

May 14, 2020

Honorable Holly Mitchell, Chair Senate Budget and Fiscal Review Committee

Attention: Joe Stephenshaw, Staff Director (2)

Honorable Phil Ting, Chair Assembly Budget Committee

Attention: Christian Griffith, Chief Consultant (2)

Amendment to and Addition of Various Budget Bill Items and Statutory Changes, Support and Local Assistance, Housing and Homelessness Issues

On March 4, 2020, the Governor declared a state of emergency to help the state prepare and respond to COVID-19. The impact on the state has resulted in a severe drop in economic activity, with corresponding negative effects on anticipated revenues. As a result of these conditions, all budget change proposals were reevaluated within the context of a workload budget based on the merits of each proposal and ultimately subject to the availability of funding.

As a result, the Administration is withdrawing, without prejudice, specified requests within the Housing and Homelessness areas that were included in the 2020-21 Governor's Budget. The Administration is also modifying specified requests in this area that were included in the 2020-21 Governor's Budget. Modifications could include either reductions or increases to specific items or programs, or delaying substantial implementation of a new program or activity. Withdrawn requests are included on **Attachment 1 (See rows 1 through 5)**. Additional details on modified requests are listed below and on **Attachment 1 (See row 6)**. To the extent there are corresponding Budget Bill language or statutory changes to withdrawn or modified proposals, these are detailed in **Section 1 of Attachment 2**. Although these proposals have substantial merit and may be resubmitted for future consideration, we must pivot to prioritize immediate COVID-19 related needs.

As noted above, pursuant to Budget Letter 20-08, the Department of Finance conducted a thorough assessment of the most critical funding needs within the general framework of workload budget, as defined in Government Code Section 13308.05, and based upon revised expected revenues. This assessment not only resulted in the changes described in the preceding paragraph, but also requires a number of new adjustments and requests that are respectfully submitted and detailed below. Funding detail for these adjustments can be found in **Attachment 1 (See row 7 through 23)**, and any related Budget Bill or statutory language changes associated with these

adjustments can be found in **Section 2 of Attachment 2**. If necessary, additional information may be included in a Budget Change Proposal or other back-up documentation submitted to the Legislature.

Finally, after conducting a review of all 2020-21 Governor's Budget Proposals, a number of requests are being sustained. Funding detail for these adjustments can be found on **Attachment 1 (See rows 24 through 50)**.

Modified Governor's Budget Proposals:

Department of Housing and Community Development: Workload Resources (Various Legislation)—It is requested that Item 2240-001-0001 be decreased by \$524,000 to remove administrative funding related to mobile home tax abatement. This amount was originally proposed to provide funding to the Department of Housing and Community Development (HCD) to continue operating the Register Your Mobilehome Program until December 2020 under Chapter 148, Statutes of 2019 (AB 173). However, while this administrative work remains a priority, HCD will continue to administer the program for the additional six month period using existing resources. **(See row 6 of Attachment 1)**

New Requests for May Revision:

Department of Fair Employment and Housing: Facilities Operations Funding Augmentation Budget—It is requested that Item 1700-001-0001 be increased by \$423,000 to provide necessary office facilities for the Department of Fair Employment and Housing (DFEH). These additional resources are necessary to onboard staff proposed in the Governor's Budget, and sustained in the May Revision. **(See row 7 of Attachment 1)**

Department of Housing and Community Development: Community Development Block Grant-Disaster Relief Unmet Need—It is requested that Item 2240-101-0890 be increased by \$1,055,456,000 to utilize available Community Development Block Grant (CDBG) disaster relief federal awards for critical infrastructure and unmet needs related to the 2017 and 2018 wildfires. Budget Bill language is also requested to provide extended encumbrance and liquidation periods. (See row 8 of Attachment 1 and Section 2 of Attachment 2)

Department of Housing and Community Development: Federal Fund Budget Authority Augmentation—It is requested that Item 2240-101-0890 be increased by \$56,665,000 to utilize available federal funds for the CDBG and the Emergency Solutions Grant programs. This request will maximize the use of available federal funds for statewide housing production efforts. (See row 9 of Attachment 1)

Department of Housing and Community Development: Transit-Oriented Development Program Acceleration—It is requested that Item 2240-103-9736 be increased by \$50,916,000 to accelerate the Transit-Oriented Development (TOD) Proposition 1 funds in fiscal year 2020-21. Restructuring the award schedule will bolster statewide housing production efforts without significantly impacting workload. (See row 10 of Attachment 1)

Department of Housing and Community Development: COVID19 CARES Act Augmentation for Housing and Homelessness—It is requested that Item 2240-001-0890 be increased by \$1,233,000 in federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds to assist in affordable housing development in response to COVID-19 through CDBG. This technical request provides federal authority for the remaining state operations funds received to allow HCD to continue monitoring CARES Act funding. (See row 11 of Attachment 1)

Department of Housing and Community Development: Early Reversions—It is requested that Item 2240-495 be added to revert the following appropriations to the General Fund:

- Moderate-Income Housing Production Early Reversion— \$250 million appropriated in Chapter 159, Statutes of 2019. This amount includes \$45 million in 2020-21 and the remaining \$205 million in out-year appropriations provided to CalHFA's Mixed-Income Program. CalHFA's Mixed-Income Program will continue to operate with dedicated annual funding from real estate transaction revenues under Chapter 364, Statutes of 2017 (SB 2). (See row 12 of Attachment 1 and Section 2 of Attachment 2)
- Infill-Infrastructure Grant Program of 2019 Early Reversion—\$203 million appropriated in Item 2240-105-0001, Budget Act of 2019. This amount remains from the one-time investment of \$500 million for infill infrastructure grants. Proposition 1 bond funds totaling \$300 million may still be directed to infill infrastructure grants. (See row 13 of Attachment 1 and Section 2 of Attachment 2)
- Housing Navigator Early Reversion—\$5 million appropriated in
 Item 2240-103-0001, Budget Act of 2019. This amount remains unallocated for
 housing navigators for young adults. The May Revision continues to include
 \$8 million to allocate to counties for housing stability for former foster youth. (See
 row 23 of Attachment 1 and Section 2 of Attachment 2)

Department of Housing and Community Development: Loans to the General Fund—It is requested that the following items totaling \$20,500,000 be added as a loan to the General Fund:

- Item 2240-011-0530—Mobilehome Park Purchase Fund Loan in the amount of \$15 million. (See row 14 of Attachment 1 and Section 2 of Attachment 2)
- Item 2240-011-0938—Rental Housing Construction Fund Loan in the amount of \$3 million. (See row 15 of Attachment 1 and Section 2 of Attachment 2)

- Item 2240-011-0980—Predevelopment Loan Fund Loan in the amount of \$1.5 million. (See row 16 of Attachment 1 and Section 2 of Attachment 2)
- Item 2240-011-0985—Emergency Housing and Assistance Fund Loan in the amount of \$1 million. (See row 17 of Attachment 1 and Section 2 of Attachment 2)

These funds have capacity to remain solvent without significant programmatic impact. These loans are scheduled be repaid over the next four years.

Department of Housing and Community Development: National Mortgage Settlement—It is requested that statutory changes be added to expend \$331 million of National Mortgage Settlement Deposit Funds. Of this amount, \$300 million will be administered by the California Housing Finance Agency (CalHFA) to fund counseling services for homeowners, former homeowners, or renters through HUD-certified housing counselors; and to provide mortgage assistance for qualified California households in the wake of COVID-19. The remaining \$31 million will be allocated to the Judicial Council to provide free legal assistance for renters. (See row 18 of Attachment 1 and Section 2 of Attachment 2)

Department of Housing and Community Development: Planning Grants Encumbrance and Liquidation Extension—It is requested that Item 2240-490 be added to amend provisional language in Item 2240-105-0001, Budget Act of 2019, to extend local government planning grants encumbrance and liquidation periods to December 31, 2023. This technical request provides programmatic conformity to the planning grants programs in Chapter 159, Statutes of 2019. (See row 19 of Attachment 1 and Section 2 of Attachment 2)

Department of Housing and Community Development: Transfers—It is requested that statutory changes be added to allow transfer of \$114,900,000 to the General Fund. These funds have not been allocated or dedicated to specific projects.

- \$95 million from the Housing Rehabilitation Loan Fund. These funds are residual loan payments from affordable housing programs that have been replaced by the Multifamily Housing Program. (See row 20 of Attachment 1 and Section 2 of Attachment 2)
- \$19,900,000 from the Transit-Oriented Development Account. These funds are legacy Proposition 1c funds for TOD that can be transferred to the General Fund. (See row 21 of Attachment 1 and Section 2 of Attachment 2)

Department of Housing and Community Development: HOME Accelerator—It is requested that statutory changes be added for long-term preservation and production of affordable housing. Specifically, these changes make technical conforming changes related to local planning grants, allow certain alternative sites to be included in the regional housing needs allocation, waive special occupancy park requirements for certain emergency parks, and permit certain state housing development on excess sites. (See row 22 of Attachment 1 and Section 2 of Attachment 2)

If you have any questions or need additional information regarding this matter, please contact the appropriate Principal Program Budget Analyst for that subject matter area.

KEELY MARTIN BOSLER Director By:

/s/ Vivek Viswanathan

VIVEK VISWANATHAN Chief Deputy Director

Attachment

cc: Honorable Anthony Portantino, Chair, Senate Appropriations Committee

Attention: Mark McKenzie, Staff Director

Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee

Attention: Kirk Feely, Budget Fiscal Director

Honorable Lorena Gonzalez, Chair, Assembly Appropriations Committee

Attention: Jay Dickenson, Chief Consultant

Honorable Jay Obernolte, Vice Chair, Assembly Budget Committee

Attention: Cyndi Hillery, Budget Director

Honorable Anna M. Caballero, Chair, Senate Budget and Fiscal Review Subcommittee No. 4

Honorable Jim Cooper, Chair, Assembly Budget Subcommittee No. 4

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Kevin Kish, Director, Department of Fair Employment and Housing

Mary Wheat, Chief Deputy Director, Department of Fair Employment and Housing Mike Miller, Deputy Director of Administration, Department of Fair Employment and Housing

Gustavo Vasquez, Director, Department of Housing and Community Development KC Mohseni, Chief, Financial Management Branch, Department of Housing and Community Development

GB WITHDRAWN ISSUES

ROW	BU	Department	BR Title	General Fund BY	Other Funds BY	Positions BY	BBL	TBL	Assembly Consultant	Senate Consultant	LAO Consultant
1	l l	Department of Fair Employment and Housing	Source of Income (Government Housing Subsidies) Discrimination (SB 329)	-528,000		-4.0		1	GM	JH	GBN
2	I	Department of Fair Employment and Housing	Employment Discrimination: Limitation of Actions (AB 9)	-315,000		-3.0			GM	JH	GBN
3	l l	Department of Housing and Community Development	Housing Production Technical Assistance	-10,000,000					GM	JH	GBN
4	I	Department of Housing and Community Development	Multifamily Housing Program Clean- Up		С				GM	JH	GBN
5		Department of Housing and Community Development	Foster Care Transitional Housing Extension								
	•	•	Totals, GB Withdrawn Issues	-10,843,000	C	-7					

GB MODIFIED ISSUES

F	:OW	BU	Department	BR Title	General Fund BY	Other Funds BY	Positions BY	BBL	TBL	Assembly Consultant	Senate Consultant	LAO Consultant
	6		Department of Housing and Community Development	Workload Resources (Various Legislation)	-524,000					GM	JH	GBN
				Totals, GB Modified Issues	-524,000	0	0					

NEW MR BCP ISSUES

ROW	BU	Department	BR Title	General Fund BY	Other Funds BY	Positions BY	BBL	TBL	Assembly Consultant	Senate Consultant	LAO Consultant
7	1700	Department of Fair Employment and Housing	Facilities Operations Funding Augmentation Budget	423,000					GM	JH	GBN
8	2240	Department of Housing and Community Development	CDBG-DR Unmet Need		1,055,456,000		Yes		GM	JH	GBN
9	2240		Federal Fund Budget Authority Augmentation		56,665,000				GM	JH	GBN
10		Department of Housing and Community Development	Transit-Oriented Development Program Acceleration		50,916,000				GM	JH	GBN
11	2240		COVID19 CARES Act Augmentation for Housing and Homelessness		1,223,000				GM	JH	GBN
12	2240		Moderate-Income Housing Production Early Reversion	-45,000,000	0		Yes		GM	JH	GBN

2240	Department of Housing and Community Development	Infill Infrastructure Grant Program of 2019 Early Reversion		0		Yes		GM	JH	GBN
2240	Department of Housing and Community Development	Mobilehome Park Purchase Fund Loan	15,000,000	-15,000,000		Yes		GM	JH	GBN
2240	Department of Housing and Community Development	Rental Housing Construction Fund Loan	3,000,000	-3,000,000		Yes		GM	JH	GBN
2240	Department of Housing and Community Development	Predevelopment Loan Fund Loan	1,500,000	-1,500,000		Yes		GM	JH	GBN
2240	Department of Housing and Community Development	Emergency Housing and Assistance Fund Loan	1,000,000	-1,000,000		Yes		GM	JH	GBN
2240	Department of Housing and Community Development	National Mortgage Settlement		0			Yes	GM	JH	GBN
2240	Department of Housing and Community Development	Planning Grants Encumbrance and Liquidation Extension	0			Yes		GM	JH	GBN
2240	Department of Housing and Community Development	Housing Rehabilitation Loan Fund Transfer		0			Yes	GM	JH	GBN
2240	Department of Housing and Community Development	Transit-Oriented Development Account Transfer		0			Yes	GM	JH	GBN
2240	Department of Housing and Community Development	HOME Accelerator	0				Yes	GM	JH	GBN
2240	Department of Housing and Community Development	Housing Navigator Early Reversion		0				GM	JH	GBN
I	•	Totals, New MR BCP Issues	-24,077,000	1,143,760,000	0				1	

GB SUSTAIN ISSUES

ROW	BU	Department	BR Title	General Fund BY	Other Funds BY	Positions BY	BBL	TBL	Assembly Consultant	Senate Consultant	LAO Consultant
		Department of Fair Employment and Housing		5,780,000	274,000	36.7	-		GM	JH	GBN
24		nousing	Resources								
		Department of Fair Employment and Housing	Section 3.60 Pension Contribution Adjustment	315,000		-			GM	JH	GBN
25											
	I	Department of Fair Employment and Housing	Allocation for Employee Compensation	606,000			-	-	GM	JH	GBN
26											

1700	Department of Fair Employment and Housing	Allocation for Staff Benefits	329,000			-		GM	JH	GBN
1700	Department of Fair Employment and Housing	Allocation for Other Post-Employee Benefits	187,000					GM	JH	GBN
28										
1700	Department of Fair Employment and Housing	Attorney General Services Rate Increases	83,000			1	-	GM	JH	GBN
29 1700	Department of Fair Employment and	SWCAP Apportionment		-15,000		-		GM	JH	GBN
30	Housing	змел дропоппеп		-13,000				GIVI	311	GBIN
1700	Department of Fair Employment and Housing	Budget Position Transparency	514,000		-0.3			GM	JH	GBN
1700	Department of Fair Employment and Housing	Expenditure by Category Redistribution	-514,000					GM	JH	GBN
32				07.540.000	1.0			011		0011
2240	Department of Housing and Community Development	Federal Community Development Block Grant Program-Disaster Recovery Grant Adjustment		87,543,000	1.0	Yes		GM	JH	GBN
2240	Department of Housing and Community Development	Employee Housing-Field Inspections		356,000	2.0			GM	JH	GBN
2240	Department of Housing and Community Development	Long-Term Monitoring and Compliance Resolution Workload		1,541,000	8.0			GM	JH	GBN
2240	Department of Housing and Community Development	Section 3.60 Pension Contribution Adjustment		330,000				GM	JH	GBN
2240	Department of Housing and Community Development	Section 3.60 Pension Contribution Adjustment	321,000	609,000				GM	JH	GBN
2240	Department of Housing and Community Development	Allocation for Employee Compensation	296,000	1,598,000				GM	JH	GBN
2240	Department of Housing and Community Development	Allocation for Staff Benefits	157,000	853,000				GM	JH	GBN
2240	Department of Housing and Community Development	Allocation for Other Post- Employment Benefits	99,000	528,000		-		GM	JH	GBN
2240	Department of Housing and Community Development	Allocation for Employee Compensation		566,000				GM	JH	GBN
2240	Department of Housing and Community Development	Allocation for Staff Benefits		314,000				GM	JH	GBN

224	Department of Housing and Community Development	Allocation for Other Post- Employment Benefits		165,000		1	1	GM	JH	GBN
43										
224	Department of Housing and Community Development	Bond Baseline Adjustment		0	0.0	1		GM	JH	GBN
224	Department of Housing and Community Development	Local Assistance Estimate Correction Adjustment		325,000				GM	JH	GBN
224	Department of Housing and Community Development	CalHFA Board Approved Budget Adjustment		3,762,000				GM	JH	GBN
22 ⁴	Department of Housing and Community Development	Statewide Housing Initiative- Permanent Position Authority			28.0			GM	JH	GBN
48	Department of Housing and Community Development	SWCAP Apportionment		-69,000				GM	JH	GBN
49	Department of Housing and Community Development	Budget Position Transparency	-2,441,000	-4,658,000	-97.1			GM	JH	GBN
50	Department of Housing and Community Development	Expenditure by Category Redistribution	2,441,000	4,658,000				GM	JH	GBN
	I	Totals, GB Sustain Issues	8,173,000	98,680,000	-22					

Section 1

Provisional and statutory changes for withdrawn and modified Governor's Budget proposals:

1. Department of Housing and Community Development: Multifamily Housing Program Clean-Up (See row 4 of Attachment 1). To effectuate the withdrawal of this proposal, the following proposed statutory changes are necessary:

Withdraw proposed statutory changes as identified in RN 20 04504, dated January 27, 2020.

2. Department of Housing and Community Development: Foster Care Transitional Housing Extension (See row 5 of Attachment 1). To effectuate the withdrawal of this proposal, the following proposed Budget Bill languages are necessary:

Provision 1 of Item 2240-102-0001 is amended to read:

- 1. (a) Of the funds appropriated in Schedule (1), \$8,000,000 shall be allocated to counties for the purpose of housing stability to help young adults aged 18 to 25 years secure and maintain housing, with priority given to young adults formerly in the foster care system and probation.
 - (b) The program supported in subdivision (a) shall be suspended on June 30, 2023, unless the condition in subdivision (c) applies.
 - (c) The suspension shall not take effect if the estimates of General Fund revenues and expenditures for the 2023–24 and 2024–25 fiscal years, as determined pursuant to Section 12.5 of Article IV of the California Constitution that accompany the May Revision required to be released by May 14, 2022, pursuant to Section 13308 of the Government Code contain estimated annual General Fund revenues that exceed estimated annual General Fund expenditures for the 2023–24 and 2024–25 fiscal years, by an amount equal to or greater than the sum total of all General Fund appropriations for all programs subject to suspension pursuant to a determination of the Director of Finance.
 - (d) It is the intent of the Legislature to consider alternative solutions to restore this program if the suspension takes effect.

Section 2

Provisional and statutory changes for new May Revision Budget Change Proposals:

- 1. Department of Housing and Community Development: CDBG-DR Unmet Need (See row 8 of Attachment 1). Add the following provisions to Item 2240-101-0890:
 - 3. Of the amount appropriated in this item, \$1,055,456,000 shall be available for encumbrance or expenditure until June 30, 2025, and for liquidation of encumbrances until June 30, 2027, for purposes of disaster recovery in the Community Development Block Grant program.

4. Upon the order of the Department of Finance, funds appropriated in Schedule (1) may be transferred to Schedule (2) of Item 2240-001-0890 for the support of disaster grant funding in the Community Development Block Grant program.

Add the following provision to Item 2240-001-0890:

1. Any amounts transferred to Schedule (2) of this item pursuant to Provision 3 of Item 2240-105-0001 shall be available for encumbrance or expenditure until June 30, 2023, and for liquidation of encumbrances until June 30, 2023.

Department of Housing and Community Development: Moderate-Income Housing Production Early Reversion, Infill Infrastructure Grant Program of 2019 Early Reversion, Housing Navigator Early Reversion (See rows 12, 13, and 23 of Attachment 1). Add the following item:

2240-495—Reversion, Department of Housing and Community Development. As of June 30, 2020, the balances specified below, of the appropriations provided in the following citations shall revert to the balances in the funds from which the appropriations were made.

0001—General Fund

- (1) Item 2240-103-001, Budget Act of 2019. \$5,000,000 appropriated for the Department of Housing and Community Development in Program 1665-Financial Assistance Program.
- (2) Item 2240-105-001, Budget Act of 2019. \$203,000,000 appropriated the Department of Housing and Community Development in Program 1665-Financial Assistance Program.
- (3) \$250,000,000 of the transfer to Self-Help Housing Fund pursuant to Section 29 of Chapter 149 of the Statutes of 2019

0813—Self-Help Housing Fund

- (1) \$250,000,000 appropriated pursuant to Section 29 of Chapter 149 of the Statutes of 2019 in Program 1665-Financial Assistance Program.
- 2. Department of Housing and Community Development: Loans from Various Funds to the General Fund (See rows 14-17 of Attachment 1). Add the following items:

2240-011-0530---For transfer by the Controller, upon order of the Department of Finance, from the Mobilehome Park Purchase

Fund.......(15,000,000)

Provisions:

1. The Department of Finance may transfer up \$15,000,000 as a loan to the General Fund. The Department of Finance shall order the repayment of all or a portion of the loan if it determines that either of the following circumstances exists: (a) the fund or account from which the loan was made has a need for the moneys, or (b) there is no longer a need for the moneys in the fund or account that received the loan. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of transfer.

2240-011-0938---For transfer by the Controller, upon order of the Department of Finance, from the Rental Housing Construction Fund, to the General Fund as a loan........................ (3,000,000)

Provisions:

1. The Department of Finance may transfer up \$3,000,000 as a loan to the General Fund. The Department of Finance shall order the repayment of all or a portion of the loan if it determines that either of the following circumstances exists: (a) the fund or account from which the loan was made has a need for the moneys, or (b) there is no longer a need for the moneys in the fund or account that received the loan. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of transfer.

2240-011-0980---For transfer by the Controller, upon order of the Department of Finance, from the Predevelopment Loan Fund, to the General Fund as a loan... (1,500,000)

Provisions:

1. The Department of Finance may transfer up \$1,500,000 as a loan to the General Fund. The Department of Finance shall order the repayment of all or a portion of the loan if it determines that either of the following circumstances exists: (a) the fund or account from which the loan was made has a need for the moneys, or (b) there is no longer a need for the moneys in the fund or account that received the loan. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of transfer.

2240-011-0985---For transfer by the Controller, upon order of the Department of Finance, from the Emergency Housing and Assistance Fund, to the General Fund as a loan................ (1,000,000)

Provisions:

- 1. The Department of Finance may transfer up \$1,000,000 as a loan to the General Fund. The Department of Finance shall order the repayment of all or a portion of the loan if it determines that either of the following circumstances exists: (a) the fund or account from which the loan was made has a need for the moneys, or (b) there is no longer a need for the moneys in the fund or account that received the loan. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of transfer.
- 3. Department of Housing and Community Development: Planning Grants Encumbrance and Liquidation Extension (See row 19 of Attachment 1). Add the following item:

2240-490—Reappropriation, Department of Housing and Community Development. The balances of the appropriations provided in the following citations are reappropriated for the purposes provided for in those appropriations and shall be available for encumbrance or expenditure and liquidation of encumbrances until December 31, 2023:

0001—General Fund

- (1) Item 2240-105-0001, Budget Act of 2019, Program 1670—Housing Policy Development Program
- 4. Department of Housing and Community Development: National Mortgage Settlement (See row 18 of Attachment 1).

[Statutory changes to be provided]

5. Department of Housing and Community Development: Housing Rehabilitation Loan Fund Transfer (See row 20 of Attachment 1).

[Statutory changes to be provided]

6. Department of Housing and Community Development: Transit-Oriented Development Account Transfer (See row 21 of Attachment 1).

[Statutory changes to be provided]

 Department of Housing and Community Development: HOME Accelerator (See row 22 of Attachment 1).

[Statutory changes to be provided]