

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



July 17, 2023

MEMORANDUM FOR: ALL POTENTIAL APPLICANTS

FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

SUBJECT: **2023 NOTICE OF FUNDING AVAILABILITY**
EXCESS SITES LOCAL GOVERNMENT MATCHING
GRANTS (LGMG) PROGRAM

The California Department of Housing and Community Development (“HCD,” or “Department”) is pleased to announce the release of this Notice of Funding Availability (“NOFA”) for approximately \$60 million in funds for the *Excess Sites Local Government Matching Grants* Program (“LGMG,” or “Program”). The Program allows projects selected in accordance with Executive Order N-06-19 (“the EO”) to apply for funds for activities to enable affordable housing development on excess state-owned property (“Excess Sites”).

Application materials must be submitted electronically via email to ExcessSitesMatch@hcd.ca.gov. The Department will not accept hardcopy submittals. **Personal deliveries will not be accepted.** No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted.

Applications will be accepted in accordance with the timeline included in Section II of this NOFA. This NOFA contains guidance on the deadlines required for LGMG funding commitments to align with TCAC and Multifamily Finance SuperNOFA (MFSN) funding rounds.

The LGMG application, Guidelines and regulations are posted on the Department’s webpage at <https://www.hcd.ca.gov/grants-and-funding/programs-active/excess-sites-local-government-matching-grants>.

If you have further questions, please contact ExcessSitesMatch@hcd.ca.gov.

Attachment

Excess Sites Local Government Matching Grants Program (LGMG)

2023 Notice of Funding Availability



**Gavin Newsom, Governor
State of California**

**Lourdes M. Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
California Department of Housing and Community
Development**

2020 West El Camino Avenue, Suite 550,
Sacramento, CA 95833
Telephone: (916) 263-2911

Website: <https://www.hcd.ca.gov/grants-and-funding/programs-active/excess-sites-local-government-matching-grants>

Email: ExcessSitesMatch@hcd.ca.gov

April 2022
Amended November 2022
Amended July 2023

Table of Contents

I. Overview	1
A. Notice of Funding Availability.....	1
B. Timeline.....	1
C. Authorizing Legislation and Regulations (Regulatory Authority)	1
II. Program Requirements	3
A. Program Funding Amounts and Terms	3
B. Program Threshold Requirements	3
C. Eligible Project	4
D. Eligible Applicants	4
E. Eligible Uses and Activities	4
F. Ineligible Activities.....	5
G. Application Requirements.....	6
H. Rating and Ranking	7
I. Negative Points and Disencumbrance Policies	9
III. Application Submission and Review Procedures	10
A. Application Format	10
B. Application Submission Process	10
C. Application Workshops	10
D. Disclosure of Application.....	10
IV. Appeals	12
A. Basis of Appeals	12
B. Appeals Process and Deadlines.....	12
C. Decision	12
V. Award Announcements and Contracts	13
A. Award Announcements	13
B. Contracts	13
VI. Other State Requirements	14
A. Article XXXIV	14
B. Relocation.....	14
C. State Prevailing Wages.....	15
VII. Other Terms and Conditions	16
A. Right to Modify or Suspend	16
B. Conflicts.....	16
APPENDICES	17

I. Overview

A. Notice of Funding Availability

This NOFA announces approximately \$60 million in funding for projects selected in accordance with the EO. These funds will be used to support and accelerate housing production on Excess Sites.

B. Timeline

1. Program funds will be available to Applicants to apply for on a competitive basis. See Table 1 below for the anticipated timeline for awards.
2. The Department’s goal is to review applications within 30 business days and promptly issue award letters, with Standard Agreements processed within 60 days of award. Applicants are encouraged to submit their applications early in the application window. Applications received after the Recommended Submission Dates listed in Table 1 will still be accepted, but LGMG staff cannot guarantee the Award Letter will be issued by the corresponding Award Announcement date.

Table 1: Anticipated Timeline

NOFA Release Date: July 17, 2023			
	Funding Path*	Recommended Submission Date	Award Announcement
2023	CDLAC 4% Round 3	8/2/2023	8/30/2023
	MFSN 2023	8/14/2023**	9/11/2023
<u>Application Due Date: August 14, 2023</u>			

*This indicates the desired funding program whose application due date will align with or follow immediately after an LGMG award

**This is the final date for applications to be submitted to be considered for funding.

C. Authorizing Legislation and Regulations (Regulatory Authority)

Assembly Bill 140 and Senate Bill 197 establish and update the Excess Sites Local Government Matching Grants Program (“LGMG,” or “Program”) as set forth in Health and Safety Code sections 50704.80, 50704.81, 50704.82 and 50704.83. The legislation directs the Department to administer the Program for Selected Projects to apply for funds for activities to enable affordable housing development on Excess Sites (added by Stats. 2021, ch. 111, § 22, updated by Stats. 2022, ch. 70, § 18).

Applications submitted under this NOFA are subject to the Program Guidelines (“Guidelines”), all applicable statutory requirements, and this NOFA. All section references in this NOFA refer to the NOFA unless

otherwise noted. All capitalized terms in this NOFA are either defined herein or in the Guidelines. The Guidelines and NOFA are available at the Department's [LGMG webpage](#). Where there are conflicts between the NOFA and the Guidelines, please defer to the guidance in the NOFA.

II. Program Requirements

The following is provided as a summary and is not to be considered a complete representation of the entirety of the eligibility, threshold, or other requirements, terms, and conditions for the Program.

A. Program Funding Amounts and Terms

The maximum amount of Program funds available in accordance with this NOFA is approximately \$60 million. No Selected Developer shall receive more than \$10 million in a single NOFA round. Further award limits are detailed in Guidelines Section 401.

The anticipated Program term runs through June 30, 2028, or the date by which the Selected Project or applicable phase reaches 90 percent occupancy, whichever is later.

B. Program Threshold Requirements

To satisfy Program threshold requirements, Applicants must obtain and provide the following:

1. A Local Government Contribution as defined in Section II(H)(2) of this NOFA.
2. A Local Government resolution, as described in Sections II(G)(3)(a) and II(G)(3)(b) of this NOFA. It is the responsibility of the Awardee to ensure the Department receives the final approved Local Government resolution prior to termination of the Contracting Period as defined in Section V(B) of this NOFA.
3. Evidence of Site Control documents as identified in Section 202(b) of the Guidelines.
4. The Project complies with all applicable state and federal law with respect to any preference policies for occupancy, as specified and set forth in a written analysis that is submitted with the application. LGMG staff shall review these written analyses in a manner which affirmatively furthers fair housing, as required in Government Code Section 8899.50(b). No written analysis is required if priority placement will be given only to prospective tenants who qualify for the following preference categories, as defined in Appendix A of the May 2023 Multifamily Housing Program Final Guidelines:
 - a. Veterans;
 - b. Agricultural Households;
 - c. people with disabilities;

- d. At Risk of Homelessness, as defined in 24 CFR Part 578.3;
- e. individuals with substance use disorders;
- f. frequent users of public health or mental health services, as identified by a public health or mental health agency;
- g. individuals who are fleeing domestic violence, sexual assault, and human trafficking;
- h. individuals who are experiencing Homelessness and individuals experiencing Chronic Homelessness as defined in 24 CFR 578.3;
- i. homeless youth as defined in Government Code Section 12957, subdivision (e)(2);
- j. families in the child welfare system for whom the absence of housing is a barrier to family reunification, as certified by a county;
- k. individuals exiting from institutional settings or at risk of placement in an institutional setting; and
- l. Older Adults in Need of Supportive Services.

C. Eligible Project

Eligible projects are limited to Selected Projects as defined and further detailed in Guidelines Section 200 (i.e., projects selected by the Department and the Department of General Services (“DGS”) in accordance with the EO).

D. Eligible Applicants

Eligible Applicants are limited to Selected Developers as defined and further detailed in Guidelines Section 201.

E. Eligible Uses and Activities

Eligible uses of funds must accelerate housing production of a Selected Project and align with the goals of the EO. LGMG funds shall be used for predevelopment and development activities including, but not limited to, the following:

1. Development and implementation of a community engagement plan or lease-up strategy;
2. Construction and rehabilitation work;
3. Offsite improvements, such as sewers, utilities, and streets, directly related to, and required by the Selected Project;
4. Onsite improvements related to the Selected Project;

5. Architectural, appraisal, engineering, legal and other consulting costs, and fees, which are directly related to the planning and execution of the Selected Project, and which are incurred through third-party contracts;
6. Development Costs of a residential unit reserved for an onsite manager, childcare facilities, and after-school care and social service facilities integrally linked to, and addressing the needs of the tenants of the Assisted Units;
7. Development Costs of health care facilities integrally linked to, and addressing the needs of tenants of the Assisted Units;
8. A reasonable developer fee subject to developer fee restrictions included in awards from other Department programs and further conditions as stated in Section II(F)(2) of this NOFA;
9. Lease-up and related marketing costs;
10. Carrying costs during construction, including insurance, construction financing fees and interest, taxes, and any other expenses necessary to hold the property while the Selected Project is under construction;
11. Building permits and state and local fees;
12. Capitalized operating and capitalized replacement reserves up to the amount of the initial deposit required by the Department pursuant to UMR Sections 8308(b) and 8309(b);
13. Title insurance, recording and other related costs.
14. Costs for items intended to ensure the completion of construction, such as contractor bond premiums;
15. Environmental hazard reports, surveys, investigations, and mitigation;
16. Costs associated with preparing the site for construction of the Selected Project, including removal of existing improvements and site clearance; and
17. Any other Predevelopment or Development Costs with written approval from the Department.
18. Program funds shall not be subject to the limits of other Department programs on the total value of Departmental subsidy per project or number of Department programs per Assisted Unit.

F. Ineligible Activities

1. Program funds shall not be used for costs not directly related to the eligible uses of funds.

2. In no scenario may Program funds be used for developer fees already collected or expected to be collected through another funding source.
3. Program funds shall not be used for costs associated exclusively with non-Restricted Units. Any Assisted Unit restricted to Low or Lower Income households and any Manager Unit will be considered to be a Restricted Unit for the purpose of allocating Predevelopment or Development Costs.
4. Activities unrelated to accelerating production of the Selected Project.

G. Application Requirements

1. Applicants shall meet with Program Staff to discuss application prior to submission. Applications received without prior meeting will not be accepted.
2. Applications shall demonstrate that the Program funds are necessary to support and/or accelerate production of the Selected Project, and the Selected Project is infeasible without Program funds and other committed funds.
3. Applicants must submit a completed, signed original application in electronic form to the Department that includes, but is not limited to, the following:
 - a. A Local Government (including Joint Powers Authorities, an authority created pursuant to Government Code section 8169.4, and a delegated Local or Regional Housing Trust Fund) resolution demonstrating the value, form, and date of commitment of the Local Government Contribution(s) to the Applicant for Predevelopment Costs and/or Development Costs for the Selected Project, and an attached budget for the Selected Project or the applicable phase that includes all sources.

A draft resolution is sufficient for the application; however, an executed resolution will be required subject to the timing and conditions stated in the NOFA, or the application or award, whichever is applicable, may be disqualified. The value and form of the Local Government Contribution(s) must not change from the time of application to submission of the final executed resolution.

- b. An authorizing resolution of the governing board of the Applicant shall be provided at time of application.

A draft resolution is sufficient for the application; however, an executed resolution will be required subject to the timing and conditions stated in the NOFA, or the application or award, whichever is applicable, may be disqualified. If the Awardee will not be the recipient of the funds, an

authorizing resolution of the governing board of the designated payee will be required prior to the disbursement of funds.

- c. Demonstration of Enforceable Funding Commitments for each form of Local Government Contribution, as well as any committed state or federal loans or grants. Proof of the Enforceable Funding Commitment must be received by the Department prior to final rating and ranking of the Program application. Draft resolutions will not be accepted as a demonstration of Enforceable Funding Commitment.
- d. The Program funds requested by the Applicant for the Selected Project.
- e. A description of the Local Government Contribution, including the source, the category as described within Section II(H), and a description of the available proof of Enforceable Funding Commitment.
- f. An explanation of how the Local Government Contribution and the Program Funds will support and accelerate housing production on the Excess Site.
- g. A scope of work providing a clear, precise description of work to be performed, services to be provided, and all other goals, objectives, and deliverables to be fulfilled.
- h. A description of the Applicant's community engagement plan and lease up strategy for the Selected Project or applicable phase, including the participatory role of an applicable Local Government.
- i. An explanation of any uncommitted sources and the feasibility of, and timing to, obtaining these sources.
- j. Completed or proposed activities consistent with the EO.
- k. All other required information contained in the Department's application.

H. Rating and Ranking

Complete applications meeting threshold requirements will be rated and ranked according to the following scoring factors:

Scoring Criteria	Maximum Score
1. Project Readiness (PR)	25
2. Local Government Contribution as Percent of Total Project Cost (LGC)	100
3. Financial Readiness	(PR+LGC) x up to 100% boost
Total	250

1. Project Readiness – 25 points maximum.

Applications will be awarded 25 points according to the project's progress in obtaining all land use approvals necessary prior to issuance of a building permit, including completion of necessary state environmental clearances, as documented in the Environmental Clearances and Land Use section of the application

2. Local Government Contribution as a Percent of Total Project Cost (TPC) – 100 points maximum.

Applications will be awarded points based on the value of a Local Government Contribution as a percentage of the project's TPC. Local Government Contribution(s) include the five below categories, which will be adjusted as defined below and summed to determine the full value of the Local Government Contribution(s) as a percent of TPC.

a. Local Government Contribution(s) from a Local Funding Source.

Local Government Contributions from local funding sources, such as city or county grants, residual receipts loans, or fee deferrals ("Local Funding Source"), will be awarded points as a percentage of TPC without adjustment.

b. Local Government Contribution(s) from an HCD-originated funding source.

Local Government Contributions from state- and federally-originated HCD sources, excluding Rental Assistance (which would apply to Section II(H)(2)(e), below), will be awarded points as a percentage of TPC without adjustment.

Examples of HCD-originated sources include, but are not limited to, No Place Like Home, the Permanent Local Housing Allocation, HOME, etc. If you have inquiries about this category of funding, please contact ExcessSitesMatch@hcd.ca.gov.

c. Local Government Contribution(s) in the form of Local Fee Waivers.

Local Government Contributions in the form of Local Fee Waivers, excluding school impact fees, will be awarded points as a percentage of TPC with a +50 percent adjustment.

d. Local Government Contribution(s) in the form of a Land Donation.

Local Government Contributions in the form of a Land Donation from a Local Government directly related to the development of the Selected Project and with documentation of the current appraised value as supported by an independent third-party appraisal prepared by a Member of the Appraisal Institute (MAI) within the last year or DGS

valuation will be awarded points as a percentage of TPC without adjustment.

e. Local Government Contribution in the form of Rental Assistance.

Applications will be awarded points based on the value of additional supportable hard permanent debt generated by Rental Assistance awarded at time of application as a percentage of TPC without adjustment.

3. Financial Readiness – Up to 100 percent boost.

To accelerate development on State Excess Sites, projects which have secured Enforceable Funding Commitments for all Local Government Contributions shall receive a 50 percent boost to their base score.

Projects which have secured Enforceable Funding Commitments for all remaining funding sources shall receive a 100 percent boost to their base score.

4. Tie Breaker

In the event of tied point scores, the Department shall rank tied applications based on the lowest weighted average affordability of all units in the Selected Project or applicable phase.

I. Negative Points and Disencumbrance Policies

The Department's Negative Points Policy (Administrative Notice Number 2022-01) and Disencumbrance Policy (Administrative Notice Number 2022-22), dated March 30, 2022 (as may be amended from time to time) and published on the Department's website, are hereby incorporated by reference to this Local Government Matching Grants Program NOFA as if set forth in full herein, and shall apply with equal force as all other provisions set forth herein.

If the Applicant is subject to a negative points assessment based on the criteria outlined in the Department's Negative Points Policy or is determined to be ineligible for funding, HCD shall notify the Applicant in writing in the initial point score or threshold letter(s).

III. Application Submission and Review Procedures

A. Application Format

The entire application, including supporting documentation, will be submitted electronically using forms provided by the Department. Original “wet signature” documents are not required or accepted.

B. Application Submission Process

A complete original application must be received by the Department no later than 11:59 P.M. Pacific Time on the day specified in the Recommended Submission Date for the corresponding major funding application listed in Table 1. HCD will only accept applications via email to ExcessSitesMatch@hcd.ca.gov. Personal deliveries are not accepted.

Applications that do not meet the Recommended Submission Dates listed in Table 1 will still be accepted, but LGMG staff cannot guarantee the Award Letter will be issued by the corresponding Award Announcement date. Applications must be on Department forms and cannot be altered or modified by the Applicant. Excel forms must be in Excel format, not a PDF document. Applications must meet all eligibility requirements upon submission (except as expressly indicated in Guidelines Section 301(d)). Applications with material internal inconsistencies will not be rated and ranked. It is the Applicant’s responsibility to ensure that the application is clear, complete, and accurate.

The application forms are available on the Department’s website: <https://www.hcd.ca.gov/grants-and-funding/programs-active/excess-sites-local-government-matching-grants>. The application must be sufficiently complete to assess the feasibility and competitiveness of the application and its compliance with Program requirements. After the application deadline, Department staff may request clarifying information and/or inquire as to where in the application specific information is located provided that such information does not affect the competitive rating of the application. No information, whether written or oral, will be solicited or accepted if this information would result in a competitive advantage to an Applicant or a competitive disadvantage to other Applicants. No Applicant may appeal the Department’s evaluation of another Applicant’s application.

C. Application Pre-Submittal Meetings

The Department requires pre-application consultations with prospective Applicants. Please submit a pre-application consultation request to ExcessSitesMatch@hcd.ca.gov.

D. Disclosure of Application

Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act (Chapter 1473, Statutes of 1968). As such, any materials provided to the

Department will be disclosable to any person making a request under this Act once award decisions have been made. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank account numbers, personal phone numbers and home addresses. By providing information to the Department, the Applicant is waiving any claim of confidentiality and consents to the Department's disclosure of submitted material upon request.

IV. Appeals

A. Basis of Appeals

1. Upon receipt of the Department's written notice that an application is incomplete, has failed threshold review, or has otherwise been determined to provide an insufficient basis for an award, Applicants under this NOFA may appeal such decision(s) to the Director of the Department or their designee pursuant to this section.
2. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant's application (e.g., eligibility, award).
3. Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the Guidelines and this NOFA. The appeal process provided herein applies solely to decisions of the Department pursuant to this NOFA.

B. Appeals Process and Deadlines

1. **Process:** To file an appeal, Applicants must submit to the Director of the Department or their designee, by the deadline set forth below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the written appeal is submitted to the Department, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted by email to ExcessSitesMatch@hcd.ca.gov according to the deadline set forth in the Department's review letters.
2. **Filing Deadline:** Appeals must be received by the Department no later than five (5) business days from the date of the Department's threshold review, or initial score letters, as applicable, representing the Department's decision made in response to the application.

C. Decision

All decisions rendered shall be made by the Director or their designee. The decision shall be final, binding, and conclusive, and shall constitute the final action of the Department.

NOTE: Authority cited: HSC Section 50704.81 subdivisions (a)(1) and (b). Reference cited: HSC Sections 50704.80, 50704.81, 50704.82 and 50704.83.

V. Award Announcements and Contracts

A. Award Announcements

The Department will announce program awards on the Program website: <https://www.hcd.ca.gov/grants-and-funding/programs-active/excess-sites-local-government-matching-grants>.

B. Contracts

Successful Applicants (Awardee(s)) will enter into one or more Standard Agreement(s) with the Department. The Standard Agreement contains all the relevant state and federal requirements, as well as specific information about the award and the work to be performed.

A condition of award will be that a Standard Agreement must be executed by the Awardee(s) within 90 days (Contracting Period) of the Department's issuance of the award letter. An Awardee's failure to execute the Standard Agreement(s) within the Contracting Period may result in award cancellation. The Awardee(s) shall remain a party to the Standard Agreement for the entire term of the Standard Agreement; removal of the Awardee(s) shall be prohibited.

VI. Other State Requirements

A. Article XXXIV

All projects subject to Article XXXIV shall comply with Article XXXIV, Section 1 of the California Constitution, as clarified by the Public Housing Election Implementation Law (PHEIL) (Health and Safety Code Section, 37000 - 37002). Article XXXIV documentation for loans underwritten by the Department shall be subject to review and approval by the Department prior to the announcement of award recommendations.

Article XXXIV requires local voter approval before any state public body can develop, construct, or acquire a low-rent housing project in any manner. However, the Public Housing Election Implementation Law (HSC Section 37000 – 37002) provides clarification as to when Article XXXIV is applicable. HSC Section 37001, for example, lists a number of project types that are not considered “low-rent housing projects.”

Applicants must submit documentation that shows the project’s compliance with or exemption from Article XXXIV. If a project is subject to Article XXXIV, the Department requires an allocation letter from the locality that shows that there is Article XXXIV authority for the project. A Local Government official with relevant authority should prepare the allocation letter, and it should include the following:

- The name and date of the proposition and the number of units that were approved;
- A copy of the referendum and a certified vote tally;
- The number of units that remain in the locality’s “bank” of Article XXXIV authority (i.e., the number of units that are still available for allocation); and
- The number of units that the locality will commit to this project, including any Manager Units.

If a project is statutorily exempt from Article XXXIV, the Department requires an Article XXXIV opinion letter from the Applicant’s legal counsel. The Article XXXIV opinion letter must demonstrate that the Applicant has considered both the legal requirements of Article XXXIV and the relevant facts of the project (e.g., all funding provided by public bodies, including state, county, or city sources, the number of low-income restricted units, and the general content of any regulatory restrictions). Any conclusion that a project is exempt from Article XXXIV must be supported by facts and a specific legal theory for exemption that itself is supported by the Constitution, statute, and/or case law.

B. Relocation

Both the Applicant and the Department must comply with applicable Relocation Law, which is detailed pursuant to Government Code Section

7260 et seq., the California Code of Regulations, title 25, Section 6000 et seq., and if federal law is applicable (depending on project financing), 49 CFR Part 24 of the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (the “URA”) (collectively referred to herein forth as “Relocation” or “Relocation Law”).

Relocation Law provides important protections and assistance for displaced persons and entities affected by the acquisition, rehabilitation, or demolition of real property for government funded projects. Relocation Law ensures that those displaced individuals and entities whose real property is acquired, or who move (even if temporarily) as a direct result of projects receiving government funds, are treated fairly and equitably and receive assistance in moving from the property they occupy. The Department seeks to ensure that displaced persons, which includes tenants, businesses, and homeowners, do not suffer disproportionately as a result of programs designed for the benefit of the public as a whole.

At the NOFA application stage, it is too premature to conduct a detailed Relocation review. At this stage the Department only needs to confirm that Relocation is properly budgeted. Due to the importance of satisfying Relocation Law, the Applicant is encouraged to employ the services of a Relocation consultant to procure a good faith estimate of the potential Relocation cost, which may (or may not) necessitate a Relocation plan. The Department has found that the services of a professional Relocation consultant may save an Awardee money and time in the loan or grant process.

The importance of satisfying Relocation cannot be understated. Failure to follow the Relocation requirements will result in the project not being funded by the Department. Applicants cannot circumvent Relocation Law to avoid Relocation payment assistance by simply not renewing leases, which is not permissible under Relocation Law. At the construction loan or grant close stage, the Department will notify all lenders that failure to satisfy Relocation, particularly the improper displacement of individuals or entities, could jeopardize Department funding.

C. State Prevailing Wages

Program funds awarded under this NOFA are subject to state prevailing wage law, as set forth in Labor Code Section 1720 et seq., and require the payment of prevailing wages unless the project meets one of the exceptions of Labor Code 1720 (c) as determined by the Department of Industrial Relations. Applicants are urged to seek professional advice as to how to comply with state prevailing wage law.

VII. Other Terms and Conditions

A. Right to Modify or Suspend

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including, without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties and will post the revisions to the Department's website.

B. Conflicts

In the event of any conflict between the terms of this NOFA and either applicable state or federal law or regulation, the terms of the applicable state or federal law or regulation shall control. Applicants are deemed to have fully read and understand all applicable state and federal laws, regulations, and guidelines pertaining to the LGMG program, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

APPENDICES

Appendix A: Executive Order N-06-19