tenant Harassment Program Guidelines are specific to LSPs contracted with for the purposes of executing the eligible activities and the scope of services identified in *Sections 2.3 and 3.1*, respectively, of this document. The guidelines, standards, and requirements included in these Protections from Tenant Harassment Program Guidelines shall not apply to LSPs in their execution of any other Homelessness Prevention Program, and no other guidelines, standards, or requirements shall apply to LSPs in the execution of responsibilities consistent with the Protections from Tenant Harassment Program.

<sup>2</sup> At the time of the drafting of these Protections from Tenant Harassment Program Guidelines, Stay Housed LA (SHLA) was under contract with LAHD to operate as the outreach contractor, or the

The goals of the Protections from Tenant Harassment Program are to:

- Prevent displacement and constructive eviction through the use of harassing tactics.
- Curb patterns and practices of habitability non-compliance as a harassment tactic.
- Increase public awareness and enforcement of tenant protections.
- Expand city-wide TAHO awareness and compliance.

**b. List of subprograms or activities**

The Protections from Tenant Harassment Program is a ULA Homelessness Prevention Program, designed to complement ULA's direct service and/or financial assistance programs by ensuring that tenants are well-informed about tenant protections and resources, that landlords understand what constitutes tenant harassment and are aware of their obligations under TAHO, and that anti-harassment protections are enforced. The program shall include City enforcement of anti-harassment laws via the Administrative Citation Enforcement (ACE) ordinance, City Attorney civil or criminal prosecutions, and pursuit of private rights-of-action by Legal Service Providers (LSPs) on behalf of tenants, as well as education and outreach to the general public about protections against tenant harassment and the ULA programs designed to combat tenant harassment.

LAHD enforces anti-harassment laws, including TAHO, by investigating tenant allegations of harassment, and where warranted, issuing compliance letters and/or ACE citations, and referring complaints to the Office of the City Attorney. The Office of the City Attorney evaluates LAHD referrals for possible criminal or civil prosecution. Under this program, where appropriate, LAHD would also refer harassment complaints to contracted LSPs for potential private right-of-action filings under the TAHO or other anti-harassment laws.

**2. Context**

The ULA measure and ordinance requires three percent (3%) of the annual ULA Program revenue to be dedicated to the Protections from Tenant Harassment Program, as a core and proactive strategy to prevent homelessness.<sup>3</sup> The ULA measure and ordinance further

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Contracting Partner as defined above. These Protections from Tenant Harassment Program Guidelines are intended to be read as consistent with SHLA's existing contractual obligations. If these Protections from Tenant Harassment Program Guidelines conflict with an existing contractual obligation, that conflict shall not be deemed a material breach of any obligation. Notwithstanding the foregoing, these Protections from Tenant Harassment Program Guidelines are applicable to any subsequent contract with any party for operation of Protections from Tenant Harassment Program activities.

<sup>3</sup> Los Angeles Administrative Code, Section 22.618.3(d)(2)(ii)c.

specifies that this program should fund nonprofit organizations and City services to monitor and enforce tenants' rights including protections against tenant harassment, and to inform tenants of such protections and support them in exercising their rights. It further specifies that at least thirty percent (30%) of the program expenditure shall fund programs led by non-profit organizations.

According to the 2022 American Community Survey (ACS) 5-year estimate, there are approximately 886,998 renter households in the City, and approximately 2,245,299 people are renters. Of those renters, approximately 54% of tenants are rent-burdened, and 29% are severely rent-burdened.<sup>4</sup> As of March 31, 2024, approximately 24,000 eviction cases are filed each year in the City. Black and Latinx tenants, especially female heads of households, are disproportionately impacted by evictions each year in the City. Evictions that ultimately lead to homelessness create significant costs for local and state governments, including but not limited to the costs associated with providing emergency shelter, interim and long-term housing, hospital-backed health care, and transportation costs, which can also result in increased costs associated with child dependency and incarceration or unhoused family members.

At times, landlords may engage in harassment to circumvent tenant protections that would otherwise keep people housed, causing tenant displacement. Even if a formal eviction is never filed, many tenants choose to self-evict rather than endure harassment that can be emotionally draining and even physically dangerous. In 2023, LAHD received approximately 6,000 complaints alleging violations of TAHO. The Protection from Tenant Harassment Guidelines are intended to prevent the disruptive consequences of tenant harassment by 1) educating tenants and landlords regarding what type of activities constitute harassment, 2) tracking patterns and practices associated with harassment through technology and the deployment of LAHD investigators and inspectors, 3) enforcing the City's Tenant Anti-Harassment Ordinance, and 4) providing additional resources, including legal representation contingent on available funding, to tenants to address unlawful harassment.

### **3. Commitment to Racial Equity**

Existing data and scholarship confirms that Black, Latinx, and other communities of color are disproportionately affected by homelessness. These Protections from Tenant Harassment Program Guidelines acknowledge that this disproportionality is the result of generations of structural racism. Decades of land use policies, zoning practices, and laws promoting an imbalanced landlord-tenant relationship have reinforced racial segregation, poverty, environmental injustice, and disinvestment that is manifested in the demographics of our contemporary homeless population.

As ULA seeks to prevent homelessness through a variety of interventions, the implementation of the Protections from Tenant Harassment Program is specifically designed

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<sup>4</sup> Rent burden data from 2023 Comprehensive Housing Affordability Strategy (CHAS) estimates.

to promote racial equity, with a focus on preventing homelessness by preventing tenant harassment in the City's most vulnerable communities.

Consistent with this commitment to promote racial equity, the Protections from Tenant Harassment Program is designed to be attuned to the needs and realities of historically marginalized communities, and how racism, as well as disability, transphobia, sexism, and other tenant experiences, affect the vulnerability of a tenant and their experiences. Tenant harassment is strongly correlated to historically marginalized communities. To this end, the Protections from Tenant Harassment Program provides resources to support monitoring of tenant harassment and enforcement of TAHO to combat tenant harassment.

#### **4. Program Metrics**

The Los Angeles Housing Department (LAHD) and Contracting Partners will, on an ongoing basis, collect information and metrics in alignment with the ULA measure and ordinance reporting requirements and in a manner that supports the evaluation of long-term impacts and outcomes for the Protections from Tenant Harassment Program. To the extent feasible, this information includes but is not limited to, enforcement activities and the number of tenants and landlords receiving education about their rights and obligations. Enforcement activities will be measured by the count, volume, and complexity of cases, fines, and penalties issued, hearing outcomes, habitability improvements undertaken, or damages awarded to aggrieved tenants.

<b>Goal</b>	<b>Metrics</b>
Anti-displacement and prevention of constructive eviction of lower-income households.	<ul style="list-style-type: none"><li>• Number of evictions as compared to previous years.</li><li>• Tenancy turnover rate in units subject to the Rent Stabilization Ordinance (RSO) as compared to previous years.</li><li>• Number of TAHO Complaints Reviewed and Resolved.</li><li>• Outcomes of all TAHO Complaints.</li><li>• Number of households assisted with TAHO Complaints.</li><li>• Number of TAHO Complaints, and outcomes, subject to enforcement by the City Attorney's Office.</li><li>• Number of TAHO Complaints, and outcomes, subject to enforcement by LSPs.</li></ul>
Collaboration to identify patterns and practices of non-compliant habitability violations as harassment tactics.	<ul style="list-style-type: none"><li>• Number of evictions as compared to previous years.</li></ul>

	<ul style="list-style-type: none"><li>• Number of referrals from LAHD Monitoring to City Attorney for Enforcement.</li><li>• Number of referrals from LAHD Monitoring to LSPs for Enforcement.</li></ul>
Public awareness and enforcement of tenant protections.	<ul style="list-style-type: none"><li>• Number of Tenant Education workshops, clinics, and other educational events held.</li><li>• Number of tenant harassment complaints filed with LAHD.</li></ul>
Landlord awareness of their obligations under TAHO.	<ul style="list-style-type: none"><li>• Number of Landlord focused Education workshops, clinics, and other educational events held.</li><li>• Number of inquiries made by Landlords regarding TAHO obligations and tenant harassment.</li></ul>

Consistent with *Section 5.2* of these Protections from Tenant Harassment Program Guidelines, LAHD shall analyze these metrics and participant data annually and provide a summary of its analysis to the COC to allow for an assessment of whether the Protections from Tenant Harassment Program is meeting its goals and priorities.

## **5. Branding**

LAHD, in collaboration with the ULA COC, shall develop and implement a plan to include ULA branding on all program materials. This shall include digital and paper materials, signage (e.g., at public workshops or construction sites), and permanent branding on/in housing funded by Measure ULA (e.g., a permanent sign or plaque).

## **SECTION 1: PROGRAM ADMINISTRATION**

### **1.1 Program Administrator**

LAHD shall administer the Protections from Tenant Harassment Program, with the LAHD General Manager, or designee, designated as the Protections from Tenant Harassment Program Administrator (Program Administrator). At their discretion, the LAHD General Manager shall be empowered to delegate and/or revoke administrative responsibilities to participating LSPs, Contracting Partners, and/or appropriate LAHD staff.

### **1.2 Selection Process**

The Protections from Tenant Harassment Program is to be administered by the LAHD General Manager, or designee, consistent with *Section 1.1* above. Any program partners or outside entity charged with implementing any portions of the Program, including the Contracting Partners or LSPs, shall be procured as described in *Section 5*.

## **SECTION 2: GENERAL PROVISIONS**

### **2.1 Eligible Participants**

Eligible Participants: The Protections from Tenant Harassment Program shall serve tenants (inclusive of individual tenants and tenant households) in the City seeking education and TAHO enforcement. Eligible tenants must: 1) reside in a residential unit in the City, 2) meet the definition of a tenant under the Los Angeles Municipal Code, and 3) make an allegation that can be supported by documentation or proof sufficient to establish evidence of harassing conduct by a landlord.

Landlords of residential structures in the City and landlord groups primarily composed of landlords of residential structures in the City may request and receive education about their rights and responsibilities and may request technical support to better ensure TAHO compliance.

### **2.2 Eligible Forms of Funding**

The ULA measure and ordinance allocates three percent (3%) of overall annual program revenue for the Protections from Tenant Harassment Program. The ULA measure and ordinance mandates that at least 30% of the Protections from Tenant Harassment Program fund outreach and tenant navigation programs implemented by non-profit organizations. Non-profit organizations shall be contracted with by LAHD, or its designees, through a competitive procurement process, as further described in *Section 5*.

Up to seventy percent (70%) of the Protections from Tenant Harassment funds shall be spent directly by LAHD and the City Attorney's office in their execution of Eligible Activities and Services, as identified in *Sections 2.3 and 3.1*, respectively, of these Protections from Tenant Harassment Guidelines.

LAHD may seek and spend additional funding to expand the Protections from Tenant Harassment Program, including but not limited to potential grants, consistent with LAHD's general restrictions and requirements.

Funding may be expended to facilitate eligible activities, as further defined and discussed in *Section 2.3*, through contracts, purchase orders, and other contracting mechanisms that are consistent with City requirements and approved by the Program Administrator.

## **2.3 Eligible Activities**

Eligible activities of the Protections from Tenant Harassment Program fall broadly within three categories: Monitoring and Enforcement, Education, and Support. LAHD and the City Attorney's Office, on behalf of the City, are responsible for implementing Monitoring and Enforcement activities. Consistent with these Protections from Tenant Harassment Program Guidelines, LAHD may delegate some of these responsibilities to the participating non-profit organizations. Educational activities shall be executed by non-profit organizations, overseen by LAHD or its designee. Support activities may also be implemented by LAHD, the City Attorney's Office, LSPs, and the Contracting Partners as practically and tangentially required. Additional detail regarding these activities is provided in *Section 3.1, Scope of Services*.

Activities not determined to be within these identified categories may still be determined to be eligible activities consistent with the Protections from Tenant Harassment Program, subject to the discretion of the Program Administrator.

## **2.4 Ineligible Activities**

Any provision of services to landlords or property owners, other than technical assistance or guidance in adherence to the TAHO or the spirit and intention of these Protections from Tenant Harassment Program Guidelines, is expressly prohibited under this Program.

## **2.5 Program Funding – Caps and Limits**

ULA allocates three percent (3%) of annual ULA Program revenue for the Protections from Tenant Harassment Program. A minimum of thirty percent (30%) of these program expenditures are required to fund programs implemented by non-profit organizations.



## **2.6 Contractual Services**

Contracts shall be executed with LSPs and non-profit organizations, consistent with the procedures described in *Section 5*, and may be renewed at LAHD's discretion, consistent with any contractual terms associated with that grant and the City's procurement requirements. If a contract is not renewed or extended, either because the LAHD declines to award an additional contract or because the contractee(s) choose not to apply or continue their services, wind-down funds shall be provided to assist with transferring obligations and operations to another contractee.

## **SECTION 3: PROGRAM REQUIREMENTS: SERVICES AND FUNDING PRIORITIES**

### **3.1 Scope of Services**

LAHD, the City Attorney's Office, LSPs, non-profit organizations, and any other contracted entity, shall effectuate these guidelines and provide services necessary for the execution and performance of the Eligible Activities identified in *Section 2.3* of these Protections from Tenant Harassment Program Guidelines.

#### **Monitoring and Enforcement**

The Protections from Tenant Harassment Program includes Monitoring of tenant harassment and Enforcement of the TAHO or other anti-harassment protections in circumstances where landlords have violated the ordinance and/or any other federal, State, or local regulation intended to prevent tenant harassment. Consistent with these Protections from Tenant Harassment Program Guidelines, LAHD may delegate some of these responsibilities to qualified LSPs at its discretion. Monitoring and Enforcement Activities include, but are not limited to:

- Investigation of harassment allegations filed by tenants, review of landlords that have a history of non-compliance with LAHD Code or Rent Divisions, or other regulatory enforcement for which non-compliance is associated with tenant displacement, harassment, or retaliation against tenants.
- After investigation, referrals of appropriate cases to the appropriate entity for potential criminal prosecution or civil litigation, and/or to non-profit organizations for tenant support and education. All referrals should include the full LAHD case file, supporting documentation, and other records to expedite fact investigation and litigation. All referrals should be in writing.
- Enforcement in the form of remedies, which may include fines under the Administrative Citation Enforcement (ACE) Program or referrals to the City Attorney's Office for potential criminal prosecution.
- Development of an accessible complaint intake system that is accessible to tenants in multiple languages.

- Ongoing LAHD use of the case management information technology platform to streamline case creation and file keeping, centralize communications, track complaints and compliance, and help establish the patterns and practices of potential TAHO violators.

### **Education**

An Education component of the Protections from Tenant Harassment Program shall be implemented by LAHD and non-profit organizations that may be part of the Contracting Partner(s), or other umbrella entity, to ensure that tenants are well-informed about tenant protections and resources and that landlords understand what constitutes tenant harassment and are aware of their obligations under the TAHO. Eligible activities include any Protections from Tenant Harassment activities engaged in coordination with or supplementary to outreach and education activities under the Homelessness Prevention Programs. Educational activities include, but are not limited to:

- Workshops, clinics, events, and other materials directed to tenants and landlord groups describing what constitutes a violation, what evidence is relevant, and how to make a complaint.
- Targeted outreach to tenants, including but not limited to units and buildings where potential harassment is suspected based on complaints and on landlord histories of non-compliance with LAHD enforcement that correlates with tenant displacement or retaliation against tenants.
- Workshops, clinics, events, and other materials directed to landlord groups, such as the Coalition of Small Rental Property Owners, Apartment Association of Greater Los Angeles (AAGLA), or the California Apartment Association (CAA), to train small landlords on the TAHO, including understanding their responsibilities, and where appropriate, providing technical assistance to support them in compliance.

### **Support**

In addition to the Monitoring and Enforcement and Education services identified in *Section 3.1*, support will be required by LAHD, the City Attorney's Office, LSPs, and non-profit organizations consistent with their identified roles. Support may include, but is not limited to:

- Establishment of a Task Force with the City Attorney, LAHD, LSPs, and non-profit tenant advocacy organizations to ensure coordination and to avoid duplication of effort. The Task Force should meet every quarter to discuss coordination and implementation.
- Training conducted by the City Attorney for LAHD and LSPs on the types of civil and criminal cases they may be litigating.
- Monitoring and reporting of Program activities, including, but not limited to, preparation of reports for LAHD, the COC, and City Council, showing how many

- cases are in each phase of the system, including complaints, pending investigations, and resolved cases, as well as program evaluation.
- Reporting of outreach and education activities specific to the Protections from Tenant Harassment Program.

### **3.2 Program Budget**

ULA allocates three percent (3%) of overall annual program revenue for the Protections from Tenant Harassment Program. A minimum of thirty percent (30%) of Protections from Tenant Harassment Program expenditures are required to fund programs implemented by non-profit organizations consistent with these Protections from Tenant Harassment Program Guidelines.

### **3.3 Funding Priorities**

Funding allocated to the Protections from Tenant Harassment Program shall be apportioned and prioritized for the eligible activities identified in the Protections from Tenant Harassment Program Guidelines subject to the approval, discretion, and/or delegation from the Program Administrator.

Contingent on available resources, the Program Administrator may prioritize the deployment of resources to the following:

- Households that are at high risk of becoming homeless.
- Tenants in communities experiencing heightened displacement, as flagged by the City's new anti-displacement tool to identify communities, streets, and parcels most at risk for displacement by harassment.
- Buildings where low-income tenants may be targeted for displacement based on being long-term, low-income RSO tenants for whom rents are substantially below market.
- Owners with track records of harassment, illegal displacement, and non-compliance.

## **SECTION 4: IMPLEMENTATION PLAN**

The City of Los Angeles Tenant Anti-Harassment Ordinance (TAHO) was approved by the City Council and Mayor in September 2021. The City Council approved a preliminary staffing plan for the enforcement of the TAHO in the FY22/23 budget, and approved a full staffing and implementation plan for the ULA Protections from Tenant Harassment program in October 2023. The eligible activities identified in these Protections from Tenant Harassment Program Guidelines (*Section 2.3*) are consistent with and intended to enhance and expand the provision of services already being implemented by LAHD.

## **SECTION 5: CONTRACTUAL SERVICES**

Implementation of the Protections from Tenant Harassment Program requires contracting with LSPs and non-profit organizations. All procurement activities must be conducted consistent with the City Administrative Code and relevant City and LAHD policies. Upon completion of any existing contract term, the Program Administrator may consider extending the term of that contract consistent with the terms of the existing agreement or conducting a competitive bid for Protections from Tenant Harassment Program services, consistent with the City's competitive bidding requirements.

### **5.1 Evaluation and Selection Process**

Award of a contract for Program services shall be based on a best value competitive bid. Prior to release of a Request for Proposals (RFP), LAHD shall establish a scoring system assigning values to the following criteria, and rating responses to proposals accordingly:

- 1) Experience and approach to providing services set forth in *Sections 2.3 and 3.1* of these Protections from Tenant Harassment Program Guidelines.
- 2) Experience with and approach to providing services to the communities anticipated to be most at risk of displacement due to tenant harassment.
- 3) A cost proposal for solicited services.

The COC may consider recommending an integrated RFP process that allows service providers to bid for multiple Homelessness Prevention Programs under the same ULA-funded contract.

### **5.2 City Living Wage Ordinance**

All contractors shall comply with the Living Wage Ordinance, Los Angeles Administrative Code Section 10.37 et seq., as amended from time to time. Contractors further shall agree to comply with federal law proscribing retaliation for union organizing. Any subcontract entered into by a contractor for work to be performed under these Program Guidelines must include an identical provision.

### **5.3 Data Collection and Reporting**

Consistent with *Section 4 (Program Metrics)* of the Introduction to these Protections from Tenant Harassment Program Guidelines, information on the number of tenants receiving education, the number of landlords receiving education, and enforcement activities shall be collected and provided to the LAHD on a monthly basis. Wherever relevant, data shall be disaggregated by race, family composition, sexual orientation, age, ability, gender, and location (address, zip code, and Council District). This information includes, but is not limited to:

- Number of tenants receiving educational services, with sociodemographic data as deemed available.
- Number of residents served by Council District, disaggregated and searchable by race, family composition, sexual orientation, age, ability, and gender.
- Number of landlords receiving educational services.
- Number of events hosted and number and type of attendees.
- For enforcement activities, LSPs shall provide information on the number of cases, number of tenants, procedural status of cases, hearing outcomes, habitability improvements undertaken, or damages awarded to tenants.
- Fines and penalties issued by LAHD.
- For enforcement activities, LAHD shall request information from the City Attorney on the number of civil and criminal cases, number of tenants, status of case, complexity of cases, fines and penalties issued, hearing outcomes, habitability improvements undertaken.
- Quarterly reporting and updates from the Task Force described in *Section 3.1*.
- Number of Tenant Harassment cases subject to LAHD Monitoring.
- Number of referrals from LAHD Monitoring to City Attorney for Enforcement.
- Number of ACE Citations issued.
- Number of referrals from LAHD Monitoring to LSPs for Enforcement.
- Outcomes of all referrals from LAHD Monitoring to City Attorney and LSPs.

- Number of tenants receiving educational services, with sociodemographic data as deemed available.
- Number of residents served by Council District, disaggregated and searchable by race, family composition, sexual orientation, age, ability, and gender.
- Number of landlords receiving educational services.
- Number of events hosted and number and type of attendees.
- For enforcement activities, LSPs shall provide information on the number of cases, number of tenants, procedural status of cases, hearing outcomes, habitability improvements undertaken, or damages awarded to tenants.
- Fines and penalties issued by LAHD.
- For enforcement activities, LAHD shall request information from the City Attorney on the number of civil and criminal cases, number of tenants, status of case, complexity of cases, fines and penalties issued, hearing outcomes, habitability improvements undertaken.
- Quarterly reporting and updates from the Task Force described in *Section 3.1*.
- Number of Tenant Harassment cases subject to LAHD Monitoring.
- Number of referrals from LAHD Monitoring to City Attorney for Enforcement.
- Number of ACE Citations issued.
- Number of referrals from LAHD Monitoring to LSPs for Enforcement.
- Outcomes of all referrals from LAHD Monitoring to City Attorney and LSPs.

**INITIATIVE ORDINANCE ULA**  
**(Adopted by the Voters of Los Angeles at the Election held on November 8, 2022)**

**ORDINANCE NO. 187692**

**THE PEOPLE OF THE CITY OF LOS ANGELES**  
**DO ORDAIN AS FOLLOWS:**

**Los Angeles Program to Prevent Homelessness and Fund Affordable Housing (“House LA”)**

**SECTION 1:** The People of the City of Los Angeles hereby find:

- a. Rising rents, widespread tenant evictions and a lack of affordable housing have made Los Angeles the city with the worst housing and homelessness crisis in the country.
- b. A household is considered cost burdened when they are paying more than 30% of their household income on housing costs. In 2019, the City of Los Angeles (“the City” or “City”) had a higher percentage of cost-burdened renter households (59%) than any other major American city. About 32% of City renters are severely cost-burdened, meaning they spend over 50% of their income on rent. As families overspend on housing costs, they have less in their budget for health care, childcare, education, healthy food, savings and retirement, and other household costs. In addition to impacting the health, education, and economic outcomes of the City’s residents, this has far-reaching economic impacts as Angelenos spend less at local businesses. Furthermore, young people and people in Lower Income Households are leaving the region specifically due to high housing costs, a dynamic that regional economists have cited as a key concern for the City’s prospects for economic growth and that local businesses are contending with as they search for employees.
- c. Among the 42% of City seniors (people aged 65 years and older) who rent, 65% are cost burdened. Among the 58% of seniors who own their homes, more than 38% are cost burdened. Longstanding housing unaffordability strains residential stability particularly for young people, seniors, people in Lower Income Households, and their communities. The two age groups in the City with the highest rates of rent burden are young people aged 18-24 years and seniors aged 65 years and older.
- d. One of the primary dynamics underlying the housing crisis is that rents are increasing faster than wages. The median household income in 2019 was \$62,142, less than that of the county or state. Twenty-two percent of City families make less than \$25,000/year and 42% make less than \$50,000/year. Wages have fallen far behind the cost of living in the City; the top five projected occupations through 2028 all have a median income of less than \$31,250, indicating an urgent need for housing for people in Acutely, Extremely and Very Low Income Households.

- e. The COVID-19 pandemic has further exacerbated housing instability among the City's lowest wage earners and makes them more susceptible to falling into homelessness.
- f. In 2020, 41,290 people were experiencing homelessness in the City of Los Angeles. About 70% of this population remains unsheltered, living on the sidewalks, under the bridges, and in the parks of the City. This has amounted to a humanitarian crisis, largely caused by government inaction.
- g. Despite a sustained increase in effectively housing people who are unhoused in the City of Los Angeles, in 2020, there was a 16.1% increase (to 41,290) homeless persons in the City, largely because of the economic pressures of lost jobs, evictions or rising rents. Effective preventative interventions, including significantly increasing the production of affordable and supportive housing and strengthening tenant protections, could dramatically reverse this pattern and reduce the number of persons who are experiencing homelessness on our streets.
- h. An estimated 30,000 formal evictions are filed in the City of Los Angeles each year and the vast majority of tenants who receive an eviction notice do not have access to an attorney and do not know how to exercise their rights. Eviction cases can be very complicated and technical; it is difficult to successfully defend an eviction case without a lawyer. Providing counsel to people facing eviction can prevent and reduce homelessness; in locales where a right to counsel exists, approximately 86% of represented tenants stay housed.
- i. As rents continue to rise across the City, the incentive is strong to push out tenants in rent-stabilized apartments and harassment is a primary driver of informal evictions.
- j. The lack of access to affordable, healthy, and stable housing is an ongoing issue that will require serious policy interventions and sustained public funding. Despite the City's historic and continued effort to secure and allocate funding for affordable housing, one of the main drivers of this crisis is lack of sufficient revenue to preserve and produce affordable homes and lack of adequate funding to support tenants to stay in their homes.
- k. The City of Los Angeles routinely falls far short of the affordable housing allocations in its Regional Housing Needs Assessment and will continue to do so without additional policy interventions such as a dedicated funding source.
- l. The City's 2021-2029 Housing Element includes numerous affordable housing and homelessness prevention goals and implementation programs, including: Program 20 to support additional permanent sources of affordable housing and renter protection funding for the City, including options for generating funds locally, including a progressive real estate documentary transfer tax; Program 16 to prioritize public land for new models of affordable housing development and control, including Community Land Trusts or social/public housing; and Program 88 to implement an Eviction Defense Program and evaluate a tenant's "Right to Counsel" Program. New funding for these Programs will help the City comply with



its 2021-2029 Housing Element and meet its Regional Housing Needs Assessment obligations for this housing element cycle and in future cycles.

m. Regular public transit riders primarily in the City of Los Angeles tend to be Acutely, Extremely and Very Low Income; half of bus riders surveyed by the Los Angeles Metropolitan Transportation Authority (“LA Metro”) onboard LA Metro’s buses earned less than \$18,000 per year before the COVID-19 pandemic. Displacement of transit rider households from the City’s transit-rich urban areas contributes to drops in transit ridership overall. This negatively impacts the City’s air quality and traffic congestion and is a major obstacle in addressing our region’s carbon emissions.

n. Areas of the City with the lowest rate of affordable housing production occur in the City’s Highest and High Opportunity (“High Opportunity”) areas, which reflect those areas high level of access to economic opportunities, resources, and amenities according to the Opportunity Area Maps from the State of California Tax Credit Allocation Committee and the State of California Housing and Community Development Department. A 2021 report by the City of Los Angeles’s Department of City Planning and Housing Departments found that only 6% of subsidized affordable housing was built in the City’s High Opportunity areas.

o. New funding and programs for affordable housing and homelessness prevention are needed to supplement the City’s existing funding and programs.

p. Increasing the Real Property Transfer Tax on the highest priced properties in the City will generate an ongoing revenue source which will allow the City to employ robust tenant stabilization policies and practices to proactively keep vulnerable households from losing their homes and instead build significant numbers of homes that are affordable to the City’s Lower Income Households, thereby directly preventing and reducing homelessness across the City and lowering the City’s housing costs.

q. The initiative will protect renters, including seniors in Lower Income Households and persons with disabilities, from being forced into homelessness or otherwise displaced by (a) providing short-term emergency funding to tenant households at risk of becoming homeless; (b) providing income support for rent-burdened at-risk seniors and persons with disabilities; (c) providing tenant outreach, education and navigation services; (d) providing legal services to tenants in Lower Income Households threatened with eviction; and (e) monitoring, enforcing and informing tenants of City protections against tenant harassment.

r. The initiative will increase the development and preservation of homes affordable to people in Lower Income Households by: (a) Investing in new and existing models of affordable multifamily development; (b) Building on current practices for public or community acquisition of rental housing so as to provide permanent affordability and allow community and/or public sector ownership; (c) Innovating housing production strategies that emphasize permanent affordability, utilize innovative funding strategies, expand ownership methods and use leading edge construction technologies; (d) Using funds for development-based rent subsidies to help create affordable housing options for Extremely Low Income

Households; and (e) Ensuring that program funds are invested to not only develop affordable housing but also to foster production creativity and long-term goal setting.

s. The programs and policies funded through this initiative will be deployed in such a way as to address racial segregation, dismantle racially exclusionary practices, and promote racial equity in housing, academic, and economic opportunities.

t. Article XXXIV of the Constitution of the State of California (“Article XXXIV”) provides that no low-rent housing project shall be developed, constructed, or acquired in any manner by any state public body until a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the project, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election;

u. The City of Los Angeles and its residents will directly benefit from the development, construction, acquisition, and administration of additional dwelling units for families and households of low income.

v. It is the intention of the voters in adopting this initiative to ensure that tax proceeds from the Homelessness and Housing Solutions Tax be used to fund the purposes set forth in the House LA Program.

Now THEREFORE, based on these findings, the people declare that the City of Los Angeles adopt the legislation contained herein to protect tenants, produce, and preserve affordable housing, and prevent homelessness.

SECTION 2: Chapter II, Article 1.9 of the City of Los Angeles Municipal Code is hereby amended as follows (with strikethrough indicating deleted text, and underline indicating new text):

#### SEC. 21.9.2. TAX IMPOSED.

(a) There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Los Angeles shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale) exceeds \$100.00, a tax at the rate of \$2.25 for each \$500.00 or fractional part thereof.

(b) In addition to and separate from any tax imposed under Subsection (a) of this section, starting on April 1, 2023, there is hereby imposed a tax known as the “Homelessness and Housing Solutions Tax” on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Los Angeles shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property

conveyed (including the value of any lien or encumbrance remaining thereon at the time of sale) exceeds:

(1) \$5,000,000 but is less than \$10,000,000, a tax at the rate of 4% of the consideration or value; or

(2) \$10,000,000 or greater, a tax at the rate of 5.5% of the consideration or value.

(c) The Director of Finance for the City of Los Angeles shall adjust the consideration or value thresholds set forth in Subsection (b) of this section adjusted annually based on the Bureau of Labor Statistics Chained Consumer Price Index (C-CPI-U), pursuant to guidelines and procedures he or she establish pursuant to Subsection (c) of Section 21.9.11 of this Code.

#### **SEC. 21.9.11. DUTIES OF CLERK.**

(a) The Director of Finance, in his capacity as Tax Collector of the City of Los Angeles, is hereby designated as the officer of the City responsible for maintaining relations with the County of Los Angeles for the purpose of administering the tax imposed under this article and receiving and accounting for the funds collected thereunder.

(b) If the County of Los Angeles does not collect-thea tax due under this article, or any portion of such tax, then the Director of Finance shall have the power and duty to enforce all of the provisions of this article. In such case, the City taxes is-are due prior to recordation with the County of Los Angeles of any written instrument subject to the tax and the Director of Finance may make an assessment for taxes not paid in the manner provided in Section 21.16 of this Code, and make refunds as provided in Section 22.13 of this Code.

(c) The Director of Finance is authorized and empowered, consistent with applicable law and the purposes of this article, to issue any rules and regulations reasonably necessary to enforce and administer this article, including but not limited to regulations further defining the term “realty sold” in Section 21.9.2 of this article and establishing procedures for administering exemptions to the tax imposed under this article. The Director of Finance shall provide reasonable notice prior to the effective date of any rules or regulations promulgated pursuant to this section.

#### **SEC. 21.9.14. EXEMPTION—QUALIFIED AFFORDABLE HOUSING ORGANIZATION**

The Homelessness and Housing Solutions Tax imposed by Subsection (b) of Section 21.9.2 of this Code shall not apply with respect to any deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Los Angeles shall be granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers, or any other person or persons, by his or their direction if such transferee is: (1) a non-profit entity within Internal Revenue Code Section 501(c)(3); (2) a Community Land Trust, as defined in Section 22.618.2 of the Los Angeles Administrative Code; (3) a Limited-Equity Housing Cooperative, as defined by California Civil Code Section 817; or (4) a limited partnership or limited liability company in

which only bona fide nonprofit corporations, Community Land Trusts, and/or Limited-Equity Housing Cooperatives are the general partners or managing members. To qualify for an exemption under this section, the transferees or one of its partners or members must demonstrate a history of affordable housing development and/or affordable housing property management experience, as determined by the Los Angeles Housing Department, or its successor agency, according to a procedure that will be promulgated by the Los Angeles Housing Department, or its successor agency. Community Land Trusts and Limited-Equity Housing Cooperatives may qualify for an exemption under this subsection without demonstrating a history of affordable housing development and/or affordable housing property management experience by (a) partnering with experienced non-profit organizations as the Los Angeles Housing Department, or its successor agency, defines those terms consistently with the purpose of Article 9 of Chapter 24 of Division 22 of the Los Angeles Administrative Code; or (b) recording at the time of acquisition an affordability covenant consistent with Section 22.618.3(d)(1)(i).b. of the Los Angeles Administrative Code.

### **SECTION 21.9.15 OTHER EXEMPTIONS**

The Homelessness and Housing Solutions Tax imposed by Subsection (b) of Section 21.9.2 of this Code shall not apply with respect to any deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Los Angeles shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, if such transferee is:

- (a) a non-profit entity within Internal Revenue Code Section 501(c)(3), which received its initial Internal Revenue Service Determination Letter at least ten years prior to the purchase and has assets of less than \$1 billion;
- (b) the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or any other federal, state, or local public agency or public entity; or
- (c) any other transferee exempt from the City's taxation power under the state or federal Constitutions.

### **SEC. 21.9.16. ADDITIONAL EXEMPTIONS—CITY COUNCIL APPROVAL**

The People of the City Los Angeles authorize the City Council to enact ordinances, without further voter approval, to exempt from the Homelessness and Housing Solutions Tax imposed by Subsection (b) of Section 21.9.2 of this article property acquired by non-profit organizations to produce income-restricted affordable housing, as the Council may define those terms consistently with the purposes set forth in Article 9 of Chapter 24 of Division 22 of the Los Angeles Administrative Code.

**SECTION 3:** A new Chapter 192 is added to Division 5 of the Los Angeles Administrative Code, as follows:

## **SEC. 5.598.1. HOUSE LA FUND**

(a) There is hereby created and established within the Treasury of the City of Los Angeles a special trust fund to be known as the House LA Fund for the deposit and use of all taxes collected pursuant to Subsection (b) of Section 21.9.2 of the Los Angeles Municipal Code. Money in the House LA Fund shall be used exclusively according to the program set forth in Article 9 of Chapter 24 of Division 22 of the Los Angeles Administrative Code (the Los Angeles Program to Prevent Homelessness and Fund Affordable Housing (“House LA Program”)).

(b) All interest earnings accruing on money in the House LA Fund shall be credited to, and used for, the purposes of the House LA Fund. Money not expended from the House LA Fund in any fiscal year shall not revert to the Reserve Fund, but shall remain in the House LA Fund.

(c) Any program income generated through the House LA Program, including but not limited to any loan repayments, value recapture, or return of assets generated by the House LA Fund must be re-deposited into the House LA Fund, and shall not be commingled in any other City Fund or used for any purposes other than those described in Article 9 of Chapter 24 of Division 22 of the Los Angeles Administrative Code.

(d) The House LA Fund shall be administered by the General Manager of the Los Angeles Housing Department, or any successor agency (“Department”), or a designee of the General Manager, in strict accordance with the provisions of Article 9 of Chapter 24 of Division 22 of the Los Angeles Administrative Code.

(e) The City Council may establish by ordinance any additional funds, or accounts within this fund, necessary to implement this initiative and the expenditures described in Section 22.618.3 of this Code.

**SECTION 4:** A new Article 9 is added to Chapter 24 of Division 22 of the Los Angeles Administrative Code, as follows:

## **SEC. 22.618.1. PURPOSE.**

The goals of House LA include:

(a) Improving access to permanently affordable housing for vulnerable populations including but not limited to seniors in Lower Income Households, formerly homeless, persons with disabilities, veterans, single-parent households, youth in transition, and survivors of domestic violence.

(b) Addressing the City's residents' need for affordable housing and tenant protections in each of the Council Districts, Affirmatively Furthering Fair Housing goals, Housing Element goals and Regional Housing Needs Assessment affordable housing allocations.

- (c) Prioritizing expenditure of housing production funding for Acutely Low Income Households, Extremely Low Income Households, Very Low Income Households, and Low Income Households categories and prioritizing expenditure of rental subsidy funding for Acutely Low Income Households and Extremely Low Income Households categories.
- (d) Developing, reviewing, and revising a plan to build the capacity of organizations with workplaces located in and/or which serve constituents in Disadvantaged Communities, and to prioritize and enable the organizations' participation in implementation of House LA.
- (e) Increasing the supply of affordable housing served by transit, and providing housing stability and tenant protections in communities served by transit.
- (f) Deploying programs and policies funded through this initiative in such a way as to address racial segregation, dismantle racially exclusionary practices, and promote racial equity in housing, academic, and economic opportunities.
- (g) Utilizing public land for affordable housing produced through this program, including but not limited to underutilized land owned by the City of Los Angeles, Los Angeles Community College District, Los Angeles Unified School District, Los Angeles County Metropolitan Transportation Authority, or other government agencies.
- (h) Establishing and resourcing a Citizens Oversight Committee that will be responsible for reviewing these goals every three years and making adjustments to the program guidelines adopted pursuant to Section 22.618.6(c)(1) of this Code as needed to address the aforementioned goals.
- (i) Establishing new funding and programs for the creation, preservation and acquisition of affordable housing and homelessness prevention that supplement existing City funding and programs.
- (j) Ensuring that construction and rehabilitation work is performed under the labor standards set forth in Section 22.618.7

## **SEC. 22.618.2. DEFINITIONS.**

“Acutely Low Income Households” shall have the same meaning as in Section 50063.5 of the California Health and Safety Code.

“Extremely Low Income Households” shall have the same meaning as in Section 50106 of the California Health and Safety Code.

“Very Low Income Households” shall have the same meaning as in Section 50105 of the California Health and Safety Code.

“Low Income Households” shall mean Lower Income Households whose gross incomes exceed the maximum for Very Low Income Households.

“Lower Income Households” shall have the same meaning as in Section 50079.5 of the California Health and Safety Code.

“Moderate Income Households” shall have the same meaning as the term “Persons and families of moderate income” as defined in Section 50093(b) of the California Health and Safety Code.

“Affirmatively Furthering Fair Housing” shall have the same meaning as in Section 8899.50 of the California Government Code.

“Community Land Trust” means a non-profit corporation within Section 501(c)(3) of the Internal Revenue Code that satisfies all of the following: (I) Has as its primary purposes the creation and maintenance of permanently affordable single-family or multifamily residences; (II) All dwellings and units located on the land owned by the non-profit corporation are sold to a qualified owner to be occupied as the qualified owner's primary residence or rented to Lower Income Households or Moderate Income Households, or held by the non-profit corporation for the same purpose; (III) When a dwelling or unit that is situated on land owned by the non-profit corporation is sold to a qualified owner, the land is leased by the non-profit corporation to the income-qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years.

“Disadvantaged Communities” as defined in Section 65302(h)(4)(A) of the California Government Code.

“Limited-Equity Housing Cooperative” shall have the same meaning as in Section 817 of the California Civil Code.

“Residential Hotel” shall have the same meaning as in Section 50519(b)(1) of the California Health and Safety Code.

### **SEC. 22.618.3. HOUSE LA PROGRAMS**

(a) Subject to the budgetary and fiscal provisions of the Los Angeles City Charter, monies in the House LA Fund, as set forth in Chapter 192 of Division 5 of this Code, shall be appropriated on an annual or supplemental basis, following the procedures set forth in Section 22.618.4 of this Code, and expended consistently with this section (the “House LA Programs”).

(b) **House LA Fund-Administration.** No more than 8% of the monies deposited in the House LA Fund annually may be used for compliance, implementation and administration (“House LA Fund-Administration”) described below, including but not limited to the enforcement of affordability covenants associated with House LA Program projects, and, in coordination with the Finance Director and other City departments, the collection of the tax

imposed by Subsection (b) of Section 21.9.2 of the Los Angeles Municipal Code and the refund of any overpayments of that tax. Not less than 3% of the monies allocated to the House LA Fund-Administration annually shall go to staffing and other expenses of the House LA Citizens Oversight Committee described in Section 22.618.6 of this Code. Additionally, staffing costs, stipends and honoraria that may be allocated to the Tenant Council pursuant to Section 22.618.3(d)(2)(ii).d. of this Code shall be paid for from the House LA Fund-Administration. Furthermore, the Department may fund training in processes and procedures related to project labor agreements, and may provide project labor agreement management services to contractors. For purposes of this subdivision, “project labor agreement” has the same meaning as Section 2500(b)(1) of the California Public Contract Code.

(c) To enable transparency and accountability, House LA Fund-Administration monies shall be allocated to track, and make publicly available, reports on the implementation of the program, including but not limited to the following aspects: 1) dollars spent on housing construction and preservation during a year, over the course of years, in aggregate, per project, per housing unit, and to disaggregate and assess implementation of the program by Zip Code and Council District; 2) number of people housed during a year, over the course of years, in aggregate and as it changes over time, in each project, in each unit, and disaggregate and searchable by race, family composition, sexual orientation, age, ability, and gender, and by location and income level, and 3) residents served by the Homelessness Prevention Program during a year, over the course of years, in aggregate and as it changes over time, by Council District, and disaggregate and searchable by race, family composition, sexual orientation, age, ability, and gender. City departments shall make public and provide the Oversight Committee with information on how House LA implementation is furthering progress towards Housing Element implementation, Regional Housing Needs Assessment allocations, and Affirmatively Furthering Fair Housing.

(d) **House LA Fund-Programs.** All monies deposited in the House LA Fund annually other than those described in Subsections (b) and (c) of this section, but in no case less than 92% of the House LA Fund shall be used for the programs specified in Section 22.618.3(d)(1), known as the “Affordable Housing Program” and Section 22.618.3(d)(2), known as the “Homelessness Prevention Program,” and collectively as “House LA Fund-Programs.” The House LA Fund-Programs shall be allocated as follows:

(1) **Affordable Housing Program.** Seventy percent (70%) of the House LA Fund-Programs shall be used for the Affordable Housing Program as described by this subdivision and, according to an expenditure plan adopted pursuant to Section 22.618.4 of this Code addressing affordable housing needs in each City Council district.

(i) Expenditure of funds for the Affordable Housing Program shall require, to the maximum possible extent and consistently with federal and state law, that funded projects comply with the following requirements:

a. **Affordability.** All units in a funded project shall be affordable to and occupied by Acutely Low Income Households, Extremely Low



Income Households, Very Low Income Households, or Low Income Households, except as allowed by Sections 22.618.3(d)(1)(ii).b.4. and 22.618.3(d)(1)(ii).c.4. of this Code. The Department shall adopt a policy to prevent the displacement of households that qualified for a unit upon initial occupancy but thereafter exceed the income limits. Such households may be charged a rent commensurate with their current income levels.

b. **Covenants.** The programs described in Sections 22.618.3(d)(1)(ii).a.-c. of this Code, including the Multifamily Affordable Housing program, the Alternative Models for Permanent Affordable Housing program, and the Acquisition and Rehabilitation of Affordable Housing program, are intended to provide dedicated housing that is affordable to households at the respective levels of income (e.g., Acutely Low Income, Extremely Low Income, Very Low Income, and Low Income Households) that occupy the housing units, whether as owner-occupants or tenants, and whose housing cost or rent does not exceed the affordable housing cost or affordable rent for households at such income levels. Each property and each affordable housing unit funded pursuant to Sections 22.618.3(d)(1)(ii).a.-c. of this Code shall be made subject to a recorded covenant acceptable to the Department and recorded with the Los Angeles County Recorder, that meets each of the following requirements:

1. Each housing unit in the project shall be used exclusively as a residence for households at the respective income level.
2. The housing cost or rent for such housing unit shall be no more than an affordable housing cost or affordable rent at the respective level of income.
3. No housing unit may be leased or subleased, except to a household at the level of affordability and for no more than an affordable rent for which the unit was dedicated.
4. Any resale of rental property funded by this initiative shall be restricted to non-profit entities or Limited-Equity Housing Cooperatives, including but not limited to affordable housing corporations and Community Land Trusts, to ensure the continued use of the dwelling units as affordable housing as provided in this section.
5. In the case of owner-occupied housing units, initial sales and all resales shall be restricted to purchasers whose household income does not exceed the income level to which

the unit is dedicated and who do not pay in excess of affordable housing cost at that income level; or Limited-Equity Housing Cooperatives or similar entities providing for resident ownership and affordability in perpetuity with an average affordability level for Lower Income Households and which allows not more than 20% of units to be owned and occupied at unrestricted market rates. Unrestricted market rate units shall not be used to calculate average affordability of units in a project.

6. The term of the affordability restrictions contained in the covenant shall be in perpetuity, or such other maximum length of time as may be permitted by applicable law, except that an affordability covenant with a fixed term of no less than 55 years shall be acceptable only if necessary to meet requirements of other funding sources.

7. The affordability restrictions shall be senior to and not subordinated to any lien, deed of trust or condition or restriction to be recorded against the property, except for any land use-related affordability covenant, such that any entity taking title to the property or a dwelling unit by foreclosure or deed-in-lieu of foreclosure shall take subject to the affordability restrictions.

c. **Replacement, Relocation and Right of First Refusal.** Funding provided pursuant to the Affordable Housing Program shall be subject to the following conditions:

1. Any funded development on any property that includes a parcel or parcels that currently have residential uses, or within the five years preceding the application for funding have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to Lower Income Households, subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by Lower Income Households, shall comply with the requirements in California Government Code Section 65915(c)(3), provided, however, that any dwelling units that are or were, subject to a form of rent or price control through a public entity's valid exercise of its police power and that are or were occupied by a household with income above Lower Income shall be replaced with units affordable to, and occupied by, Lower Income Households. Moreover, replacement units shall be made available at affordable rent or affordable housing

cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy or, if the units have been vacated or demolished, those households formerly in occupancy, including Acutely Low, Extremely Low, Very Low, and Low Income Households. If the incomes of the households in occupancy, or formerly in occupancy, are not known, it shall be rebuttably presumed that (a) Extremely Low, Very Low, and Low Income Households occupied these units in the same proportion as the proportion of renter households that are Extremely Low, Very Low, and Low Income Households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and (b) the proportion of Acutely Low Income Households is one-half the proportion of Extremely Low Income Households.

2. If existing occupants must be relocated, for any period of time, the developer is required to provide them relocation benefits pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code and Chapter XV of the Los Angeles Municipal Code, including associated regulations. In order to effectuate the provisions of Chapter 16 of Division 7 of Title 1 of the Government Code, and in addition to all other relocation obligations, the developer shall prepare a relocation plan, and the Department shall require the plan to offer occupants reasonable choices of specifically identified comparable replacement dwellings available at the time of the offer, for which the household qualifies and is appropriate, and which is affordable to the household.

3. In addition to the relocation benefits described above, the developer shall provide a right of first refusal for a comparable unit available in the new or rehabilitated housing development. For Lower Income Households, that unit must be affordable to the household at an affordable rent or an affordable housing cost. If such occupants do not meet the eligibility requirements of one or more funding sources of the new or rehabilitated housing development, or for any other reason do not occupy units in the new or rehabilitated housing development, the occupants shall be given priority in renting or buying housing in other developments funded by the Affordable Housing Program. The Department shall keep a list of occupants displaced by such developments and may establish reasonable rules for determining the order of priority of those listed.

4. Nothing in this section shall be read to prohibit the City Council from adopting unit replacement requirements, relocation assistance requirements, or right of first refusal requirements that are more protective of displaced occupants than the requirements of this section. Solely for the purpose of Section 22.618.3(d)(1)(i).c. governing replacement, relocation and right of first refusal, “affordable rent” shall have the same meaning as defined in Section 50053 of the California Health and Safety Code, and “affordable housing cost” shall have the same meaning as defined in Section 50052.5 of the California Health and Safety Code.

d. To qualify for funding from the Affordable Housing Program, an applicant must demonstrate a history of affordable housing development and/or affordable housing property management experience, as the Department defines those terms consistently with the purpose of this article. Community Land Trusts and Limited-Equity Housing Cooperatives may qualify for funding from this initiative without demonstrating a history of affordable housing development and/or affordable housing property management experience by (a) partnering with experienced non-profit organizations, or (b) showing evidence of staff capacity adequate to manage and administer the affordable housing project, as determined by the Department and consistent with the purpose of this article.

(ii) Affordable Housing Program funds shall be allocated in the following categories, according to an expenditure plan adopted pursuant to Section 22.618.4 of this Code:

a. **Multifamily Affordable Housing:** Twenty-two and one-half percent (22.5%) of the House LA Fund-Programs shall be annually allocated to the development of supportive and/or affordable housing projects of 40 units or greater for income-qualified populations in conjunction with other federal, state, and local affordable housing funding sources, such as federal Low-Income Housing Tax Credits and State Low-Income Housing Tax Credits, or to pay the principal and interest on debt incurred for such purpose. This percentage may increase up to a maximum of twenty five percent (25%) of the House LA Fund-Programs on an annual basis, using excess revenue from the Program Stabilization Fund pursuant to Section 22.618.3(d)(1)(ii).e. of this Code. All units shall be subject to a covenant that meets the requirements of Section 22.618.3(d)(1)(i).b.

b. **Alternative Models for Permanent Affordable Housing:** Twenty-two and one-half percent (22.5%) of the House LA Fund-Programs

shall be annually allocated to the construction of new supportive and affordable rental or mixed rental/homeowner projects of 40 units or greater, or to pay the principal and interest on debt incurred for such purpose. These funds may also be used for the acquisition, rehabilitation, adaptive reuse, lease, preservation and operation of supportive and/or affordable or mixed rental/homeowner projects of any size, or to pay the principal and interest on debt incurred for such purpose. This percentage may increase up to a maximum of twenty five percent (25%) of the House LA Fund-Programs on an annual basis, using excess revenue from the Program Stabilization Fund pursuant to Section 22.618.3(d)(1)(ii).e. of this Code. This funding shall be subject to the following conditions:

1. Housing units shall be developed by entities qualified for funding under Section 22.618.3(d)(1)(i).d. of this Code. Housing units shall be owned and/or managed by a public entity, a local housing authority, a Community Land Trust, a Limited Equity Housing Cooperative, or a non-profit entity within Internal Revenue Code Section 501(c)(3), which demonstrates a history of affordable housing development and/or affordable housing property management experience, through a process the Department shall determine. A Community Land Trust or a Limited-Equity Housing Cooperative without a demonstrated history of affordable housing development and/or affordable housing property management experience may qualify for funding under this subsection by (a) partnering with an experienced non-profit organization, as determined by the Department and consistent with the purpose of this Article, or (b) showing evidence of staff capacity adequate to manage and administer the affordable housing project, as determined by the Department and consistent with the purpose of this article.
2. A project may accommodate a mix of household income types including Acutely Low Income Households, Extremely Low Income Households, Very Low Income Households, and Low Income Households.
3. A minimum of 20% of a project's housing units shall be reserved for Acutely Low Income and/or Extremely Low Income households.
4. All units shall be subject to a covenant that meets the requirements of Section 22.618.3(d)(1)(i).b., except that according to criteria established by the Department consistently with the purposes of this Article, and only for the purpose of

increasing the financial stability of Acutely Low Income, Extremely Low Income, and Very Low Income Household units in the project, up to 20% of units may be unrestricted as to income and rent levels.

5. Residents shall have the right to participate directly and meaningfully in decision-making concerning the operation and management of the project.

6. Where feasible and desirable, the project shall include resident ownership, including but not limited to Limited-Equity Housing Cooperatives.

7. Where feasible and desirable, projects shall use public land.

**c. Acquisition and Rehabilitation of Affordable Housing:** Ten percent (10%) of the House LA Fund-Programs shall annually be allocated to the acquisition, preservation, rehabilitation, lease, or operation of existing housing including but not limited to rent-controlled properties, Residential Hotels, Accessory Dwelling Units, and Junior Accessory Dwelling Units, either without existing covenants requiring affordability or with such existing covenants that will expire within ten (10) years of project onset, as the Department defines that term consistently with the purposes of this article, or to pay the principal and interest on debt incurred for such purpose, subject to the following conditions:

1. A majority of a property's units must be occupied by Lower Income Households upon acquisition, which shall be assumed if a majority of tenants return attestations that their incomes are at or below the lower-income level in a manner the Department shall determine. Notwithstanding the above, funds may be utilized for acquisition and rehabilitation of any property that was used as a Residential Hotel within the five years preceding the application for funding.

2. Housing units shall be acquired and managed by a public entity, a local housing authority, a Community Land Trust, a Limited Equity Housing Cooperative, or a non-profit entity within Internal Revenue Code Section 501(c)(3), which demonstrates a history of affordable housing development and/or affordable housing property management experience, through a process the Department shall determine. A Community Land Trust or a Limited-Equity Housing Cooperative may qualify for funding by (a) partnering with an experienced non-profit organization as defined by the

Department, or (b) showing evidence of staff capacity adequate to manage and administer the affordable housing project, through a process determined by the Department.

3. All units shall be subject to a covenant that meets the requirements of Section 22.618.3(d)(1)(i).b.

4. Notwithstanding the affordability provisions set forth in Sections 22.618.3(d)(1)(i).a. and 22.618.3(d)(1)(i).b. of this Code, existing residents of properties acquired pursuant to this Acquisition and Rehabilitation of Affordable Housing program shall not be permanently displaced, even if their incomes exceed the Lower Income Household limits, or any lower income limit set for a unit. Projects shall achieve 100 percent occupancy by Lower Income Households (or any lower project-specific income limit) over time through unit turnover.

5. Through a process the Department shall determine, the entity that acquires a property shall submit a plan for engaging residents in building management and operations, which may include a plan for tenant ownership such as a Limited-Equity Housing Cooperative. The Department shall cooperate and facilitate plans for tenant ownership, and shall not unreasonably impose requirements that prohibit such ownership conversion.

6. Project funding may take the form of grants or loans, but shall not require the leveraging of additional forms of funding if such additional funding makes any of the conditions set forth in this subsection infeasible, or if funding precludes the future conversion of the property to tenant ownership.

7. Funds may be used to acquire, install, construct, or rehabilitate housing, including Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JDUs”), so long as all ADUs and JDUs are used as affordable rental housing or affordable homeownership. The Department may verify the use of ADUs and JDUs covered by this provision from time to time.

8. The Department shall facilitate the use of funds from this Acquisition and Rehabilitation of Affordable Housing program to make offers to purchase assisted housing developments which are required to provide qualified entities an opportunity to purchase under California Government Code Section

65863.11 by acting within the deadlines established by that law.

**d. Homeownership Opportunities, Capacity-Building and Operating Assistance:** Ten percent (10%) of the House LA Fund-Programs shall annually be allocated to: (1) support single family and cooperative Homeownership Opportunities, including but not limited to down-payment assistance, shared equity homeownership, and pre-development funding associated with creating such housing; (2) provide Capacity-Building funding for Community Land Trusts and other organizations that serve and have representative leadership from Disadvantaged Communities and facilitate tenant ownership; and (3) provide long-term Operating Assistance that supports new construction, acquisition, and/or rehabilitation of existing housing in the form of project-based, multi-year rental subsidies, operating subsidies, or service subsidies. Operating Assistance will prioritize projects housing Acutely Low Income Households and/or Extremely Low Income Households; and projects that will maintain non-profit ownership, Community Land Trust stewardship, and/or shared-equity tenant ownership. In no case shall project-based Operating Assistance funding fall below fifty percent (50%) of the Homeownership Opportunities, Capacity-Building and Operating Assistance allocation, nor shall Capacity-Building funding fall below ten percent (10%) of the Homeownership Opportunities, Capacity-Building and Operating Assistance allocation.

**e. Program Stabilization Fund:** Five percent (5%) of the House LA Fund-Programs shall annually be allocated to address periodic revenue shortfalls for House LA Affordable Housing and Homelessness Prevention Programs that require a consistent revenue stream, as advised by the Department and the Oversight Committee and subject to City Council approval, to include project-based Operating Assistance, Income Support for Rent-Burdened At-Risk Seniors and Persons with Disabilities, Eviction Defense, and Tenant Outreach & Education programs, as those terms are used in this section. When the balance of the Program Stabilization Fund reaches two hundred million dollars (\$200 million), excess revenue shall be evenly divided between and supplement the Multifamily Affordable Housing program in Section 22.618.3(d)(1)(ii).a., and the Alternative Models for Permanent Affordable Housing program in Section 22.618.3(d)(1)(ii).b. of this Code. If the Program Stabilization Fund falls below two hundred million dollars (\$200 million), it shall be refunded to that amount before support to these two affordable housing programs may resume.



(iii) To the extent the expenditure of any monies from the House LA Fund results in, or contributes to, the development, construction, or acquisition of low rent housing projects in the City of Los Angeles by public agencies, that development, construction, or acquisition is hereby deemed authorized by the People of Los Angeles, having been duly approved by a majority of qualified electors of the City, and with such authorization constituting the approval required by Article XXXIV of the California Constitution. The development, construction, and/or acquisition of low rent housing units authorized by this section shall be in addition to any other authorization of the development, construction, and/or acquisition of such housing by the voters of the City before or after adoption of this section. This section in no way restricts or limits the City's authority to develop or assist in the development of housing that is not subject to Article XXXIV. This Section 22.618.3(d)(1)(iii) shall be interpreted to maximize affordable housing production and acquisition. As used in this Section 22.618.3(d)(1)(iii), the terms "public entity," "develop," "construct," "acquire," and "low rent housing projects" shall be interpreted in accordance with Article XXXIV of the California Constitution, California Health and Safety Code Section 37000 et seq., and any successor legislation thereto.

(iv) The Department shall have authority to approve funding of fifty million dollars (\$50,000,000) or less from the House LA Fund-Program for any eligible Affordable Housing Program project without further Council review. Such Department approval shall be consistent with the guidelines adopted pursuant to Section 22.618.6(c)(1) of this Code. Funding for any specific Affordable Housing Program project of more than fifty million dollars (\$50,000,000) shall require the review and approval of City Council.

(2) **Homelessness Prevention Program.** Thirty percent (30%) of the House LA Fund-Programs shall be used for the Homelessness Prevention Program, as described by this subdivision and according to an expenditure plan adopted pursuant to Section 22.618.4 of this Code:

(i) **Short-Term Rental and Income Support for Vulnerable Tenants**

a. **Short-Term Emergency Assistance.** Five percent (5%) of the House LA Fund-Programs shall be annually allocated to provide short-term emergency funding to tenant households at risk of becoming homeless. Funds will stabilize low-income tenants at risk of losing their housing due to one-time economic shocks, and may cover the entirety of rent payments for a short-term period of up to 6 months. Priority eligibility shall be established for Lower Income Households.

b. **Income Support for Rent-Burdened At-Risk Seniors and Persons with Disabilities.** Ten percent (10%) of the House LA Fund-

Programs shall annually be allocated to provide income assistance designed to assist households in avoiding displacement from their homes to rent-burdened, Acutely Low Income, Extremely Low Income, and Very Low Income Households including seniors (aged 65 years and above) and/or persons with disabilities at-risk of becoming homeless.

**(ii) Tenant Rights Education, Tenant Council, Navigation Services and Eviction Prevention**

a. **Eviction Defense/Prevention.** Ten percent (10%) of the House LA Fund-Programs shall annually be allocated to provide funding for a right-to-counsel program to provide housing-related legal services to Lower Income Household tenants threatened with eviction.

b. **Tenant Outreach and Education.** Two percent (2%) of the House LA Fund-Programs shall annually be allocated to provide tenant outreach, education, and navigation services, including but not limited to providing information about tenant rights and the Homelessness Prevention Program. Outreach, education, and navigation services may include mass mailing, targeted marketing, data visualization, and public websites.

c. **Protections from Tenant Harassment.** Three percent (3%) of the House LA Fund-Programs shall annually be allocated to fund non-profit organizations and City services to monitor and enforce protections against tenant harassment and other tenant rights, and to inform tenants of such protections and support them in exercising their rights. At least thirty percent (30%) of the Protections from Tenant Harassment expenditure shall fund programs led by non-profit organizations.

d. **Tenant Council.** The Department shall establish a Tenant Council, to meet at least quarterly to monitor and advise the Department regarding implementation of tenant protections and develop strategies to address Fair Housing Act violations and violations of tenant rights under federal, state, and local law. The Tenant Council shall be composed of tenants or currently homeless individuals living in the City. The Council shall comprise one tenant or currently homeless individual from each City Council District. Appointments to the Tenant Council will be consistent with the process for appointments to the Oversight Committee, as described in Section 22.618.6 of this Code. The City Council shall seek to ensure diverse representation on the Tenant Council with respect to the income level, housing status, race, gender identity, sexual orientation, national origin, immigration status, source of income, religion, age, disability, familial status, and

primary language. The Tenant Council shall be empowered to receive reports on implementation of rent relief programs, landlord opt-outs from rental assistance programs, and tenant harassment and eviction data, and may make recommendations to the Oversight Committee, to the Department and to City Council to reduce evictions and displacement and increase tenant access to legal services. Tenant Council members shall be compensated no less than \$150 for each meeting attended. Members may waive compensation.

#### **SEC. 22.618.4 EXPENDITURE PLAN**

- (a) The House LA Fund program year will be concurrent with the City's Fiscal Year, from July 1st to June 30th.
- (b) Between January 1, 2023 and June 30, 2023, prior to creation of the initial expenditure plan, the Department may incur expenditures up to five hundred thousand dollars (\$500,000) of funds, to be reimbursed via of the expenditure plan for Fiscal Year 2023-2024 to establish the House LA Fund and House LA Program, including establishment of the Oversight Committee, as referenced in Section 22.618.6, and Tenant Council, as referenced in Section 22.618.3(d)(2)(ii).d.
- (c) By July 1, 2023, and by July 1st of each subsequent year, the Department shall provide to the Oversight Committee and to the City Council an accounting of House LA Program revenues collected in the previous fiscal year, by expenditure category. The Department shall also provide to the Oversight Committee and the City Council an expenditure plan for the subsequent year, which shall comply, to the maximum extent possible, with the program guidelines developed pursuant to Section 22.618.6(c) of this Code. The expenditure plan shall be approved in the manner provided by law and consistent with the intent of this article.
- (d) Each annual expenditure plan the Department prepares pursuant to Subsection (c) of this section shall project revenues and expenditures for at least three (3) years. Except for the Program Stabilization Fund under Section 22.618.3(d)(1)(ii).e of this Code, monies in each Fund established under this article must be committed within three (3) years of receipt and expended within five (5) years of the receipt, except for funding for the Alternative Models for Permanent Affordable Housing pursuant to Section 22.618.3(d)(1)(ii).b., which shall be committed within five (5) years and expended within seven (7) years of receipt.

#### **SEC. 22.618.5 REALLOCATION OF FUNDS**

Funds may be periodically reallocated to accommodate changing needs and opportunities as follows:

- (a) Up to ten percent (10%) of funding for each expenditure category in Section 22.618.3(d) may be allocated for use in other expenditure categories within the same fiscal year.

(b) Beginning on July 1, 2033 and every tenth year thereafter, the House LA Citizens Oversight Committee may make recommendations for, and City Council may approve, permanent changes to the expenditure categories stated in Section 22.618.3(d), provided that no expenditure category will receive less than 75% of that which was provided in the previous decade.

(c) Reallocations pursuant to Subsections (a) and (b) of this section must be recommended by the House LA Citizens Oversight Committee and approved by City Council.

(d) City Council may deny a recommendation from the House LA Citizens Oversight Committee or reallocate funding from one category to another other than as the Oversight Committee recommends only upon a written finding after a duly noticed public hearing that such action is necessary to achieve the intent of this article.

#### **SEC. 22.618.6. CITIZEN OVERSIGHT COMMITTEE.**

(a) The House LA Citizens Oversight Committee (“Oversight Committee”) is hereby established. By February 28, 2023, the initial group of fifteen (15) Oversight Committee members shall be appointed pursuant to this Section 22.618.6.

(b) The Oversight Committee shall help ensure the House LA Fund and this article are implemented consistently with the language and intent of this Article and in a way that is transparent and accountable to the residents of the City. The Oversight Committee shall monitor and audit the Fund; advise the Mayor, the Department, and the City Council on priorities and the Program Guidelines authorized by Subdivision (c)(1) of this section; make recommendations to the Department, the Mayor and the City Council regarding appropriations, Expenditure Plans, administration of the House LA Fund, and implementation of the House LA Program.

(c) The Oversight Committee shall have the authority to:

(1) Develop guidelines for prioritizing use of the House LA Funds (“Program Guidelines”). Within 120 days of any such recommendation, the City Council may accept the Oversight Committee’s recommended guidelines or amend them consistently with the purpose of this article. If the City Council does not act in that time, such guidelines shall be deemed approved;

(2) By December 31, 2023, and every three years thereafter, or more frequently if the Oversight Committee deems necessary, it shall conduct a needs assessment with respect to homelessness, housing affordability, tenant protections and the housing needs of vulnerable populations, including but not limited to people experiencing homelessness, seniors in Lower Income Households, formerly homeless persons, persons with disabilities, veterans, single-parent households, youth in transition, survivors of domestic violence, and Lower Income Households. Any needs assessment conducted pursuant to this subsection shall, to the extent such data is

available, include data disaggregated by race, family composition, sexual orientation, age, disability, and gender.

(3) Contract with a third-party evaluator or consultant to help conduct the housing needs assessment, measure the successes and shortcomings of expenditures of the Fund, and oversee an annual external audit of House LA Fund receipts and expenditures;

(4) Promote and facilitate transparency in the administration of the House LA Fund-Programs to ensure it is Affirmatively Furthering Fair Housing. This will include overseeing and reviewing reports, annually or more frequently as the Oversight Committee determines required by this article. The Oversight Committee shall monitor and/or audit the implementation of the House LA Program, including but not limited to: (A) dollars spent on housing construction and preservation during a year, over the course of years, in aggregate, per project, per housing unit, and disaggregated by Zip Code and Council District; (B) number of people housed during a year, over the course of years, in aggregate and as it changes over time, in each project, in each unit, disaggregated and searchable by race, family composition, sexual orientation, age, ability, and gender, and by location and income level (Acutely Low Income, Extremely Low Income, Very Low Income, Low Income, and Moderate Income Households); and (C) residents served by the Homelessness Prevention Program during a year, over the course of years, in aggregate and as it changes over time, by Council District, and disaggregated and searchable by race, family composition, sexual orientation, age, ability, and gender.

(5) The Oversight Committee shall be authorized to hold public hearings to investigate and share its findings with the public.

(6) The Oversight Committee may request reports from general managers of City departments, including but not limited to the Department, and chairs of City Council committees, including but not limited to the Housing Committee. The Oversight Committee shall have access to all information relevant to its work and be authorized to receive relevant information from other City entities as required under this article including information related to the Housing Element and its implementation, progress towards Regional Housing Needs Assessment allocations, and progress towards Affirmatively Furthering Fair Housing.

(7) The Oversight Committee shall be authorized to identify and investigate potential conflicts of interest in the allocation and implementation of funding and to make these findings known to the public.

(8) To promote transparency and accountability, the Oversight Committee shall hold an annual town hall to report on the progress and shortcomings of the House LA Fund-Programs and hear from the public. This will be in addition to other public

meetings required by this article or which the Oversight Committee otherwise deems necessary.

(9) Promote culturally sensitive implementation of programs funded by the House LA Program Fund.

(10) Based on the results of the housing needs assessment, compliance with the Housing Element, progress towards the Regional Housing Needs Assessment allocations, and progress towards Affirmatively Furthering Fair Housing, the Oversight Committee shall review programs and expenditures and make adjustments to the Program Guidelines referenced in Subdivision (c)(1) of this section to better achieve the goals of this article, including the achievement of racial equity goals and reversing of exclusionary practices, expanding affordable housing into all Council Districts to meet the need and reverse segregation, and prioritizing funding for programs focused on Acutely Low Income, Extremely Low Income, Very Low Income, and Low Income Households, and prioritizing rental subsidies to Acutely Low and Extremely Low Income Households.

(d) Oversight Committee Members.

(1) The Oversight Committee shall have thirteen (13) voting members and two (2) advisory members to support youth leadership development.

(2) Membership categories are as follows:

(i) Housing Development, Preservation & Finance.

a. Seat #1: An individual with at least five (5) years' experience in senior-level decision making in non-profit affordable housing development and preservation.

b. Seat #2: An individual with at least five (5) years' experience in non-profit asset and property management and operations, with a preference for individuals with experience in tenant-engaged management practices or resident ownership.

c. Seat #3: An individual with at least five (5) years' experience in housing finance (tax-exempt bonds, taxes, funding-agency work etc.).

d. Seat #4: An individual with at least five (5) years' experience as a member of a construction labor union involved in workforce development, apprenticeship programs and negotiating Project Labor Agreements for large-scale housing projects.

e. Seat #5: An individual with at least five (5) years' experience in non-profit Community Land Trusts or community development corporations.

f. Seat #6: An individual with at least five (5) years' experience in transit-oriented development.

(ii) Renter Protection & Support.

a. Seat #7: An individual with at least five (5) years' experience as a tenant rights organizer or advocate working at a community-based organization on behalf of tenants in Lower Income Households.

b. Seat #8: An individual with at least five (5) years' experience as an organizer or advocate working at a community-based organization to address the housing needs of seniors and/or people with disabilities.

c. Seat #9: An individual with at least five (5) years' experience as a tenant rights or fair housing legal expert representing or advocating for tenants.

(iii) Lived Experience & Expertise.

a. Seat #10: An individual with at least five (5) years' experience as a tenant in a Lower Income Household and/or at least one year experiencing homelessness;

b. Seat #11: An individual with at least five (5) years' experience as a tenant of a Lower Income Household and/or at least one year experiencing homelessness.

c. Seat #12: An individual with at least five (5) years' experience as a representative of a public sector labor or service union, the members of which struggle with housing costs.

d. Seat #13: An individual with at least five (5) years' experience as a community leader or an organizer advocating for high-quality transit near affordable housing and job centers and for identifying mobility options associated with the production of affordable housing.

(iv) Youth. Seats # 14 and 15: Two advisory, non-voting members of the Oversight Committee shall be individuals between the ages of 16 and 21.

(3) Eligibility.

(i) Members of the Oversight Committee must reside in the City of Los Angeles.

(ii) No person currently serving as an elected City, County, special district, State or Federal public official may serve as a Committee member.

(iii) The City's local conflicts of interest code under the Political Reform Act is hereby amended to require members of the Oversight Committee to file annual statements of economic interests and otherwise to comply with the ethics and conflicts of interest provisions of that Act.

(4) Appointment.

(i) Initial appointments: Department staff shall submit to the Mayor at least three qualified candidates for each category of membership. The Mayor shall appoint members for each category listed in Subdivision (d)(2) of this section , subject to approval by the City Council.

(ii) Oversight Committee members shall serve five-year terms. However, seats 1, 2, 7, 10, and 11 shall have an initial term of three years; seats 3, 4, 8, 12, and 14 shall have an initial term of two years; and seats 5, 6, 9, 13, and 15 shall have an initial term of one year. Members may be reappointed to an unlimited number of terms at the discretion of the Mayor.

(iii) Subsequent appointments. After Oversight Committee staff is hired, its staff shall submit to the Mayor with at least three qualified candidates for each vacancy on the Committee. The Mayor shall appoint members, subject to approval by the City Council.

(5) Resignation; Disqualification. Oversight Committee members may, at any time, resign from the Oversight Committee upon written notice delivered to the Oversight Committee and the Mayor. An Oversight Committee member holding any disqualifying public office, or a Committee member's filing of intent to seek such public office, including a declaration of candidacy pursuant to California Government Code Section 85200, or an Oversight Committee member's relocation outside the City shall disqualify the member from continuing to serve on the Oversight Committee upon the Department's delivery of notice of that fact to the Oversight Committee.

(6) Grounds for Removal/Termination. Oversight Committee members shall only be removed before the end of a term for cause. Cause includes: (i) more than two absences from Committee meeting in a 12-month period not excused by the Committee; (ii) more than three absences from Committee meetings in a 12-month period even if excused by the Committee; (iii) failure to actively participate in meetings, committees, subcommittees, or Oversight Committee projects or responsibilities; (iv) acting in conflict with the intent or language of the initiative



measure which adopted this ordinance, including opposing the construction or preservation of affordable housing; (v) disrupting the meetings or work of the Oversight Committee or failure to comply with accepted codes of conduct. (vi) failure to disclose a conflict of interest related to a decision pending before the Committee; and (vii) violation of law governing the conduct of the Oversight Committee, including but not limited to the Political Reform Act of 1975 and the Ralph M. Brown Act.

(7) Disclosure and Recusal. Members of the Oversight Committee must disclose any conflict of interest, either actual or apparent, as determined by the Ethics Commission. If an Oversight Committee member has a direct or indirect financial interest in a decision of the Oversight Committee, they must recuse themselves from participating in the matter and file Form 51 with the Ethics Commission (Recusal Notification Form) or any successor to that form. If a conflict of interest is alleged by either members of the Oversight Committee or City staff, the matter will be reported to the Inspector General referenced in Subdivision (g)(2) of this section to investigate and report back to the Oversight Committee as necessary. Nothing in this section shall alter or diminish the authority of the City's Ethics Commission.

(8) Chair and Vice-Chair. The Oversight Committee shall select from among its members a Chair and Vice-Chair for each fiscal year. Members may serve as Chair or Vice-Chair for up to three consecutive fiscal years.

(e) Committee Member Compensation. Oversight Committee members will be compensated for meeting attendance no less than \$150 per meeting. Members may waive compensation.

(f) Meetings. The Oversight Committee shall meet at least six times annually, except for the 2022-23 fiscal year, in which the Oversight Committee shall meet at least twice. Subcommittees shall meet as the Oversight Committee deems necessary.

(g) Staffing. The City shall provide adequate dedicated staffing to the Oversight Committee.

(1) The Oversight Committee determines its own staffing and resource needs subject to the limit on the House LA Fund-Administration stated in Subsection (b) of Section 22.618.3 of this article.

(2) The Oversight Committee shall hire an Inspector General as the lead staff person serving the Oversight Committee. The Inspector General may be removed by the City Council for such cause as is sufficient to discharge under Section 1016 of the City Charter. The Inspector General has authority to hire or fire additional staff and expend budgeted resources, as needed. The Oversight Committee shall review and approve the Inspector General's budget.

(h) Subcommittees.

(1) The Oversight Committee may create subcommittees or advisory committees to assist its work.

(i) Nothing in this Section shall limit the authority of the Mayor and the City Council to propose, amend, and adopt the City budget pursuant to the City Charter provided that such budget respects the allocations required by this article.

#### **SEC. 22.618.7. CONSTRUCTION WORK.**

(a) Any construction or rehabilitation project receiving funding or financing from this measure shall constitute a public work for which prevailing wages shall be paid for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(b) All construction and rehabilitation on projects 40 units and greater that receive funding or financing from this measure will be subject to the City of Los Angeles Department of Public Works Project Labor Agreement. For purposes of this subdivision, the number of units means the maximum number of units authorized in any entitlement granted by the land use permitting authority for the development project, regardless of whether construction proceeds in phases or ownership is divided.

(c) If a specific measure-wide Project Labor Agreement (PLA) is negotiated with mutual agreement between the Los Angeles/Orange Counties Building and Construction Trades Council and the Southern California Association of Nonprofit Housing (SCANPH) and approved by the Los Angeles City Council, then contractors performing construction and rehabilitation work on projects that receive funding or financing from this measure shall be required to comply with the specific measure-wide PLA, rather than the Department of Public Works PLA.

(d) For purposes of this subdivision, “project labor agreement” has the same meaning as in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

#### **SEC. 22.618.8. COUNCIL AUTHORITY TO AMEND**

(a) City Council may amend this Article or any other provision of the initiative measure which adopted it, provided, however, that:

(1) Such amendments shall further or facilitate the purposes stated in Section 22.618.1 of this article and monies in the House LA Fund are expended consistent with Section 22.618.3 of this article;

(2) No such amendment may increase the tax imposed pursuant to Subsection (b) of Section 21.9.2 of the Municipal Code within the meaning of California Government Code Section 53750(h) without the voter approval required by Article XIII of the California Constitution.

(3) No such amendment may diminish the requirements of Section 22.618.7.

(b) The Oversight Committee shall review any proposed amendment to this article or any other provision of the initiative measure which adopted it before the City Council adopts the proposed amendment and may express an opinion on whether the amendment furthers the purposes stated in Section 22.618.1 of this article and is consistent with the expenditure categories in Section 22.618.3 of this article. If the Oversight Committee opines that a proposed amendment is not consistent with those purposes, the City Council shall make written findings to the contrary supported by substantial evidence in the record before it to justify proceeding with the amendment despite that opposing opinion.

#### **SECTION 5: TERM OF MEASURE**

Upon adoption, this Los Angeles Program to Prevent Homelessness and Fund Affordable Housing Ordinance shall become effective on January 1, 2023, and shall remain in effect until repealed by the People of the City of Los Angeles.

#### **SECTION 6: APPROPRIATIONS LIMIT INCREASE**

Pursuant to California Constitution Article XIII B and applicable laws, for four years from November 3, 2022, the appropriations limit for the City shall be increased by the aggregate sum collected by the levy of the tax imposed under Subsection (b) of Section 21.9.2 of the Municipal Code.

#### **SECTION 7: SEVERABILITY**

This Act shall be interpreted so as to be consistent with all federal, state laws, local laws, rules, and regulations. If any section, subsection, subdivision, clause, sentence, phrase, or portion of this initiative measure is declared unconstitutional or invalid by a court of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases, and portions shall remain in full force and effect, and to this end the provisions of this initiative measure are severable. The voters thus declare that they would have passed all sections, subsections, subdivisions, clauses, sentences, phrases and portions of this initiative measure without the section, subsection, subdivision, clause, sentence, phrase, or portion held unconstitutional or invalid.

**ATTACHMENT 2: ULA Quarterly Spending Plan, FY 2024-2025**

<b>Total Revenue</b> FY 24-25 Proposed Expenditure Plan	<b>\$167,929,514</b>
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**Quarterly Spending Plan - Administration**

Expenditure Category	Q1	Q2	Q3	Q4	Total
Citizen Oversight Committee	\$100,758	\$100,758	\$100,758	\$100,758	<b>\$403,031</b>
Administration - Program Support	1,127,704	\$3,257,833	\$3,257,833	\$5,387,961	<b>\$13,031,330</b>
<b>Total - Administration</b>	<b>\$1,228,462</b>	<b>\$3,358,590</b>	<b>\$3,358,590</b>	<b>\$5,488,719</b>	<b>\$13,434,361</b>

**Quarterly Spending Plan - Programs**

Expenditure Category	Q1	Q2	Q3	Q4	Total
<b>Housing Production Programs</b>					
Multifamily Affordable Housing	\$0	\$0	\$0	\$8,951,103	<b>\$8,951,103</b>
Alternative Models: New Construction Program (60% of Alternative Models Program Funds)	\$0	\$0	\$0	\$39,486,846	<b>\$39,486,846</b>
Alternative Models: Preservation Program (40% of Alternative Models Program Funds)	\$0	\$0	\$0	\$26,324,564	<b>\$26,324,564</b>
Acq/Rehab: Small NOAH Program (50% of Acq/Rehab Program Funds)	\$0	\$0	\$0	\$14,624,758	<b>\$14,624,758</b>
Acq/Rehab: Preservation Program (50% of Acq/Rehab Program Funds)	\$0	\$0	\$0	\$14,624,758	<b>\$14,624,758</b>
Homeownership Opportunities Program (40% of Overall Program Funds)	\$0	\$0	\$5,849,903	\$5,849,903	<b>\$11,699,806</b>
Capacity-Building Program (10% of Overall Program Funds)	\$0	\$0	\$1,462,476	\$1,462,476	<b>\$2,924,952</b>
Operating Assistance Program (50% of Overall Program Funds)	\$0	\$0	\$0	\$14,624,758	<b>\$14,624,758</b>
Program Stabilization Fund	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Subtotal - Housing Production Programs</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,312,379</b>	<b>\$125,949,165</b>	<b>\$133,261,543</b>
<b>Homelessness Prevention Programs</b>					
Short-term Emergency Assistance	\$0	\$0	\$0	\$0	<b>\$0</b>
Income Support for Rent-Burdened At-Risk Seniors & Persons with Disabilities	\$0	\$0	\$0	\$14,654,191	<b>\$14,654,191</b>
Eviction Defense/Prevention	\$0	\$2,083,172	\$2,083,172	\$2,083,172	<b>\$6,249,515</b>
Tenant Outreach & Education	\$0	\$109,968	\$109,968	\$109,968	<b>\$329,903</b>
Protections from Tenant Harassment	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Subtotal - Homelessness Prevention Programs</b>	<b>\$0</b>	<b>\$2,193,139</b>	<b>\$2,193,139</b>	<b>\$16,847,331</b>	<b>\$21,233,610</b>
<b>Total - Programs</b>	<b>\$0</b>	<b>\$2,193,139</b>	<b>\$9,505,518</b>	<b>\$142,796,495</b>	<b>\$154,495,153</b>

<b>Total Quarterly Spending Plan - Administration and Programs</b>	<b>\$1,228,462</b>	<b>\$5,551,730</b>	<b>\$12,864,109</b>	<b>\$148,285,214</b>	<b>\$167,929,514</b>
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