

RESOLUTION NO. 22-01

A RESOLUTION OF THE CITY OF CUPERTINO HOUSING COMMISSION RECOMMENDING APPROVAL OF THE FISCAL YEAR (FY) 2022-23 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND BELOW MARKET RATE (BMR) AFFORDABLE HOUSING FUND (AHF) FUNDING ALLOCATIONS TO CITY COUNCIL FOR FINAL ADOPTION

WHEREAS, the Housing and Community Development Act of 1974 (“Act”) provides that funds be made available for the Community Development Block Grant (“CDBG”) Program; and

WHEREAS, the City of Cupertino wishes to apply for funds as an entitlement jurisdiction under said Act; and

WHEREAS, the City of Cupertino estimates receiving a \$427,146.30 CDBG entitlement grant from the United States Department of Housing and Urban Development (HUD) to be allocated for Fiscal Year 2022-23 (“FY 22-23”); and

WHEREAS, the City of Cupertino estimates allocating \$7,944 in CDBG program income for FY 22-23; and

WHEREAS, the City of Cupertino is required to submit a FY 22-23 CDBG Annual Action Plan to HUD for review and approval prior to being allowed to expend CDBG funds for FY 22-23; and

WHEREAS, the City of Cupertino put into place a CDBG Contingency Plan (Exhibit 1) because of the uncertainty in the federal budget; and;

WHEREAS, on April 14, 2022, pursuant to the Annual Action Plan, the Housing Commission conducted a public hearing to consider the FY 22-23 CDBG Program and Below Market Rate (“BMR”) Affordable Housing Fund (“AHF”) funding allocations.

NOW, THEREFORE, BE IT RESOLVED that the Housing Commission does hereby:

1. Recommend approval of the FY 22-23 CDBG and BMR AHF funding allocations (Exhibit 2) to the City Council for final adoption; and

2. The FY 22-23 CDBG and BMR AHF recommended grant funding allocations will be decreased/increased based on final budget allocations adopted by HUD and the City Council.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action (FY 22-23 funding allocations) would have no or only a de minimis effect on the environment because it has no potential for resulting in physical change in the environment. The foregoing determination is made by the Housing Commission in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the Housing Commission of the City of Cupertino this 14th day of April, 2022, by the following vote:

Vote Members of the Housing Commission

AYES: Parish, Tatachari, Bose, Cunningham

NOES: None

ABSENT: Das

ABSTAIN: None

<p>SIGNED:</p> <p><u>/s/Tessa Parish</u></p> <p>Tessa Parish, Chair</p> <p>City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p><u>/s/Kerri Heusler</u></p> <p>Kerri Heusler, Housing Manager</p>	<p>_____</p> <p>Date</p>

Exhibit 1 CDBG Contingency Plan

In the case of funding **increase**, the following plan is recommended:

- ⦿ Public Services: Distribute the additional available amount in the public services cap until an applicant is fully funded. If an applicant reaches the funding amount requested, any remaining funds will be distributed to other applicants who have not yet reached the maximum funding amount.
- ⦿ Administration: Funds are to be allocated to the City of Cupertino for CDBG administration. General Fund allocation will be reduced accordingly.
- ⦿ Capital Housing Projects: Distribute the additional available amount in the capital/housing projects cap until an applicant is fully funded. If an applicant reaches the funding amount requested, any remaining funds will be distributed to other applicants who have not yet reached the maximum funding amount.

In the case of a funding **decrease**, the following plan is recommended:

- ⦿ Public Services: Distribute any funding decrease proportionately among the remaining public service applicants, but maintain a minimum funding allocation of \$15,000 for any applicant to the extent feasible.
- ⦿ Administration: Any decrease in funding will be supplemented by the General Fund for CDBG administration.
- ⦿ Capital/Housing Projects: Any decrease in funding may be supplemented wholly or partially based on funding available, by the Below Market Rate (BMR) Affordable Housing Fund (AHF) for CDBG Capital Housing projects.

Exhibit 2 FY 22-23 CDBG and BMR AHF Grant Application Summary				
	FY 22-23 Grant Application Summary	Funds Available	Funding Requests	Housing Commission Funding Recommendations
	CDBG Program Administration	\$87,018.06	\$87,018.06	\$87,018.06
	Sub-Total	\$87,018.06	\$87,018.06	\$87,018.06
1	CDBG Capital Housing Project Applications			
a	Rebuilding Together Silicon Valley-Homeowner Repair and Rehabilitation Program		\$88,966.00	\$88,966.00
c	West Valley Community Services (WVCS) - Vista Village Complex Rehabilitation Project		\$246,000.00	<i>Not recommended pending resolution of HUD audit</i>
	Sub-Total	\$282,808.70	\$334,966.00	\$88,966.00