

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

**RESOLUTION AUTHORIZING THE)
BOARD CHAIR TO EXECUTE A)
REHABILITATION FUNDING) RESOLUTION NO: 2023-024
AGREEMENT, REGULATORY)
AGREEMENT, DEVELOPMENT)
AGREEMENT, DEVELOPMENT)
AGREEMENT RIDER, AND ESCROW)
INSTRUCTIONS FOR THE HABITAT)
FOR HUMANITY PROSPERITY)
VILLAGE REHABILITATION)
PROJECT)**

WHEREAS, on September 10, 2021 the Yuba County Community Development and Services Agency (“CDSA”) published a Notice of Funding Availability and request for proposal for an Affordable Multifamily Housing Project, utilizing the County of Yuba’s funding allocation issued by the California Department of Housing and Community Development (“HCD”), made available from the U.S. Department of Housing and Urban Development (“HUD”), as appropriated under Public Law 115-123, for the Disaster Recovery Multifamily Housing Program (“DR-MHP”) to provide funding for the rehabilitation, reconstruction, and/or new construction of affordable multifamily housing in designated areas impacted by the wildfires, flooding, mudflows and debris flow in October and December of 2017 (DR-4344 and DR-4353), by which an application was approved by the Board of Supervisors on August 25, 2020 by Resolution No: 435-2020 and on February 9, 2021 by Resolution No. 57-2021; and

WHEREAS, on October 29, 2021 the County of Yuba (“County”) received a proposal from Habitat for Humanity Yuba/Sutter, Inc. (“Developer”) requesting \$1,561,040.00 in Community Development Block Grant (“CDBG”) Disaster Recover Multifamily Housing Program (“DR-MHP”) funding, for the rehabilitation of Prosperity Village located at 1111 North Beale Road (APN: 020-020-070) in the unincorporated Yuba County community of Linda (with a Marysville address), for the conversion of a 62-unit motel into an affordable housing project consisting of 61 affordable housing units, plus one (1) manager unit, including 61 CDBG-DR restricted units known as Prosperity Village Apartments (“Project”); and

WHEREAS, on December 2, 2022, the State of California Department of Housing and Community Development Department issued the County a letter stating the project has met the eligibility and feasibility requirements as published in the Community Development Block Grant-Disaster Recovery Multifamily Housing Program Policies and Procedures Manual, constituting a firm commitment of DR-MHP funds, from the County of Yuba's \$1,666,091.00 funding allocation, set forth in Standard Agreement number 20-DRMHP-0001 ("Master Standard Agreement"), for the Prosperity Village Apartments activity described in the Project application; and

WHEREAS, on January 6, 2023, the State of California Department of Housing and Community Development Department issued a "Notice to Proceed" ("NTP") for the Prosperity Village Rehabilitation Project; and

WHEREAS, the Project was initially acquired by Developer pursuant to GC 25539.4, which authorizes Counties to sell, lease, exchange, quitclaim, convey or otherwise dispose of real property, or purchase real property, to provide for affordable housing with the approval of a Regulatory Agreement and a finding of a public benefit; and

WHEREAS, pursuant to 24 CFR § 570.202, CDBG funds may be used to finance the rehabilitation of privately owned buildings and improvements for residential purposes and certain non-profit owned nonresidential buildings and improvements; and

WHEREAS, a Regulatory Agreement has been created between the County of Yuba and Habitat for Humanity Yuba/Sutter, Inc., stating the County intends to provide the funding for Developer for the rehabilitation of Prosperity Village, in exchange for the Prosperity Village Apartment units being restricted for a period of 30 years to the United States Department of Housing and Urban Development defined Very Low and Low income categories; and

WHEREAS, the Rehabilitation Funding Agreement is an agreement that ensures use of the 61 unit affordable housing project is consistent with CDBG funding guidelines and that the county has a mechanism to enforce CDBG funding guidelines if Habitat is no longer able to manage the property; and

WHEREAS, the Development Agreement is an agreement, between the County of Yuba (Subrecipient) and Habitat for Humanity Yuba/Sutter, Inc. (Developer), that confirms the terms and conditions for funding assistance, and ensures compliance with all applicable policy and regulatory guidelines of the state and federal governments governing the use of CDBG-DR funds; and

WHEREAS, the Rider to the Development Agreement (“Rider”) is incorporated into and made a part of that certain Development Agreement (“Development Agreement”), defined as the legal instrument that conveys the Project Funds to the development, by and between the County of Yuba and Habitat for Humanity, to include terms required by HCD for the individual multifamily affordable housing development project proposed by Subrecipient, located at 111 North Beal Road, Marysville, CA 95901, consisting of 61 affordable housing units, plus one (1) manager unit, including 61 CDBG-DR restricted units, (the “Approved Project”); and

WHEREAS, the Escrow Instructions are instructions between the County of Yuba and Placer Title Company that states the terms of escrow for Prosperity Village Rehabilitation; and

WHEREAS, pursuant to GC 25539.4, the County finds the project will serve a public purpose and such use will be in the county’s best interest by providing affordable housing for a period of 30 years; and

WHEREAS, the proposed units will satisfy a portion of State requirements to provide affordable housing and the subject project will credit the State requirements as defined by the California Housing and Community Development Department (HCD); and

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NOW, THEREFORE, BE IT RESOLVED, that the Yuba County Board of Supervisors finds that the Project is in the County's best interest and provides a public benefit; and

BE IT FURTHER RESOLVED, that the Yuba County Board of Supervisors authorizes the Board Chair to execute the Rehabilitation Funding Agreement, Regulatory Agreement, Development Agreement, Development Agreement Rider, and Escrow Instructions for the Habitat for Humanity Yuba/Sutter, Inc. Prosperity Village Rehabilitation Project.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the 28th day of March, 2023 by the following vote:

AYES: Supervisors Vasquez, Blaser, Bradford, Messick

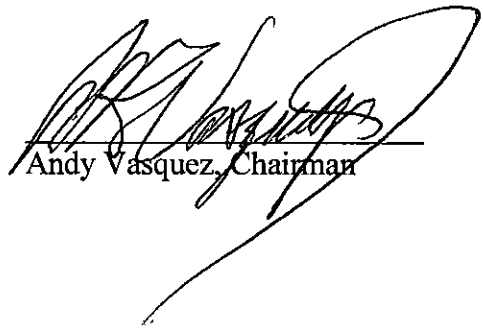
NOES: None

ABSENT: None


ABSTAIN: None

RECUSE: Supervisor Fuhrer

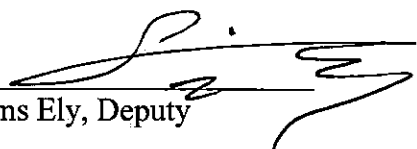
ATTEST:



Andy Vasquez, Chairman


MARY PASILLAS
CLERK OF THE BOARD OF SUPERVISORS
Natalie Allen, Board Clerk

APPROVED AS TO FORM:
MICHAEL J. CICCOTZI
YUBA COUNTY COUNSEL

By: 
Sims Ely, Deputy