

File No. 230218

Committee Item No. 4

Board Item No. 19

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date March 22, 2023

Board of Supervisors Meeting Date April 4, 2023

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

#### OTHER (Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>AHSC Round 7 – Program Guidelines 12/15/2022</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>DHCD Funding Availability 1/30/2023</u>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PLN Notice of Final Approval 2/9/2023</u>
<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>
<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>
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Completed by: Brent Jalipa Date March 17, 2023

Completed by: Brent Jalipa Date March 22, 2023

1 [Apply for Grant - The Related Companies of California, LLC and San Francisco Housing  
2 Development Corporation - Assumption of Liability - Dept. of Housing and Community  
3 Development Affordable Housing and Sustainable Communities Program - 160 Freelon  
4 Family]

5 **Resolution authorizing the Mayor's Office of Housing and Community Development on**  
6 **behalf of the City and County of San Francisco to execute a grant application, as**  
7 **defined herein, under the Department of Housing and Community Development**  
8 **Affordable Housing and Sustainable Communities ("AHSC") Program as a joint**  
9 **applicant with The Related Companies of California, LLC and San Francisco Housing**  
10 **Development Corporation, for the 100% affordable housing project identified as 160**  
11 **Freelon Family; authorizing the City to assume any joint and several liability for**  
12 **completion of the projects required by the terms of any grant awarded under the AHSC**  
13 **Program; and adopting findings under the California Environmental Quality Act**  
14 **("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.**

15 WHEREAS, The State of California, the Strategic Growth Council ("SGC") and the  
16 Department of Housing and Community Development ("Department") has issued a Notice of  
17 Funding Availability ("NOFA") dated January 30, 2023, under the Affordable Housing and  
18 Sustainable Communities ("AHSC") Program established under Division 44, Part 1 of the  
19 Public Resources Code commencing with Section 75200; and

20 WHEREAS, The SGC is authorized to approve funding allocations for the AHSC  
21 Program, subject to the terms and conditions of the NOFA, AHSC Program Guidelines  
22 adopted by SGC on December 15, 2022 ("Program Guidelines"), an application package  
23 released by the Department for the AHSC Program ("Application Package"), and an AHSC  
24 standard agreement with the State of California ("Standard Agreement"), the Department is  
25 authorized to administer the approved funding allocations of the AHSC Program; and

1           WHEREAS, The AHSC Program provides grants and loans to applicants identified  
2 through a competitive process for the development of projects that, per the Program  
3 Guidelines, will create new affordable housing and achieve greenhouse gas reductions and  
4 benefit disadvantaged communities through increased accessibility to affordable housing,  
5 employment centers and key destinations via low-carbon transportation; and

6           WHEREAS, The AHSC Program requires that joint applicants for a project will be held  
7 jointly and severally liable for completion of such project; and

8           WHEREAS, The Related Companies of California, LLC and San Francisco Housing  
9 Development Corporation (together, "Developer"), have requested the City and County of San  
10 Francisco (the "City"), acting by and through the Mayor's Office of Housing and Community  
11 Development ("MOHCD"), to be a joint applicant for a nine story, 85-unit, 100% affordable  
12 housing project, including 22 units reserved for homeless or formally homeless families and  
13 five units set aside for referrals from the City's Plus Housing list (the "Project") identified as  
14 160 Freelon Family ("160 Freelon Family"); and

15           WHEREAS, On February 9, 2023, by Notice of Final Approval of an AB-2162 Project,  
16 the Planning Department has determined that the development of the proposed project with a  
17 ground floor community facility, met all the standards of the Planning Code and would be  
18 eligible for ministerial approval under California Government Code, Section 66583 (Assembly  
19 Bill 2162) and the CEQA Guidelines, Sections 15002(i)(1), 15268 and 15369, and would  
20 therefore not be subject to the California Environmental Quality Act (CEQA); and

21           WHEREAS, The Municipal Transportation Agency ("SFMTA") plans to perform transit  
22 improvements in the vicinity of the Project (the "SFMTA Work"); and

23           WHEREAS, The City, acting by and through MOHCD, desires to apply for AHSC  
24 Program funds and submit an Application Package as a joint applicant with the Developer;  
25 and

1           WHEREAS, The City, acting by and through MOHCD, desires to apply for AHSC  
2 Program funds and submit an Application Package as a joint applicant with the Developer;  
3 now, therefore, be it

4           RESOLVED, That the Board of Supervisors delegates to MOHCD, on behalf of the  
5 City, the authority to execute an application to the AHSC Program as detailed in the NOFA  
6 dated January 30, 2023, for Round 7, in a total amount not to exceed \$50,000,000 of which  
7 up to \$35,000,000 will be provided as a loan to the Developer for the Project as an Affordable  
8 Housing Development ("AHD") ("AHSC Loan") and a grant to the City for Housing-Related  
9 Infrastructure ("HRI") and up to \$15,000,000 will be provided as a grant to the City, SFMTA,  
10 and DPW for, Sustainable Transportation Infrastructure ("STI"), Transit-Related Amenities  
11 ("TRA") or Program ("PGM") activities ("AHSC Grant") as defined the AHSC Program  
12 Guidelines and sign AHSC Program documents; and, be it

13          FURTHER RESOLVED, The Board of Supervisors specifically agrees that the City  
14 shall assume any joint and several liability for completion of the Project required by the terms  
15 of any grant awarded to the City and any loan awarded to the Developer under the AHSC  
16 Program; and, be it

17          FURTHER RESOLVED, That the Board of Supervisors acknowledges that if the  
18 Application is successful, the City, through MOHCD, shall seek Board of Supervisors approval  
19 of the Standard Agreement, with terms and conditions that AHSC Program funds are to be  
20 used for allowable capital asset project expenditures to be identified in Exhibit A of the  
21 Standard Agreement, that the Application Package in full is incorporated as part of the  
22 Standard Agreement, and that any and all activities funded, information provided, and  
23 timelines represented in the application are enforceable through the Standard Agreement;  
24 and, be it

25          FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of

1 MOHCD (or his designee) to execute and deliver any documents in the name of the City that  
2 are necessary, appropriate or advisable to secure the AHSC Program funds from the  
3 Department, and all amendments thereto, and complete the transactions contemplated herein  
4 and to use the funds for eligible capital asset(s) in the manner presented in the application as  
5 approved by the Department and in accordance with the NOFA and Program Guidelines and  
6 Application Package; and, be it

7 FURTHER RESOLVED, That all actions authorized and directed by this Resolution and  
8 heretofore taken are ratified, approved, and confirmed by this Board of Supervisors.

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RECOMMENDED:

                    /s/                    

Eric D. Shaw, Director,  
Mayor’s Office of Housing and Community Development

# Affordable Housing and Sustainable Communities Program (AHSC)

NOFA Round 7 (January 30, 2023)

## Funding Application



## State of California

Gavin Newsom, [Governor](#)

## Business, Consumer Services and Housing Agency

Lourdes M. Castro Ramirez, [Secretary](#)

<https://www.bcsb.ca.gov/>

## California Strategic Growth Council

Lynn von Koch-Liebert, [Executive Director](#)

[ahsc@sgc.ca.gov](mailto:ahsc@sgc.ca.gov)

<https://sgc.ca.gov>

## Department of Housing and Community Development (HCD)

Gustavo Velasquez, [Director](#)

2020 West El Camino Avenue, Suite 150, Sacramento, CA 95833

[AHSC@hcd.ca.gov](mailto:AHSC@hcd.ca.gov)

<https://www.hcd.ca.gov>

# Instructions

When opening this file, a yellow banner at the top may appear with a button that says, "Enable Editing", and/or "Enable Macros". It is essential that you click this box(es) so that the macros are enabled. Enabling macros is necessary for full workbook/application functionality.

**WARNING: Partial functionality** of this application/workbook **WILL BE LOST** when using Apple Mac Computers. The Department **highly** recommends using PC Computers and Microsoft Office 2013 or newer to complete the application.

Application materials must be submitted electronically via HCD portal system. Requirements for uploading the Application Workbook and required supporting documentation, including naming conventions, are described in the application instructions available at <https://www.hcd.ca.gov/grants-and-funding/programs-active/affordable-housing-and-sustainable-communities>

Sponsor/Applicant must upload all application materials to HCD portal no later than 4:00 p.m. Pacific Daylight Time on 

4/4/2023

Application must be on the Department’s forms and cannot be altered or modified by the Sponsor/Applicant. Excel Application must be in Excel format, not a PDF document.

If the Sponsor/Applicant discover any errors within application, use the Application Support tab and email the entire workbook to [AppSupport@hcd.ca.gov](mailto:AppSupport@hcd.ca.gov)

**It is recommended that Applicant(s) start from left to right and top to bottom for a better understanding and functionality of this application.**

Additional instructions and guidance are given throughout the Application in "red" text and in cell comments. Cell Notes/Comments are very important to read as some of these will provide directions for completing your application.

"Yellow" cells	are for Applicant input. It is very important that you answer <b>ALL</b> yellow cells, failure to provide all information may disqualify your application from consideration or may negatively impact your point score.
"Orange" cells	are <b>required</b> attachments. Failure to provide the required attachments and documentation may disqualify your application from consideration or may negatively impact your point score. Electronically attached files must use the naming convention in the Application.
"Blue" cells	are self-score points awarded in the "Scoring" worksheet. These are automated calculations based on the inputs provided by the Sponsor/Applicant.
"Red" cells	indicate the Applicant(s) has failed to meet a requirement of the program, threshold, scoring, upload, or certification.

**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 (Government Code Sections 6250-6276.48). As such, any materials provided are subject to disclosure to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank account numbers, social security numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

HCD APP#:

Project Area Type  Housing Type  Geographic Area

“Optional Answer” will not affect application review or ranking. Applicant(s) or Joint Venture Entity meets CDLAC Definition of BIPOC Organization? per CDLAC 523(f)(1)(B), TCAC 10327(c)(2)(E)?

Select Yes to all that apply

Affordable Housing Development (AHD)	<div></div>
Housing Related Infrastructure (HRI)	<div></div>
Sustainable Transportation Infrastructure (STI)	<div></div>
Transportation-Related Amenities (TRA)	<div></div>
Program Costs (PGM)	<div></div>

Project / Program	TDC	AHSC Funds Requested	%	Total Non-AHSC Funding Commitments
AHD	\$0	\$0	0.00%	\$0
HRI	\$0	\$0	0.00%	
STI	\$0	\$0	0.00%	\$0
TRA	\$0	\$0	0.00%	\$0
PGM	\$0	\$0	0.00%	\$0
AHD & HRI Total	\$0	\$0	0.00%	\$0
Grand Total	\$0	\$0	0.00%	\$0

Was Project awarded funds in prior AHSC rounds?	<div></div>
Is Project a phase of a previously awarded project?	<div></div>
Select Metropolitan Planning Org. or "non-MPO area"	<div></div>

Has the Applicant(s) applied, plan to apply, or been awarded other HCD program funds for this proposed Project?

NOFA Section II (C)(2)  
Applicant(s) acknowledges that a single Developer may receive no more than \$100 million per NOFA funding cycle. This limitation may be waived by SGC if necessary, to meet statutory requirements referenced in Guidelines §108.

Utilizing Tax Credits?	<div></div>								
Is the Project a scattered site housing Project? UMR §8303(b) <div></div>									
Total Units	LIHTC Units	Project Site Area	Units per Acre	Age Restrictions	Special Facility Type	Tenure Type	Rental Subsidy?	Commercial Space?	Relocation Required?
0		Acres	0 Per Acre						
Operating Subsidy?			HUD 811 Project?		Any type of demolition required?				
Number of buildings?			Total building(s) stories?		Number of elevators?			Total Homeownership square Feet?	
Total Commercial square feet?			Total Residential Rental square feet?			Total Residential Non-rental square feet?			
Total Mixed-use Space (square feet)									
For <u>Operating Subsidies</u> : Provide evidence of commitment status (e.g., letters of intent, commitment letters, grant awards or subsidy contracts). If commitments are not available, provide other documentation such as a reservation or third-party letter stating the following: total subsidy and estimated first year allocation, date or expected date of award, and term (in years). For <u>Project-Based Rental Assistance</u> : Projects having or proposing project-based rental assistance must provide documentation of current contract Rents. A fully executed subsidy contract shall be required prior loan closing. Projects having or proposing project-based rental assistance shall fund a Transition Reserve in accordance with MHP §7312(f)(2).									
File Name:	Operating Subsidy Commitment		Documentation evidencing commitment of Operating Subsidies including source, term (in years), total subsidy amount, and estimated first year allocation.					Uploaded to HCD?	<div></div>
File Name:	Current Contract Rents		Projects proposing project-based rental assistance: Provide documentation of current contract rents for HAP, Shelter Plus or other source, as applicable.					Uploaded to HCD?	<div></div>

§105 Eligible Applicants

- (a) Applicant(s) acknowledges and understand the requirement of "Eligible Applicants"
- (1) Eligible applicant entities shall include any of the following:

A Locality, public housing authority, redevelopment successor agency, transit agency or transit operator, Regional Transportation Planning Agency (RTPA),

(A) local Transportation Commission, Congestion Management Agency, Joint Powers Authority (JPA), school district, facilities district, University or Community College District.

(i) For STI or TRA components only, an applicant may provide an executed agreement with a specific Locality or transportation agency non-applicant for the completion of the STI or TRA components of the AHSC Project for which funding is sought.

(B) A Developer or Program Operator.

(C) A Tribal Entity whose Project meets requirements listed in detail in Appendix B.

Is Project being proposed by a Tribal Entity and meets requirements listed in detail in Appendix B?

A special purpose entity formed and controlled by the Developer, and which will serve as the ultimate borrower of AHSC loan funds, is not an eligible Applicant. A

(2) special purpose entity ultimate borrower meeting the requirements of UMR §8313.2 may be listed on the AHSC Program application in the appropriate, designated fields for listing such a borrower entity.

Single purpose entities not meeting the requirements of a special purpose entity pursuant to UMR §8313.2, whether serving as an intermediate entity within

(A) the ultimate borrower structure or not, are not Eligible Applicants. Such single purpose entities will not be included as a separate party on any AHSC Program legal documents, including but not limited to, Standard Agreements, nor are they eligible to be Recipients or payees of AHSC Program funds.

(3) Where a Public Agency has a real property interest in the proposed Project, the application must include the Public Agency as a joint Applicant or otherwise include a commitment to enter into a contractual agreement to develop the Project, if it is awarded.
- AHSC R6
- Page 3 of 40
- Project Overview

Project Overview

Will a Public Agency have a real property interest in the proposed Project?  
Will the Application include the Public Agency as a joint applicant?

- (4) All eligible Applicants appearing on the application for the Project will be held jointly and severally liable for the completion of the Project and as such, will each sign all Standard Agreements to the award of AHSC funds.
- (A) A Recipient of Department funds must remain liable for performing all requirements of the award of funds as set forth in the Standard Agreement. Where there are multiple Recipients, all such Recipients must remain jointly and severally liable to the Department for that performance. Notwithstanding the foregoing, Recipients may indemnify each other by entering into agreements with one another as to individual Capital Projects. In no event will any such agreement alter, amend, or revoke each individual Recipient’s obligations to the Department, including the joint and several liability.

“Developer” means the entity that the Department and the Council rely upon for experience, site control, and capacity, and which controls (1) the Affordable Housing Development during development and through occupancy or the Housing Related Infrastructure during development and through completion, (2) the Sustainable Transportation Infrastructure during development and through operation, or (3) the Transit-Related Amenities during development and through Operation.

Applicant #1	Entity name			
Eligible applicant type			Organization type	
File Name	App1 Cert & Legal Disclosure	Reference: Applicant Certification Worksheet.	Uploaded to HCD?	
File Name	App1 OrgDoc1, OrgDoc2, etc.	Reference: Entity Org Docs Worksheet.	Uploaded to HCD?	
File Name	App1 Org Chart	Applicant Organization Chart.	Uploaded to HCD?	
File Name	App1 Signature Block	Signature Block - upload in Microsoft Word Document.	Uploaded to HCD?	
File Name	App1 Cert of Good Standing	Dated 30 days or less from the application due date.	Uploaded to HCD?	
File Name	App1 Tax-Exempt Status	Evidence of tax-exempt status from IRS and FTB for Corporations (Non-Profits Only).	Uploaded to HCD?	

Applicant #2	Entity name			
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Applicant #3	Entity name			
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Applicant #4	Entity name			
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Owner/Borrower	Entity name			
File Name	Owner Cert & Legal Disclosure	Reference: Applicant Certification Worksheet.	Uploaded to HCD?	
File Name	Owner OrgDoc1, OrgDoc2, etc.	Reference: Entity Org Docs Worksheet.	Uploaded to HCD?	
File Name	Owner Org Chart	Owner Organization Chart.	Uploaded to HCD?	
File Name	Owner Signature Block	Signature Block - upload in Microsoft Word Document.	Uploaded to HCD?	
File Name	Owner Cert of Good Standing	Dated 30 days or less from the application due date.	Uploaded to HCD?	
File Name	Owner Tax-Exempt Status	Evidence of tax-exempt status from IRS and FTB for Corporations (Non-Profits Only).	Uploaded to HCD?	

Managing General Partner	Entity name			
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Administrative General Partner #1	Entity name			
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Administrative General Partner #2	Entity name			
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## Development Team Contacts and Legislative Information

Contact Type	Entity Legal Name	Eligible Sponsor Type
Applicant #1		
Owner / Borrower Entity		
Transit Agency Partner (applicable to STI and TRA components)		
Property Management Agent		
Financial Consultant		
Lead (primary) Service Provider		
Borrower Legal Counsel		
General Contractor		
Architect		
Other ( <a href="#">Specify</a> )		
Other ( <a href="#">Specify</a> )		
Other ( <a href="#">Specify</a> )		
Other ( <a href="#">Specify</a> )		

Congress person Name(s)	District #	State Senator Name(s)



Organization Type	Address	City	State	Zip Code

District #	State Assembly Member Name(s)	District #

**End of Document**

[illegible]



[illegible]



[illegible]

Project Name	
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**Replacement Reserve Calculator** UMR §8309

(a)	0.6% of New construction costs (structures excluding contractor profit, overhead, and \$500 per unit: (This is a placeholder for rehab projects and may be subject to higher a
(b)	Replacement Reserve Amount = <i>New construction: lesser of (a) and (b); Rehab: (b)</i> HCD Required Replacement Reserve Amount - <i>included in "Operating budget" tab</i>

**Operating Reserve Calculator**

1	Total Operating Expenses Excluding On-Site Se <i>Operating Budget Cell (E111) minus Operat</i>	
	(a) Total Operating Expenses:	\$0
	(b) <i>Minus: On-Site Service Coordinator Salaries:</i>	\$0
2	Replacement Reserve amount from <i>above: (Cell AJ10)</i>	
3	Debt Service (including all HCD 0.42% Fees and Bond Issuer Fee)	
	<b>Name of Lender</b> <i>Operating Budget cells (D123 to D132)</i>	

If Reserve amounts are different than the required amount, enter Reserve amounts and how

--

Does the Project propose use of Project-based rental assistance?

End

rve Requirements

	Number of Project Units:	0
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general requirements and insurance): amount)	\$0	\$0
	\$500	\$0
		\$0
		\$0

ervice Coordinator Salaries. <i>ing Budget Cell (E105)</i>		TAX CREDIT Project 3 Month Reserve Required	NON-TAX CREDIT Project 4 Month Reserve Required
	Amount subject to reserve calculation: <i>(a - b)</i>	\$0	\$0
		\$0	\$0

	Annual Debt Service Amount	TAX CREDIT Project 3 Month Reserve Required	NON-TAX CREDIT Project 4 Month Reserve Required
1st Mortgage Debt Service	\$0	\$0	\$0
2nd Mortgage Debt Service	\$0	\$0	\$0
3rd Mortgage Debt Service	\$0	\$0	\$0
AHSC .42% Fee	\$0	\$0	\$0
Other HCD .42% (Specify)	\$0	\$0	\$0
Bond Issuer Fee	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
ellaneous Financial Expenses (specify)	\$0	\$0	\$0
Other ( <i>Specify</i> )		\$0	\$0
Totals	\$0	\$0	\$0
UMR Required Operating Reserve Amount:		\$0	\$0

they are calculated below:

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of Document

§106 Threshold Requirements

(a) Application Threshold Requirements: In addition to requirements detailed in Sections Department all the following:

Applicant(s) certifies that the proposed Project will achieve a reduction in GHG e  
(1) Program Quantification Methodology, available on the California Air Resources f  
Materials webpage. This must be evidenced by a completed GHG Benefits Calc  
each Project component.

[CARB Quantification Methodology](#)

Applicant(s) certifies that the proposed Project supports the implementation of th  
(2) Planning Organization (MPO), or equivalent sustainable planning document in n  
application must be consistent with activities or strategies identified in the region  
GHG.

(3) Applicant(s) certifies that the proposed Project must be consistent with the State

Applicant(s) certifies that all proposed Affordable Housing Developments locate  
(4) card to each Restricted Unit for at least 3 years. If the transit agency does not pr  
average commute length rides a month as determined by the transit agency. Th

(5) Applicant(s) certifies that Applicants of all proposed rental Affordable Housing D  
compliance by submitting a draft of the development's Smoke Free Housing leas

(6) The AHSC-funded components of the Project must:

Applicant(s) certifies to incorporate more than one Urban Greening feature  
(A) for the maintenance of the Urban Greening features in the Project, even if r  
owners. Applicants must propose at least \$200,000 in reasonable direct Url

Urban Greening costs:	AHD:	\$0	HRI: \$0

(B) Applicant(s) certifies that the Project include adequate lighting in accordanc  
accessible components of the Project including active transportation routes

Applicant(s) certifies to the completion and approval or adoption of all necessary  
(7) Quality Act (CEQA) and if applicable, the National Environmental Policy Act (NE  
after the application due date with lawsuits or appeals resolved. Proof of NEPA c

(B) Applicants are not required to complete any necessary environmental clear application deadline.

(8) Applications must demonstrate that all necessary discretionary local land use approvals have been obtained. Have all necessary discretionary local land use approvals, excluding design review, been obtained?

(9) Applicant(s) certifies that the application is sufficiently complete to assess the feasibility of the project against the requirements.

Applicant(s) certifies that the applicant must demonstrate that the Project is financially feasible. (10) **Funding Commitments**, a market study which meets the requirements specified in the Request for Proposals, statement, proposed operating budget, multi-year pro-forma, or other feasibility study for the Housing Development.

Does the Market study demonstrate the AHD/HRI Project is financially feasible?

Applicant(s) certifies that the Eligible Applicant or Locality serving as the Developer for the Project on which that Project component will be located as set forth at UMR §8303 and §8304 through the award date. (11)

(A) The following shall apply to Capital Projects:

Where site control is in the name of another entity, the Applicant shall (i) (e.g., a purchase and sale agreement, an option, a leasehold interest/lease, or a deed from a public agency for the acquisition of the site), which clearly demonstrates the Applicant's control over the site.

Where site control will be satisfied by a long-term ground lease, the Developer shall (ii) at the time of closing, which shall be entered into by and among the grantor and the Developer, in all cases, the lease rider shall be recorded against the fee interest in the land.

(B) For Capital Projects developed in Indian country, the following exceptions apply:

(i) Where site control is a ground lease, the lease agreement between the grantor and the Developer.

(ii) An attorney's opinion regarding chain of title and current title status is not required.

Applicant(s) certifies to demonstrate experience by providing evidence of at least two (2) completed projects (in scope and size, **which have been completed by the Applicant since the application due date**) in scope and size, **which have been completed by the Applicant since the application due date**. (12) If an Applicant relies upon the experience of its Principal to demonstrate experience is required as set forth in the application, in addition to recent project experience.

Note: AHD/HRI Developer has to be the entity with experience per the Guidelines.

Applicant(s) certifies that as of the date of application, the Applicant(s), the Project, and the Locality are not the subject of any claim or action in the state or federal courts that affects or potentially affects the ability to complete the Project. (13) describe any claim or action undertaken by or against the Applicant(s), the Project, and the Locality.



- (B) Applicant(s) certifies the Affordable Housing Development, Housing Related Infrastructure, or Medium Density Residential Development Program funds are not and will not be supplanted by AHSC Program funds.

- (C) Proposed Projects involving new construction or Substantial Rehabilitation of existing structures must demonstrate that the number of bedrooms in the new Project is at least equal to the number of bedrooms in the demolished structures, or may exist on separate parcels provided all parcels are part of the same Project.

- (i) The Department may approve Projects involving new construction or Substantial Rehabilitation if the Project will result in a number of bedrooms less than the number in the demolished structures, provided the Project will maintain the livability of the remaining units, or serve some other compelling public purpose, or units upon Project completion.

Will the proposed Project involve new construction or Substantial Rehabilitation of existing structures?

Will the proposed Project involve new construction or Substantial Rehabilitation of existing structures that result in a number of bedrooms less than the number in the demolished structures?

- (D) If the Affordable Housing Development, Housing Related Infrastructure, or Medium Density Residential Development Program households, the application must demonstrate the replacement of demolished structures with a number of the demolished Affordable Units located within comparable accessible locations.

Will the proposed Project involve the demolition of existing units that are affordable?

- (E) Applicants must demonstrate the proposed Affordable Housing Development, Housing Related Infrastructure, or Medium Density Residential Development Program will affirmatively further fair housing.

Applicant(s) certifies to adopt a written non-discrimination policy to comply with Title VI of the Civil Rights Act of 1964 (42 USC Section 2000d et seq.); the Americans with Disabilities Act of 1990; the California Fair Employment and Housing Act of 1989; and all regulations promulgated pursuant to those statutes (including 24 CFR 100.026, [affirmatively further fair housing](#)).

- (22) Applicants must affirm that the proposed Affordable Housing Development, or Medium Density Residential Development, will be powered entirely through electricity with no connections to natural gas infrastructure. Only fossil-fuel-based backup power by regulation or code should consider the cleanest and then tier 4 compliant diesel. If a fossil fuel-based generator is installed, be advised that the generator will be counted as AHSC Eligible Cost.

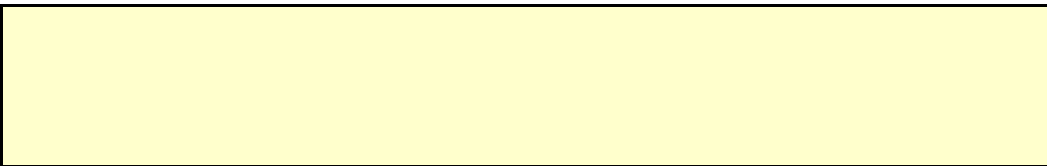
Applicant(s) certifies that the Project will be powered entirely through electricity with no connections to natural gas infrastructure.

- (24) Applications requesting AHSC Program funding for Program Costs must also demonstrate that the Program Costs are infeasible without AHSC Program funds.

- (A) Applicant(s) certifies that the Program Costs are infeasible without AHSC Program funds.

- (25) Applicant(s) acknowledges that all proposed AHSC Project components are subject to the AHSC Program rules (24 CFR 100.026).

- (26) Applicant(s) certifies to demonstrate that outreach and education on reducing greenhouse gas emissions is part of the Affordable Housing Development, Housing Related Infrastructure, or Medium Density Residential Development.



Applicant(s) certifies to comply with the Americans with Disabilities Act (ADA), fa  
Violence Against Women Act (VAWA), requirements pursuant to MHP Guideline  
(27) persons with disabilities requiring the features of the accessible units in accorda  
10337(b)(2), as may be amended and renumbered from time to time). The Appli  
local accessibility requirements are met.

Affordable Housing Development and Housing Related Infrastructure componen  
(28) nonresidential structures to residential, dwelling units must be capable of accom  
for rural) per second for downloading and 20 megabits (10 megabits for rural) pe

- (A) Affordable Housing Development and Housing Related Infrastructure comp  
pathways, wiring, cables, and other necessary infrastructure extended to ea
- (B) For some rural areas, other technologies like fixed wireless, might offer the  
about their broadband internet infrastructure planning, as well as existing bi
- (C) Applicant(s) certifies to comply with high speed broadband internet service,  
of 5 years, free of charge to the tenants, and available within 6 months of th

In addition to the Threshold Requirements above, Applicant(s) acknowledge, un

§108 Application Process	
§109 Legal Documents	
§110 Reporting Requirements	
§111 Performance Requirements	
§112 Defaults and Cancellations	

Threshold Requirements

102 through 105, to be eligible for AHSC Program funding, an application shall demonstrate to the

missions through fewer vehicle miles travelled (VMT), pursuant to the most recent AHSC Board's Climate Change Investments (CCI) Quantification, Benefits and Reporting calculator tool, described in the AHSC Application, displaying VMT and GHG reductions for

re applicable Sustainable Community Strategy (SCS), as confirmed by the Metropolitan on-MPO regions, as required by Public Resources code section 75210 et seq. The al SCS, or similar planning document that demonstrate a per capita reduction in VMT and

Planning Priorities established pursuant to Section 65041.1 of the Government Code.

d in a jurisdiction that has fare-based transit must provide at least one (1) transit pass or provide passes with unlimited rides, the card or pass should have a minimum value of 40 ese passes or cards may be paid for with AHSC funding pursuant to §103(b)(2).

velopments must certify that the development will be smoke free and demonstrate se addendum.

with dedicated maintenance for at least two years. The grantee is ultimately responsible municipal ordinance assigns responsibility for their maintenance to adjacent property ban Greening costs.

STI:	\$0	TRA:	\$0	Meets threshold requirement?	FALSE

se with local, state, and federal design standards and requirements for all publicly and transit stations or stops.

environmental clearances including those required under the California Environmental PA). All applicable time periods for filing appeals or lawsuits have lapsed within 30 days clearance is shown through an Authority to Use Grant Funds document.

ances prompted exclusively by rental and/or operating subsidies **prior** to the AHSC

approvals, excluding design review, have been granted.  
ew, have been granted?

asibility of the proposed project and its compliance with AHSC Program and application

rially feasible as evidenced by documentation including, but not limited to, **Enforceable**  
d in the TCAC Regulations Section 10322(h)(10), project pro-forma, sources and uses  
documentation that is standard industry practice for the type of proposed Affordable

per of a particular component of the Project must demonstrate site control of the property  
**§8316 with the additional requirement that the Applicant shall maintain site control**

provide documentation, in form and substance reasonably satisfactory to the Department  
option, a disposition and development agreement, an exclusive right to negotiate with a  
es that the Applicant has some form of right to acquire or lease the Project property.

epartment will require the execution and recordation of the Department’s form lease rider  
round lessor, the ground lessee, the Department, and any other applicable parties. In all  
Project property.

pply:

e Tribal Entity and the Project owner is for a period not less than 50 years; **and**  
acceptable in lieu of a title report

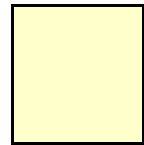
t two projects that are similar to each proposed AHSC Capital Project (AHD, HRI, STI,  
**erving as the Developer of that Project component**, during the **ten** years preceding the  
meet the Applicant experience requirements, documentation of the Principal’s  
evidence described in the previous sentence.

elines.

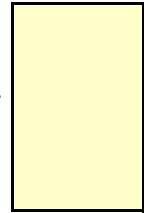
App due date	4/4/23
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ect, or the real property on which the Project is proposed may not be party to or the  
ally affects the feasibility of the Project. Further, the Applicant(s) shall disclose and  
ect or the Property which affects or potentially affects the feasibility of the Project.

ne application deadline set forth in the NOFA. Any demolition operation conducted under  
r is structurally unsound and in danger of imminent collapse is exempt from this

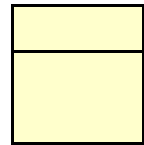


Qualifying Transit, respectively, must be serving the Transit Station/Stop at the time of  
the Transit Station/Stop by the time a certificate of occupancy is provided. For all Project  
ected by a pedestrian access route no greater than 0.50 miles at the time of certificate of  
AHD and the Transit Station/Stop may be included as part of the project STI/TRA  
y is provided.

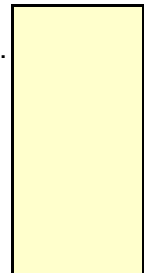


ce Law (CA Gov Code Sec. 7260-7277).

hapter 16, commencing at Section 7260, and Title 25 CCR, Subchapter 1, Chapter 6,



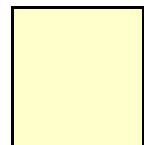
roject is located must be in substantial compliance by the date of award recommendation.  
ed housing element is in substantial compliance as demonstrated by a letter from the  
e time frames required by Section 65588 of the Government Code includes that  
ion 65580, of Chapter 3 of Division I of Title VII of the Government Code. A jurisdiction's  
Department's website. Projects located on Trust Land, as defined under Indian country,  
**ider Indian country, are exempt from this requirement.**



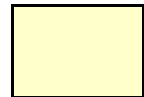
partment review of their housing element at the time of award and jurisdictions which are  
to compliance at the time of award, shall both be deemed to be in a presumptive state of  
ptive substantial compliance shall include conditions in their respective standard  
on must have received a final housing element certification letter from the Department.

ousing element in substantial compliance with **Art.10.6 (§65580) Ch. 3 Div. 1 of Title 7**

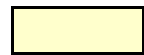
[u HCD's website.](#)



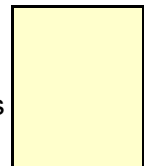
must at the time of application, have submitted their housing element annual progress  
a for the current and prior year.



adaptation measures as described in Section 107 Narrative Based Policy Scoring (b).



or component thereof will not result in loss or conversion of agricultural or other working  
gnated as Agricultural Land according to the California Department of Conservation's  
Farmland Finder). An exemption to the FMMP designation may be allowed for applications



ments and Housing Related Infrastructure Capital Projects must also demonstrate to the

d Infrastructure, or both are infeasible without AHSC Program funds, and other committed

and requiring the demolition of existing residential units are eligible only if the number of  
i the demolished structures, with equal or greater affordability. The new Affordable Units  
ject meeting the requirements of the UMRs Section 8303 (b).

Substantial Rehabilitation and requiring the demolition of existing residential units that  
ed structures where it determines that such approvals will substantially improve the  
policy objective, as long as the reduction does not result in more than 25 percent fewer

abilitation and requiring the demolition of existing residential units?

abilitation and requiring the demolition of existing residential units that result in a number

both Capital Project(s) involves the demolition of existing units that are affordable to lower-income  
ed units, comparable in size, of equal or greater affordability and equal to or greater than the  
ss to transit and include first right of return to displaced residents.

fordable to lower-income households?

nt is consistent with State and Federal Fair Housing requirements including duties to

with all applicable state and federal law, including, without limitation, the requirements of  
[Americans with Disabilities Act of 1990; the Fair Housing Act; the Fair Housing](#)  
[; the Unruh Civil Rights Act; GC Section 11135; Rehabilitation Act of 1973 Section 504;](#)  
[FIR Part 100, 24 CFR Part 8, and 28 CFR Part 35](#))?

lixed Use Development in the case that non-residential uses are included, are powered  
/ zero-emission generators are AHSC Eligible Costs. Projects required to include fossil  
d most renewable technology first, starting with gaseous fuel (e.g., RNG, NG, LPG), and  
ed that procurement, site preparation, installation, or operation of such units is not an

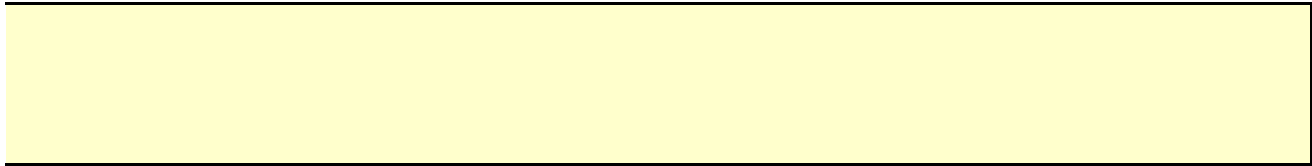
with no connections to natural gas infrastructure as described above?

emonstrate to the satisfaction of the Department all the following:

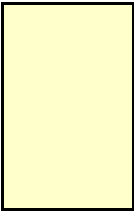
rogram funds, and other committed funds are not being supplanted by AHSC Program

ject to all applicable codes, including the California Building Standards Code (CCR, Title

ntential health impacts of air pollution will be provided to residents of Affordable Housing



air housing, nondiscrimination, Pet Friendly Housing Act, physical accessibility, and as Section 7314 (a)-(d). Projects must also provide a preference for accessible units to nce with TCAC regulations (California Code of Regulations (CCR), Title 4, Section cant or Developer of the Project must ensure that any other applicable federal, state, and

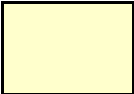


its involving new construction, acquisition and Substantial Rehabilitation, or conversion of modating broadband internet service with at least a speed of 100 megabits (50 megabits er second for uploading.

onents must provide a conduit from the public right of way or property line and provide ach unit and public common space to provide a broadband internet connection.

highest caliber connection. All Applicants should consult with their local jurisdictions roadband internet service providers in the area.

with speeds listed above must be made available to each Restricted Unit for a minimum e AHD's placed-in-service date.



nderstand, and agree to comply with the following sections of the 2023 AHSC Guidelines.

---

Quantitative Policy Scoring – 52 Points Maximum

Total Quantitative Self Score 0.000

(a) Active Transportation Improvements §107(a) - 14 Points Maximum0

(1) Length of Context Sensitive Bikeways (PAM) - 3 points maximumSTI and TRA Quantification Form0

(A) 3 points for at least one (1.0) lane mile

(B) 1 point for at least one half (0.50) lane mile

Class 1 Bikeways

Class 2 Bikeways

Class 3 Bikeways

Class 4 Bikeways

Total Context Sensitive Bikeway Mileage

0.000

File Name

AHSC-funded STI and TRA Quantification Form

Complete the AHSC-funded STI and TRA Quantification Form identifying the locations, AADT, and Speed Limit of all STI and TRA components that are to be funded by the AHSC program funds.

Uploaded to HCD?

(2) Will the Project expand an existing bicycle network? The new Context Sensitive Bikeway funded by AHSC must have an entry point within the Project Area and directly intersect with an existing bikeway as a way to connect to the existing bike network. The existing bikeway and bikeway network does not have to be comprised of Context Sensitive Bikeways. - 2 point maximum0

(3) Length of AHSC-funded Safe and Accessible Walkways (PAM) - 3 points maximum0

Total length (in linear feet) of STI new or replaced sidewalks and TRA sidewalks improved:

(A) 3 points for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 2,000 feet of continuous Safe and Accessible Walkway.

(B) 1 point for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 1,000 but at or less than 2,000 feet of continuous Safe and Accessible Walkway.

Safe and Accessible Walkways - length (in feet) of new or replaced sidewalk, walkways, or ramps

(4) New pedestrian facilities - 2 point maximum

Will the Project create at least 1,000 linear feet of new pedestrian facilities where none exist at the time of application submission?

0

(5) Projects that improve existing transit routes that serve the community around the AHD. - 4 points maximum (two points for each strategy).0

The AHSC-funded improvements must improve service for a transit route that serves at least one (1) stop or station inside the Project Area. The improvement to the transit route need not be wholly inside the Project Area, but the Project's effects to improving reliability and/or speed inside the Project Area should be evident.

Projects improve a local bus service by at least one (1.0) Lane Mile by implementing any (or a multiple) of the following:

(A) At least one (1.0) Lane Mile of a Bus Only Lane that includes prohibition of private vehicles or High Occupancy Toll (HOT) Lanes that are in effect at least eight (8) hours a day, at least five (5) days a week.

(B) Installation of new off-board fare collection kiosks or machines along all stops for one (1.0) consecutive Lane Mile.

(C) Installation of new at-grade boarding infrastructure along all stops for one (1.0) consecutive Lane Mile.

(D) Installation of at least four (4) bus bulb-outs that eliminate the need for buses to pull out of the general flow lane along one bus route in the Project Area.

(E) Installation of new or upgraded Transit Signal Priority hardware and software along all signals for one (1.0) consecutive Lane Mile.

(F) Installation of at least five (5) new bus shelters where none currently exist at least five stops along one bus route in the Project Area.

(G) Procurement of at least one new ZEV transit vehicle that allows the provider to modify published schedules that will achieve headways of 15 minutes or less during peak hours or reduce peak hour existing headways by more than 10 minutes.

(b) Green Buildings and Renewable Energy §107(b) - 3 Points Maximum0

(1) Green Building Status - 3 points

Construction Type:

Green building status beyond State mandatory building code requirements as verified:

File Name

Green Building Status

Provide signed letter from a certified LEED Green rater, certified Green Point rater, or licensed engineer stating the commitment to achieve green building status beyond State mandatory building code. Specify the Certification the AHD commits to.

Uploaded to HCD?

(c) Housing and Transportation Collaboration §107(c) - 10 Points Maximum0

(3) Projects which provide documentation that their site is: - 2 points maximum0

(A) Within environmentally cleared High Speed Rail Station Planning Area

Is Project Area within environmentally cleared High Speed Rail Station Planning Area?

(B) Funding the construction of community-identified components:

Has the proposed Project received funds from another California Strategic Growth Council (SGC) Program?

(C) Utilizing Publicly-Owned Land:

Is Project to be developed on land designated as Excess Land (EO N-06-19) or any land declared surplus by a local agency? Projects developed on land donated by or leased at a discounted rate from a transit agency are also eligible for these points.

(d) Location Efficiency and Access to Destinations §107(d) - 3 Points Maximum0.000

(2) Location Efficiency to Key Destinations (PAM) - For TOD Project Areas and ICP Project Areas each type of Key Destination is worth one third (0.333) of a point. For RIPA Project Areas each type of Key Destination is worth one half (0.50) of a point. (for each item below, answer Yes or No as to if these Key Destinations are within 1/2 mile of the AHD)

(A) Market or Grocery store (SNAP Retailer)

(B) Food Bank

(C) Medical clinic

(D) Licensed childcare facility

(E) Pharmacy

(F) Park accessible to the general public

(G) Community Center

(H) Public library

(I) Public elementary, middle, high school, non-profit university or non-profit junior college

(J) Bank, or credit union

(K) Post Office

(e) Funds Committed §107(e) - 4 Points Maximum0

Points will be awarded for applications demonstrating committed funding for all permanent financing, grants, project-based rental assistance, and operating subsidies, excluding: the amount requested from the AHSC Program, an allocation of tax-exempt bonds, and 4 percent or 9 percent tax credits.

Does Applicant meet the above requirements?

FALSE

(f) Prohousing Designation §107(f) – 3 Points Maximum0

(1) Projects located in jurisdictions that have received a "Prohousing designation" as certified by the Department by the application due date. - 3 Points Maximum

Is Project located in a jurisdiction that have received a "Prohousing designation" as certified by the Department and by the application due date?

(g) Anti-Displacement Activities §107(g) - 4 Points Maximum0

(1) Projects that document a commitment to implement at least one (1) new or expanded Anti-displacement activity listed below, as supported by an assessment of housing needs and displacement vulnerability.

Please see Guidelines for the "Assessment" and the "Commitment Letter" requirements.

# of Activities to be implemented

0

AHSC R6

Page 28 of 40

Quantitative Policy Scoring

(A)

Projects may select up to two activities listed below. These activities must be implemented by an independent non-profit or locality with dedicated Program Cost (PGM) funding of a minimum \$150,000 per activity:

(i)

A non-profit and/or Locality developing a Community-Driven, Neighborhood-Scale Anti-Displacement Plan

(ii)

A non-profit and/or Locality implementing a policy or action identified in a previously-adopted Anti-Displacement Plan that is not listed below

(iii)

A non-profit and/or Locality implementing a policy identified in an existing Community-Driven, Neighborhood-Scale Anti-Displacement Plan

(iv)

A non-profit and/or Locality developing or implementing a pipeline or training programs that will build capacity for local affordable housing developers

(v)

A non-profit and/or Locality developing or implementing a process for data collection, monitoring, & tracking systems related to the causes of displacement (e.g. rental property registry, landlord licensing, local eviction tracking, or a speculation watchlist)

(vi)

A non-profit and/or Locality developing or implementing eviction prevention and landlord anti-harassment programs

(vii)

A non-profit and/or Locality developing or implementing rental assistance programs

(viii)

A non-profit and/or Locality developing a Neighborhood Leadership Development Program for stakeholders within the project community

(ix)

A non-profit and/or Locality developing or implementing a Small/Family Business Protection Program for community businesses in the Project Area

(x)

A non-profit and/or Locality developing or operating a Community Land Trust or Land Banking activities

(h)

Local Workforce Development and Hiring Practices Maximum §107(h) - 3 Points

0

(1)

Projects that implement workforce development strategies that advance the recruitment, training, and hiring of individuals who live within Priority Population census tracts or Low-Income Households. 1.5 points per strategy

Choose from the following AHSC workforce development strategies:

(A)

Partnership with a Workforce Development organization or a Workforce Development Board.

(B)

Project is bound by a Skilled and Trained Workforce Commitment.

(C)

Projects that have developed a Project Labor or Community Workforce Agreement.

(D)

Projects that are located in jurisdictions with Local Hire Ordinances.

# of Strategies

0

(i)

Housing Affordability §107(i) - 5 Points Maximum

0.00

(1)

For rental Affordable Housing Developments, the following shall apply:

(A)

Applications which restrict a percentage of units in a rental Affordable Housing Development to Extremely Low Income (ELI) households. 3 Points Maximum

Points will be awarded based on the percent of total units restricted to ELI households as follows:

(i)

15 to 19.9 percent of total units = 1 points

(ii)

20.0 to 24.9 percent of total units = 2 points

(iii)

25 percent or more of total units = 3 points

(B)

Applications which restrict a percentage of three-bedroom or larger units in a rental Affordable Housing Development to Extremely Low Income or Very Low-Income households. 2 Points Maximum

(i)

10 to 19.9 percent of total units = 1 points

(ii)

20 percent or more of total units = 2 points

Extremely Low Income (ELI) Units

0

0.00

Total AHD Units

0

ELI Units as a % of Total AHD Units

0.00%

Three-bedroom or larger units to Extremely Low Income or Very Low-Income households

0

0.00

Total AHD Units

0

Three-bedroom or larger, ELI or VLI Units as a % of Total AHD Units

0.00%

(j)

Programs §107(j) – 3 Points Maximum

0

(1)

Applicants that propose an AHSC-funded Program (PGM) Cost in partnership with a non-profit organization (including churches, Community Based Organizations, or other organization registered as a 501(c)(3) Organization) for at least \$150,000. All proposals in partnership with a non-profit must provide a commitment letter and a proposed workplan describing how each program or activity will be implemented. An Applicant seeking points for an activity under the Anti- Displacement category is not eligible for additional points for that same activity under the Programs section.

Please see Guidelines for items that should be included in the proposed workplan:

Programs proposed under this section must fall under one of these four categories to be eligible for points.

(A)

Active Transportation Encouragement and Safety: Active Transportation programs that encourage residents to walk or bicycle more frequently and more safety. Programs may include, but are not limited to: Bike Safety Workshops, Walking School Buses or other group walking activities, Safe Routes to School or Transit. Additionally, distribution of lights, safety equipment, or bicycles to low-income residents are an eligible Program Cost as an incentive for participation in safety education programs

(B)

Low-Income Zero Emission Vehicle (ZEV) Car Sharing Programs: Programs that provide free or reduced cost access to Zero Emission Vehicle Car Sharing Programs.

(C)

AHD Resident Support: Instructor-led adult educational, health and wellness, or skill building classes. Includes, but is not limited to: Financial literacy, computer training, home-buyer education, GED classes, and resume building classes, ESL, nutrition class, exercise class, health information/awareness, art class, parenting class, on-site food cultivation and preparation classes, and smoking cessation classes. Drop-in computer labs, monitoring or technical assistance shall not qualify.

(D)

Tenant Legal Counseling: Programs that provide legal advice and education to renters on their rights as a tenant and access to programs to help reduce risks of evictions and displacement. Section 103(b)(1)(A) applies.

Which, above program, category will the applicant(s) choose from to propose the AHSC-funded Program (PGM)

The **narrative-based policy scoring** section of the application will be scored **only for projects that meet threshold requirements listed in Section 106**.

For Narrative-Based Policy Scoring, applicants must provide responses to the questions and prompts outlined in the Narrative Prompts document. Please reference the Narrative Prompts document and rubric at the SGC AHSC Program Website for instructions, the specific questions to answer, and necessary application materials.

File Name	Narrative	Provide a response to each prompt as outlined in the <a href="#">Narrative Prompts document</a> . The responses must be uploaded as a PDF and must follow the stated word counts. See Narrative Scoring Rubric document for guidance in completing Narratives.	Uploaded to HCD?	
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The following is a summary of each section:

(a) **Community Benefits & Engagement §107(a) - 6 Points Maximum**

Community involvement and leadership are crucial to ensuring that both the principal objectives and co-benefits of the project respond to the true needs of the community. Taken together, the responses to the prompts will explain how local residents and community-based organizations were meaningfully engaged in developing the Project, especially those from Disadvantaged and Low-income Communities, and how the project addresses community-identified needs and promotes community health and well-being. **The prompts will ask applicants to address two main components: (1) Community Engagement and Leadership and (2) how the AHSC Project addresses community needs.**

File Name	Community Tracker	<a href="#">Provide a completed AHSC Round 7 Community Engagement Tracker.</a>	Uploaded to HCD?	
File Name	Community Needs	Letter of support from local community-based, grassroots organization describing the community engagement process and how feedback from local residents was incorporated into the Project.	Uploaded to HCD?	

(b) **Climate Adaptation & Community Resiliency §107(b) - 5 Points Maximum**

Communities will continue to experience effects of climate change in many ways, including increased likelihood of droughts, flooding, heatwaves, sea level rise, severe weather, and wildfires. Due to these effects, climate resiliency is a key part of planning and project implementation. The prompts will ask applicants to address how the risks posed from climate change and other environmental exposures will be reduced by strategies listed in the Climate Adaptation Assessment Matrix. The prompts will also ask how the Project will reduce the health risks of climate change and other environmental exposures including extreme heat, wildfires and smoke, air pollution from vehicle emissions, and more. Under this section applicants will fill out the Climate Adaptation Assessment Matrix.

**Note:** If available, use localized climate impact projections.  
For tools to help assess general climate impacts, please visit [Cal-Adapt's Local Climate Snapshot tool](#).  
For adaptation tools, resources, strategies and case studies visit [State's Adaptation Clearinghouse](#).

File Name	Climate Matrix	<a href="#">AHSC Round 7 Climate Adaptation Assessment Matrix.</a>	Uploaded to HCD?	
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(c) **Collaboration & Planning §107(c) - 4 Points Maximum**

Collaboration between local governments and housing and transportation providers is critical to create a project that ensures connectivity and responds to the day to day needs of the community. Taken together, the responses to the prompts of this section should outline how the proposed project brings together the efforts of local government, including housing and transportation agencies to achieve projects that improve efforts related to climate adaptation, health, housing, mobility, and safety. The prompts will ask applicants to address two components of this: (1) Local Planning Efforts and (2) Housing and Transportation Collaboration.

File Name	Local Planning Efforts	Please provide a single PDF with the cover page of the plan and relevant pages of the plans referenced in the Local Planning Efforts Section. Please only include pages referenced in the narrative.	Uploaded to HCD?	N/A
File Name	Site Plan	Provide the most current site plan.	Uploaded to HCD?	
File Name	Future Engagement	<b>Optional:</b> Submit supporting documentation to demonstrate future engagement with either a CBO or residents (i.e. any engagement plans, agreements, etc.). Can be included as part of the Community Needs upload if it is the same CBO.	Uploaded to HCD?	

(d) **Equity & Transformation §107(d) – 3 Points Maximum**

As stated in the AHSC Program Overview, SGC is committed to achieving racial equity in its operations, investments, and policy initiatives and to achieving its vision that: All people in California live in healthy, thriving, and resilient communities regardless of race (**read more in the [SGC Racial Equity Action Plan](#)**). The AHSC Program encourages a holistic approach to community development and broader investments in neighborhoods. Under this section, the prompts will ask applicants to describe how the Project: 1) advances equity and 2) is either piloting new or innovative approaches or policies, leveraging existing resources in a new way, or shaping future projects in the nearby communities.  
[SGC Racial Equity Action Plan](#)

## Full list of Uploads

Per answers within  
Application

FILE NAME	FILE DESCRIPTION
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### HCD Excel Application

AHSC Application Workbook	AHSC Application Excel Workbook.	✓
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### Project Overview Sheet/Tab

Tax Credit Reservation Letter	If the Project has already received a tax credit reservation, upload documentation.	✗
Operating Subsidy Commitment	Documentation evidencing commitment of Operating Subsidies including source, term (in years), total subsidy amount, and estimated first year allocation.	✗
Current Contract Rents	Projects proposing project-based rental assistance: Provide documentation of current contract rents for HAP, Shelter Plus or other source, as applicable.	✗
Tribal Entity Waiver	Modifications or waivers as provided for in HSC Section 50406, subdivision (p) (Assembly Bill 1010 (Chapter 660, Statutes of 2019)	✗
Indian Country Verification	Documentation verifying land is located in Indian Country as defined by 18 USC 1151.	✗
Fee or Trust Land Verification	Documentation verifying land is located on Fee or Trust Land.	✗
STI-TRA Agreement	STI-TRA agreement: If utilizing the experience of a Locality or Transportation Agency non-applicant for STI or TRA components an applicant must provide an executed agreement with that specific Locality or transportation agency non-applicant for the completion of the STI or TRA components of the AHSC Project for which funding is sought.	✗

App1 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App1 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App1 Org Chart	Applicant Organization Chart.	✗
App1 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
App1 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App1 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗

App2 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App2 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App2 Org Chart	Applicant Organization Chart.	✗
App2 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
App2 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App2 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗

App3 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App3 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App3 Org Chart	See Applicant Documents worksheet.	✗
App3 Signature Block	See Applicant Documents worksheet.	✗
App3 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App3 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗

App4 Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
App4 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
App4 Org Chart	Applicant Organization Chart.	✗
App4 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
App4 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
App4 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗

Joint Venture Agreement	Executed copy stating the terms of joint venture agreement.	✗
JV1 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
JV1 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
JV1 Org Chart	Applicant Organization Chart.	✗
JV1 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
JV1 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
JV1 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗

JV2 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
JV2 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
JV2 Org Chart	Applicant Organization Chart.	✗
JV2 Signature Block	Signature Block - upload in Microsoft Word Document.	✗
JV2 Cert of Good Standing	Dated 30 days or less from the application due date.	✗
JV2 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗

Owner Cert & Legal Disclosure	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
Owner OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
Owner Org Chart	Owner Organization Chart.	✗
Owner Signature Block	Signature Block - upload in Microsoft Word Document.	✗
Owner Cert of Good Standing	Dated 30 days or less from the application due date.	✗
Owner Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).	✗

MGP Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>	✗
MGP OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>	✗
MGP Org Chart	MGP Organization Chart.	✗
MGP Signature Block	Signature Block - upload in Microsoft Word Document.	✗

MGP Cert of Good Standing	Dated 30 days or less from the application due date.		✗
MGP Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		✗
AGP1 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>		✗
AGP1 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>		✗
AGP1 Org Chart	AGP Organization Chart.		✗
AGP1 Signature Block	Signature Block - upload in Microsoft Word Document.		✗
AGP1 Cert of Good Standing	Dated 30 days or less from the application due date.		✗
AGP1 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		✗
AGP2 Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>		✗
AGP2 OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>		✗
AGP2 Org Chart	AGP Organization Chart.		✗
AGP2 Signature Block	Signature Block - upload in Microsoft Word Document.		✗
AGP2 Cert of Good Standing	Dated 30 days or less from the application due date.		✗
AGP2 Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		✗
MLLC Cert & Legal	<a href="#">Reference: Applicant Certification Worksheet.</a>		✗
MLLC OrgDoc1, OrgDoc2, etc.	<a href="#">Reference: Entity Org Docs Worksheet.</a>		✗
MLLC Org Chart	Manager of LLC Organization Chart.		✗
MLLC Signature Block	Signature Block - upload in Microsoft Word Document.		✗
MLLC Cert of Good Standing	Dated 30 days or less from the application due date.		✗
MLLC Tax-Exempt Status	Evidence of tax-exempt status from <b>IRS</b> and <b>FTB</b> for Corporations (Non-Profits Only).		✗
AB1550	<a href="#">Applicable CARB Priority Population Benefit Criteria Tables.</a>		✗
Project Area Map	Items marked with ( <b>PAM</b> ) in this application must be identified on the Project Area Map ( <b>PAM</b> ) and as outlined in the Project Area Mapping Guidance. This can include: mapping the Affordable Housing Development, Qualifying Transit, Active Transportation Improvements §107 Quantitative Policy Scoring(a)(1),(2),(3), & (4) ,Location Efficiency and Access to Destinations §107 Quantitative Policy Scoring(d)(1), and GHG Mapping components including: STI Improvements (e.g. bikeways, walkways, STI improvements to transit), traffic calming measures, and key destinations around STI improvements. <b>File must be submitted in a KML/KMZ format.</b>		✗
Transit Service Map	Provide the Published Transit Service Map of the Qualifying Transit line. Indicate the approximate location of the AHD on the map.		✗
Transit Service Schedule	Upload is the service schedule for Qualifying Transit only. All documentation transit service schedule supporting the transit service area. All transit service schedules should be uploaded to "Transit Service Schedule" as one document.		✗
Net Density Verification	Letter and sealed site map certified by a California State-licensed professional (e.g., an engineer, surveyor, or landscape architect) confirming the net density.		✗
Cap Improvements Req	Documentation from a Locality, transit agency or special district that capital improvements are required.		✗
Onsite Energy Storage	Documentation certified by an energy consultant or architect.		✗
STI Cap Project Costs	Documentation showing Capital Project costs are required as a condition of local approval for STI.		✗
TRA Cap Project Costs	Documentation showing Capital Project costs are required as condition of local approval for TRA.		✗
Utility allowance	Schedule of utility allowances.		✗
Article XXXIV Legal Opinion	Legal opinion regarding Article XXXIV, prepared in accordance with NOFA.		✗
Article XXXIV Authority	Documentation of Article XXXIV Authority prepared in accordance with NOFA.		✗
<b>Threshold Requirements Sheet/Tab</b>			
SCS Consistency Confirmation	Document from MPO identified above confirming consistency with SCS, or alternative planning strategy in non-MPO regions, per §106(a).		✗
SFH Lease Addendum	Submit a draft of the development's Smoke Free Housing lease addendum.		✗
AHD Environmental	Copy of all environmental clearances (e.g. Environmental Impact Report) or Notice of Exemption.		✗
AHD Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		✗
HRI Environmental	Copy of all environmental reports and clearances (e.g. EIR, Phase 1 Notice of Exemption).		✗
HRI Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		✗
STI Environmental	Copy of all environmental clearances (e.g. Environmental Impact Report) or Notice of Exemption.		✗
STI Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		✓
TRA Environmental	Copy of all environmental clearances (e.g. Environmental Impact Report) or Notice of Exemption.		✗
TRA Auth to Use Grant Funds	For NEPA only, copy of the HUD 7015.16 "Authority To Use Grant Funds" or clarify the current status of the issuance of the HUD form.		✗
AHD-HRI Market Study	Provide a completed market study prepared within one year of the application due date.		✗
EFC AHD HRI1; EFC AHD HRI2; EFC AHD HRI3; etc.	Documentation for the 0 permanent sources, plus Equity Investor if known at time of application.		✗
EFC STI1; EFC STI2; EFC STI3; etc.	Supporting documentation for the 0 non-AHSC STI funding commitments.		✗
EFC TRA1; EFC TRA2; EFC TRA3; etc.	Supporting documentation for the 0 non-AHSC TRA funding commitments.		✗
EFC PGM1; EFC PGM2; EFC PGM3; etc.	Supporting documentation for the 0 non-AHSC PGM funding commitments.		✗
AHD Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		✗
AHD Preliminary Title Report	PTR, that is no more than 6 months old for the AHD Project.		✗
HRI Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		✗
STI Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		✗
TRA Site Control	Appropriate documentation to demonstrate the form of site control indicated above.		✗
Past Exp AHD1, Past Exp AHD2	Certificates of Occupancy for two recently completed affordable housing developments.		✗
Past Exp HRI1, Past Exp HRI2	Certificates of Occupancy for two recently completed affordable housing developments.		✗

Past Exp STI1, Past Exp STI2	Where the party making improvements funded by AHSC is not a public entity, an executed agreement from a public agency certifying the satisfactory completion of similar infrastructure improvements.		✗
Past Exp TRA1, Past Exp TRA2	Where the party making improvements funded by AHSC in not a public entity, an executed agreement from a public agency certifying the satisfactory completion of similar infrastructure improvements.		✗
Past Exp PGM1, Past Exp PGM2	Provide documentation for the two recently completed programs.		✗
Relocation Plan	Applicants must provide a Relocation Plan.		✗
HE Determination letter	Provide HCD's determination letter.		✗
AHD No Ag	Demonstrate the AHD site is not within land designated as agricultural land per FMMP tool.		✗
AHD Ag Infill	Applicants seeking an exemption to the FMMP determination must demonstrate that the AHD Project site qualifies as an Infill Site (as defined in Appendix A).		✗
HRI No Ag	Demonstrate the HRI site is not within land designated as agricultural land per FMMP tool.		✗
HRI Ag Infill	Applicants seeking an exemption to the FMMP determination must demonstrate that the HRI Project site qualifies as an Infill Site (as defined in Appendix A).		✗
HRI Local Approvals	Statement from entity indicating the HRI Capital Project is consistent with all applicable local rules, regulations, codes, policies and plans enforced or implemented by that entity.		✗
All Electric Design	Document affirming that the proposed Affordable Housing Development, or Mixed-Use Development in the case that non-residential uses are included, are powered entirely through electricity with no connections to natural gas infrastructure.		✗
STI Local Approvals	Statement from entity indicating the STI Capital Project is consistent with all applicable local rules, regulations, codes, policies and plans enforced or implemented by that entity.		✗

#### Quantitative Policy Scoring Sheet/Tab

AHSC-funded STI and TRA Quantification Form	<a href="#">Complete the AHSC-funded STI and TRA Quantification Form</a> identifying the locations, AADT, and Speed Limit of all STI and TRA components that are to be funded by the AHSC program funds.		✗
Bicycle Network Connectivity	Identify at least one location where the new AHSC-funded Context Sensitive Bikeway directly intersects with an existing bikeway on the Project Area Map ( <b>PAM</b> ).		✗
Pedestrian Network Gap	<b>PAM</b> - Using the Project Area Map, identify the current gap in the pedestrian network (no path or sidewalk currently exists) of at least 1,000 linear feet that is to be completed by the AHSC program funding.		✗
Local Transit Route Improvements	Provide maps and/or scopes of work identifying the proposed locations for the improvements to the local transit route identified in §107(b)(5) along the one transit route. If improving two transit routes, provide one map for each of the routes.		✗
Green Building Status	Provide signed letter from a certified LEED Green rater, certified Green Point rater, or licensed engineer stating the commitment to achieve green building status beyond State mandatory building code. Specify the Certification the AHD commits to.		✗
Housing and Transportation Collaboration	Provide evidence that the project is either utilizing publicly-owned land, part of a related Strategic Growth Council project, or located within an environmentally cleared High Speed Rail Station Planning Area as identified in Sec.107(c)(3). If utilizing Publicly-Owned Land, provide documentation as requested for each respective type of land as outlined in Section 107 Quantitative Policy Scoring(c)(3)(C).		✗
Prohousing Designation	Provide certification from the Department (HCD) that the Jurisdiction has received "Prohousing designation"		✗
Pending Prohousing Designation	Provide evidence that the jurisdiction applied for a "Prohousing designation" from the Department and that the jurisdiction have passed a resolution of their governing body authorizing application and participation in the Prohousing Designation Program.		✗
Assessment Housing Needs	Applicants are required to develop an assessment of the housing needs and displacement vulnerability for the communities overlapping the Project Area.		✗
Commitment Letter workplan	All proposals in partnership with a non-profit or locality must provide a Commitment Letter and a proposed workplan describing how each program or activity will be implemented.		✗
Assessment Supporting Documents	<b>Optional:</b> Applicants and partners are permitted to provide their own existing Anti-Displacement Assessment, if it addresses the requirements described in Section 107 Quantitative Policy Scoring (g)(1). Applicants and partners are also permitted to provide information or data from reputable local sources, like the locality's Housing Element, to respond to the provided Assessment template prompts. Any alternative assessments or source documentation should be provided.		✗
Workforce Strategy A	Partnership with a Workforce Development Organization: If pursuing Workforce Strategy A (Section 107 Quantitative Policy Scoring (h)(1)(A)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(A)(i)-(vi) in a letter jointly signed by the Applicant and external organization.		✗
Workforce Strategy B	Skilled and Trained Workforce Commitment: If pursuing Workforce Strategy B (Section 107 Quantitative Policy Scoring (h)(1)(B)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(B)(i) in a letter jointly signed by the Applicant and external organization.		✗
Workforce Strategy C	Project Labor or Community Workforce Agreement: If pursuing Workforce Strategy C (Section 107 Quantitative Policy Scoring (h)(1)(C)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(C)(i) in a letter jointly signed by the Applicant and external organization.		✗
Workforce Strategy D	Local Hire Ordinances: If pursuing Workforce Strategy D (Section 107 Quantitative Policy Scoring (h)(1)(D)), submit the information and verifiable documentation requested in Section 107 Quantitative Policy Scoring (h)(1)(D)(i)-(iii) in a letter.		✗
AHSC funded pgm Commitment letter	If pursuing Section 107Quantitative Policy Scoring (j), provide a commitment letter and a proposed workplan describing how each program or activity will be implemented. Be sure to identify which category the proposed AHSC-Funded Program falls under. The proposed workplan should include the information outlined in Section 107 Quantitative Policy Scoring (j)(1).		✗

#### Narrative-Based Policy Scoring

Narrative	Provide a response to each prompt as outlined in the <a href="#">Narrative Prompts document</a> . The responses must be uploaded as a PDF and must follow the stated word counts. See Narrative Scoring Rubric document for guidance in completing Narratives.		✗
Community Tracker	<a href="#">Provide a completed AHSC Round 7 Community Engagement Tracker.</a>		✗
Community Needs	Letter of support from local community-based, grassroots organization describing the community engagement process and how feedback from local residents was incorporated into the Project.		✗
Climate Matrix	<a href="#">AHSC Round 7 Climate Adaptation Assessment Matrix.</a>		✗
Local Planning Efforts	Please provide a single PDF with the cover page of the plan and relevant pages of the plans referenced in the Local Planning Efforts Section. Please only include pages referenced in the narrative.		✗
Site Plan	Provide the most current site plan.		✗
Future Engagement	<b>Optional:</b> Submit supporting documentation to demonstrate future engagement with either a CBO or residents (i.e. any engagement plans, agreements, etc.). Can be included as part of the Community Needs upload if it is the same CBO.		✗

**Certification & Legal**

Cert-Legal Explanation	Letter of explanation for any "Yes" answers or red shaded items above. Copy this sheet and upload separate from the application.		✗
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**CARB GHG & Co-Benefits Quantification**

AHSC Benefits Calculator Tool	Completed AHSC Benefits Calculator Tool, with worksheets applicable to the project and all fields in the GHG Summary and Co-benefits Summary tabs populated.		✓
<a href="#">GHG Affordable Housing Tab Inputs</a>	Signed letter from housing project developer documenting inputs in the Affordable Housing Tab of the AHSC Benefits Calculator Tool. Follow this link for specific requirements and template.		✓
<a href="#">GHG Transit Tab Inputs</a>	Signed letter from transit agency partner documenting inputs in the Transit Tab of the AHSC Benefits Calculator Tool. Follow this link for specific requirements and template:		If applicable
<a href="#">GHG Solar PV Tab Inputs</a>	Signed letter from licensed professional documenting inputs in the Solar PV Tab of the AHSC Benefits Calculator Tool and PVWatts Calculator results. Follow this link for specific requirements and template.		If applicable
Bike Share Inputs	Signed letter from bike share partner committing to delivering the proposed bike share project and confirming that project specific inputs in the AHSC Benefit Calculator are correct: -Is bike share is electric (yes/no)? -Number of bike share trip per year in Year 1 and Year F -Average cost per trip -Explanation or calculation of how the expected number of trips was derived		If applicable
Clean Mobility Option (CMO) Benefits Calculator Tool	If applicant is proposing shared mobility projects, submit a completed CMO Benefits Calculator Tool.		If applicable
GHG Shared Mobility Inputs	Signed letter from shared mobility provider documenting inputs in the Shared Mobility Tab of the AHSC Benefits Calculator Tool. Refer to the documentation requirements in the CMO Benefits Calculator Tool.		If applicable

Certification & Legal Disclosure

On behalf of the entity identified in the signature block below, I certify that:

1. The information, statements and attachments included in this application are, to the best of my knowledge and belief, true and correct.

2. I possess the legal authority to submit this application on behalf of the entity identified in the signature block.

3. The following is a complete disclosure of all identities of interest - of all persons or entities, including affiliates, that will provide goods or services to the Project either (a) in one or more capacity or (b) that qualify as a "Related Party" to any person or entity that will provide goods or services to the Project. "Related Party" is defined in Section 10302 of the California Code of Regulations (CTCAC Regulations):

4. As of the date of application, the Project, or the real property on which the Project is proposed (Property) is not party to or the subject of any claim or action at the State or Federal appellate level.

5. I have disclosed and described below any claim or action undertaken which affects or potentially affects the feasibility of the Project.

In addition, I acknowledge that all information in this application and attachments is public, and may be disclosed by the State.

Printed Name

Title of Signatory

Signature

Date

Legal Disclosure

For purposes of the following questions, and with the exceptions noted below, the term "applicant" shall include the applicant and joint applicant, and any subsidiary of the applicant or joint applicant if the subsidiary is involved in (for example, as a guarantor) or will be benefited by the application or the project.

In addition to each of these entities themselves, the term "applicant" shall also include the direct and indirect holders of more than ten percent (10%) of the ownership interests in the entity, as well as the officers, directors, principals and senior executives of the entity if the entity is a corporation, the general and limited partners of the entity if the entity is a partnership, and the members or managers of the entity if the entity is a limited liability company. For projects using tax-exempt bonds, it shall also include the individual who will be executing the bond purchase agreement.

The following questions must be responded to for each entity and person qualifying as an "applicant," or "joint applicant" as defined above.

Explain all positive responses on a separate sheet and include with this questionnaire in the application.

Exceptions:

Public entity applicants without an ownership interest in the proposed project, including but not limited to cities, counties, and joint powers authorities with 100 or more members, are not required to respond to this questionnaire.

Members of the boards of directors of non-profit corporations, including officers of the boards, are also not required to respond. However, chief executive officers (Executive Directors, Chief Executive Officers, Presidents or their equivalent) must respond, as must chief financial officers (Treasurers, Chief Financial Officers, or their equivalent).

Civil Matters

1. Has the applicant filed a bankruptcy or receivership case or had a bankruptcy or receivership action commenced against it, defaulted on a loan or been foreclosed against in past ten years?

2. Is the applicant currently a party to, or been notified that it may become a party to, any civil litigation that may materially and adversely affect (a) the financial condition of the applicant's business, or (b) the project that is the subject of the application?

3. Have there been any administrative or civil settlements, decisions, or judgments against the applicant within the past ten years that materially and adversely affected (a) the financial condition of the applicant's business, or (b) the project that is the subject of the application?

4. Is the applicant currently subject to, or been notified that it may become subject to, any civil or administrative proceeding, examination, or investigation by a local, state or federal licensing or accreditation agency, a local, state or federal taxing authority, or a local, state or federal regulatory or enforcement agency?

5. In the past ten years, has the applicant been subject to any civil or administrative proceeding, examination, or investigation by a local, state or federal licensing or accreditation agency, a local, state or federal taxing authority, or a local, state or federal regulatory or enforcement agency that resulted in a settlement, decision, or judgment?

Criminal Matters

6. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, felony charges against the applicant?

7. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, misdemeanor charges against the applicant for matters relating to the conduct of the applicant's business?

8. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, involving, or that could result in, criminal charges (whether felony or misdemeanor) against the applicant for any financial or fraud related crime?

9. Is the applicant currently a party to, or the subject of, or been notified that it may become a party to or the subject of, any criminal litigation, proceeding, charge, complaint, examination or investigation, of any kind, that could materially affect the financial condition of the applicant's business?

10. Within the past ten years, has the applicant been convicted of any felony?

11. Within the past ten years, has the applicant been convicted of any misdemeanor related to the conduct of the applicant's business?

12. Within the past ten years, has the applicant been convicted of any misdemeanor for any financial or fraud related crime?

Printed Name

Title of Signatory

Signature

Date

## Entity Organizational Documents

### Organizational Documents

The following is intended as a brief summary of legal documents commonly required to verify the legal authority of the private entity or entities applying to HCD for an Award of funds and does not apply to public applicants. Documents required to apply for funds (threshold requirements) are legally distinct from those required to enter into a standard agreement or to receive bonus points. For projects receiving an Award of HCD funds, additional documents, or corrections, may be required prior to execution of the Standard Agreement.

### Organizational Charts

Complete organizational charts are required for the Sponsor/Recipient, Borrower, MGP and AGP (if different from the Sponsor).

### Corporate Entities

Articles of Incorporation (Corp. Code **§154, 200 and 202**) as certified by the CA Secretary of State.  
Bylaws and any amendments thereto (Corp. Code **§207(b), 211 and 212**)  
Certificate of Amendment of Articles of Incorporation (Corp. Code **§900-910** (general stock), **§5810-5820** (public benefit and religious corporations), **§7810-7820** (mutual benefit corporations), or **§12500-12510** (general cooperative corporations)) as applicable.  
Restated Articles of Incorporation (Corp. Code **§901, 906, 910** (general stock), **§5811, 5815, 5819** (public benefit and religious corporations), **§7811, 7815 and 7819** (mutual benefit corporations) and **§12501, 12506 and 12510** (general cooperative corporations)) as applicable.  
Statement of Information (CA Secretary of State form SI-100 or SI-200)  
Shareholder Agreements (Corp. Code **§186**) if applicable.  
Certificate of Good Standing certified by Secretary of State. Certificate of Good Standing must be dated 30 days or less from the application due date.

### Limited Liability Companies

Articles of Organization (CA Secretary of State form LLC-1)  
Certificate of Amendment (CA Secretary of State form LLC-2) if applicable.  
Restated Articles of Organization (CA Secretary of State form LLC-10) if applicable.  
Certificate of Correction (CA Secretary of State form LLC-11) if applicable.  
Statement of Information (CA Secretary of State form LLC-12 or LLC-12NC)  
Operating Agreement (Corp. Code **§17707.02(s) and 17701.10**)  
Certificate of Good Standing certified by Secretary of State. Certificate of Good Standing must be dated 30 days or less from the application due date.

### Limited Partnerships

Certificate of Limited Partnership (CA Secretary of State form LP-1)  
Amendment to Certificate of Limited Partnership (CA Secretary of State form LP-2) if applicable.  
Certificate of Correction (CA Secretary of State form LP-2) if applicable.  
Limited Partnership Agreement (CA Corp. Code **§15901.02(x) and 15901.10**)  
Amended and Restated Limited Partnership Agreement  
Certificate of Good Standing certified by Secretary of State.

### Tribal Entity

Tribe Formation Documents (Constitution, Charters, etc.)  
Federal Register of Indian Entities Recognized (81 Fed Reg. 26826) if applicable  
BIA Federal Acknowledgment Petitioner List (CFR Section 83.1 of Title 25) if applicable  
Contact List maintained by the Native American Heritage Commission (GC Section 65352.3) if applicable

End of Document

Project information needed for the CARB AHSC Ben

Project Name  
HCD Project Application #  
Project County  
Project Area Type  
Developer Contact Name  
Developer Contact Phone  
Developer Contact Email  
AHSC GGRF Funds Requested (\$)  
Other GGRF Funds (\$)  
Other GGRF Funds Sources

Project information needed for the CARB AHSC Ben

Maximum stories  
Total Dwelling Units  
Restricted Dwelling Units  
Net Density (dwelling units/acre)  
Mixed-use Development?  
Total Residential Space (square feet)  
Total Mixed-use Space (square feet)  
Traffic Calming Measures?  
Residential Parking Spaces  
Unbundled Monthly Parking Income (\$)  
Dwelling Units Receiving Transit Passes  
Annual Transit Passes Value (\$)  
Duration of Funding for Transit Passes (years)

Benefits Calculator Tool at "Project Info" Worksheet, Cell reference at right if each item below.

no data provided at application	Cell = E23
no data provided at application	Cell = E24
no data provided at application	Cell = E25
no data provided at application	Cell = E26
no data provided at application	Cell = E27
no data provided at application	Cell = E28
no data provided at application	Cell = E29
no data provided at application	Cell = E31
no data provided at application	Cell = E32
no data provided at application	Cell = E33

Benefits Calculator Tool at "Affordable Housing Inputs" Worksheet, , Cell reference at right if each item

no data provided at application	Cell = C20
no data provided at application	Cell = C21
no data provided at application	Cell = C22
no data provided at application	Cell = C23
no data provided at application	Cell = C24
no data provided at application	Cell = C25
no data provided at application	Cell = C26
no data provided at application	Cell = C28
no data provided at application	Cell = C39
no data provided at application	Cell = C40
no data provided at application	Cell = C45
no data provided at application	Cell = C46
no data provided at application	Cell = C47



n below.

Application Development Team (ADT) Support Form								V1 1/30/23					
Please complete the "yellow" cells in the form below and email a copy to: <a href="mailto:AppSupport@hcd.ca.gov">AppSupport@hcd.ca.gov</a> and <a href="mailto:AHSC@hcd.ca.gov">AHSC@hcd.ca.gov</a> . A member of the Application Development Team will respond to your request.													
Full Name:						Date Requested:				Application Version Date:		1/30/23	
Organization:					Email:					Contact Phone:			
Issue #	Sheet/Tab name	Section	Cell#	Describe the issue/error or suggestion						Urgency	ADT Status	Status Date	
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# **AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM**

## **ROUND 7 PROGRAM GUIDELINES**



**CALIFORNIA STRATEGIC  
GROWTH COUNCIL**



**December 15, 2022**

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***Note: Defined terms are bolded throughout the document. Refer to Appendix A for complete definitions.***

## Article I. AHSC General Overview

### Section 100. Purpose and Scope

- (a) The purpose of these Program Guidelines is to implement Division 44, Part 1 of the Public Resources Code (PRC) (commencing with Section 75200), which establishes the Affordable Housing and Sustainable Communities (AHSC) Program, hereinafter referred to as the **AHSC Program**
- (b) The purpose of the **AHSC Program** is to reduce greenhouse gas (GHG) emissions through projects that implement land-use, housing, transportation, and agricultural land preservation practices to support infill and compact development, and that support related and coordinated public policy objectives, including the following:
  - (1) reducing air pollution;
  - (2) improving conditions in disadvantaged communities;
  - (3) supporting or improving public health and other co-benefits as defined in Section 39712 of the Health and Safety Code;
  - (4) improving connectivity and accessibility to jobs, housing, and services;
  - (5) increasing options for mobility, including the implementation of the Active Transportation Program established pursuant to Section 2380 of the Streets and Highway Code;
  - (6) increasing transit ridership;
  - (7) preserving and developing affordable housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code; and
  - (8) protecting agricultural lands to support infill development.
- (c) This document will serve as the primary document related to eligibility, scoring, and the application process for Round 7 of the **AHSC Program**. Unless stated in this document, previous versions of AHSC Guidelines, attachments, Quantification Methodologies, Question and Answer (“Q&A”) documents, or personal communications with staff from previous rounds are superseded by this document and no longer in effect for projects applying to Round 7.
- (d) Severability: If any provision of these Guidelines are found to be unlawful, unenforceable, or invalid in whole or in part for any reason, such provisions will be severed without affecting any other provision of this document. The validity and enforceability of the remaining provisions, or portions of those provisions, will not be affected.

## Section 101. AHSC Program Overview

The **AHSC Program** furthers the purposes of [AB 32](#) (Chapter 488, Statutes of 2006), [SB 375](#) (Chapter 728, Statutes of 2008), and SB 32 (Chapter 249, Statutes of 2016) by investing in projects that reduce GHG emissions by supporting more compact, infill development patterns, encouraging active transportation and transit usage, and protecting **Agricultural Land** from sprawl development. The Greenhouse Gas Reduction Fund (GGRF), an account established to receive proceeds from Cap-and-Trade auctions, provides funding for the **AHSC Program**. The Cap-and-Trade Program, a key strategy for achieving the GHG emission reduction goals of AB 32, issues a limited number of GHG emissions permits (called allowances) each year. A portion of these allowances can be purchased from the State at quarterly auctions, thereby generating auction proceeds. These State auction proceeds are then deposited in the GGRF, where they become available for appropriation by the Legislature to further the purposes of AB 32.

The **AHSC Program** is administered by the **California Strategic Growth Council (Council or SGC)**. The **Department of Housing and Community Development (Department)** will implement the transportation, housing, and infrastructure components of the **AHSC Program**. The **Council** staff will coordinate efforts with **Department** staff, working with the **California Air Resources Board (CARB)** and the **Council** to administer the broader **AHSC Program**, including developing program guidelines, evaluating applications, preparing agreements, monitoring agreement implementation, and program reporting.

The **Council** will coordinate with **CARB** to develop and incorporate consistent guidance in the following areas, which will apply to all GGRF programs, including the **AHSC Program**:

- Expenditure records to ensure investments further the goals of AB 32.
- SB 535 (Chapter 830, Statutes 2012) and AB 1550 requirements to maximize benefits to **Disadvantaged Communities, Low-Income Communities, and Low-Income Households**.
- Consistent methodologies for quantifying GHG reductions and other economic, environmental, and public health co-benefits.
- Project tracking and reporting.

The **AHSC Program** provides grants and/or loans to projects that achieve GHG emission reductions and benefit **Disadvantaged Communities, Low-Income Communities, and Low-Income Households** through increasing accessibility of affordable housing, employment centers and **Key Destinations** via low-carbon transportation resulting in fewer vehicle miles traveled (VMT) through shortened or reduced vehicle trip length or mode shift to transit, bicycling or walking.

The **AHSC Program** supports the Climate-Friendly, Climate-Ready Housing goals as outlined by [Governor Gavin Newsom's letter to CARB dated July 22, 2022](#). AHSC is funding infill projects that are dense, affordable, and located in transit-rich areas to reduce Vehicle Miles Traveled (VMT). **AHSC Projects** also promote carbon neutrality by funding all electric design and green building techniques, **Urban Greening**, and purchase of **Zero Emission Vehicles (ZEV)**.

Three **Project Area Types** have been identified to implement this strategy: 1) **Transit-Oriented Development (TOD) Project Areas**, 2) **Integrated Connectivity Project (ICP) Project Areas**, or 3) **Rural Innovation Project Areas (RIPA)**.

AHSC award funds will be allocated through a competitive process, based on the merits of applications submitted and the proposed use of funds within the identified **Project Area**.

The threshold requirements and application selection criteria focus on the extent to which developments realize the **AHSC Program's** objectives of reducing GHG emissions, benefiting **Disadvantaged Communities**, **Low-Income Communities**, and **Low-Income Households**, providing affordable housing, demonstrating project readiness, and meeting other policy considerations.

#### Disadvantaged Community Benefits

As a part of California Climate Investments, AHSC will use the updated [Disadvantaged Communities](#) (DAC) designation and the updated low-income community and household threshold collectively referred to as [Priority Populations](#) for Round 7. The updated designation includes:

- Census tracts receiving the highest 25 percent of overall scores in [CalEnviroScreen 4.0](#) (1,984 tracts).
- Census tracts lacking overall scores in [CalEnviroScreen 4.0](#) due to data gaps but receiving the highest 5 percent of [CalEnviroScreen 4.0](#) cumulative pollution burden scores (19 tracts).
- Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in [CalEnviroScreen 4.0](#) (305 tracts).
- Lands under the control of federally recognized Tribes. For purposes of this designation, a Tribe may establish that a particular area of land is under its control even if not represented as such on CalEPA's DAC map and therefore should be considered a DAC by requesting a consultation with the CalEPA Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations at [TribalAffairs@calepa.ca.gov](mailto:TribalAffairs@calepa.ca.gov).

AB 1550 has also created investment requirements for **Low-Income Communities** and **Low-Income Households**. In July 2018, CARB approved the *Funding Guidelines for Agencies Administering California Climate Investments* that will provide criteria to evaluate whether a project provides a benefit to a **Disadvantaged Community**, **Low-Income Community**, or **Low-Income Household**. These guidelines can be found [here](#).

A **Project** that is located in, and provides benefits to, a **Disadvantaged Community**, **Low-Income Community**, or **Low-Income Households** may receive priority for funding in order to meet the AHSC Program **Disadvantaged Community** and **Low-Income Community** funding requirements. **Projects' Disadvantaged Community** and **Low-Income Community** status is based upon the location of their AHSC-funded **Affordable Housing Development**.

#### Vision for Racial Equity

The California Strategic Growth Council (SGC) is committed to achieving racial equity in its operations, investments, and policy initiatives and to achieving its vision that: All people in California live in healthy, thriving, and resilient communities regardless of race. Read more in the [SGC Racial Equity Action Plan](#).

## Figure 1: Affordable Housing and Sustainable Communities (AHSC) Program Overview

### Transit Requirements (All Project Areas) (Section 102)

- **Transit Oriented Development (TOD) Project Areas** and **Integrated Connectivity Project Areas (ICP)** MUST also include a **Transit Station/Stop**, served by at least one **Qualifying Transit** line departing two or more times during **Peak Hours** (unless it is **Flexible Transit Service**). This level of service must have been publicly posted by the provider at some point between January 2023 and the time of application. **Rural Innovation Project Areas (RIPA)** can include an existing or planned **Transit Station/Stop** as long as it is in place by the time a certificate of occupancy is provided.
- *Note: ICP/RIPA projects that propose addition of High Quality Transit will remain eligible as an ICP/RIPA.*

### Required AHSC-Funded Components (Section 102 and Section 103)

- At least fifty (50) percent of **AHSC Program** funds for each **Project** MUST be used for **Affordable Housing** (which includes **Affordable Housing Developments** or **Housing Related Infrastructure** or both); and
- At least one other type of **Eligible Capital Project** or **Program Cost**

### Eligible Capital Projects or Program Costs (Section 103)

**Projects** must have one of these costs:

- **Affordable Housing Developments (AHD)**
- **Housing Related Infrastructure (HRI)**

AND one of the costs listed below:

- **Sustainable Transportation Infrastructure (STI)**
- **Transportation Related Amenities (TRA)**
- **Programs (PGM)**

### Affordable Housing Development Requirements (Section 103)

**Affordable Housing Developments** may be:

- New construction
- Acquisition and **Substantial Rehabilitation** including preservation of affordable housing at-risk
- Conversion of one or more nonresidential structures to residential dwelling units

### Project Awards and Project Area Types (Section 104 and Section 102)

- All **Project Area Types** are subject to the following minimum and maximum award amounts: Maximum: \$50 million (\$35 million for **AHD/HRI**, \$15 million for **STI/TRA/PGM**) Minimum: \$10 million
- **Project Area Types and specific requirements:**
  - **Transit-Oriented Development (TOD) Project Area**
    - **AHD** MUST be served by **High Quality Transit**
  - **Integrated Connectivity Project (ICP) Project Area**
    - **AHD** MUST NOT be served by **High Quality Transit**
  - **Rural Innovation Project Area (RIPA)**
    - **AHD** MUST NOT be served by **High Quality Transit**; and
    - **AHD** MUST be located within a **Rural Area**

### Funding Goals and Requirements (Section 108)

- At least 35.0 percent of **NOFA** to **TOD Project Areas**
- At least 35.0 percent of **NOFA** to **ICP Project Areas**
- At least 10.0 percent of **NOFA** to **RIPAs**
- At least one **Project** from an eligible **Tribal Entity**
- At least one **Project** from each geographic area as defined in Sec. 108
- Programmatic Financial Requirements
  - At least 50.0 percent of the **AHSC Program** expenditures shall be for Affordable Housing (Health & Safety Code § 39719(a)(1)(C)); and
  - At least 50.0 percent of **AHSC Program** expenditures must benefit **Disadvantaged Communities (DAC)** (Health & Safety Code § 39719(a)(1)(C)); and
  - At least 5.0 percent of **AHSC Program** expenditures must benefit **Low-Income Communities** ([California Climate Investments Guidelines](#)); and
  - At least 5.0 percent of **AHSC Program** expenditures must benefit **Low-Income Households** or communities outside of but within a half-mile of **Disadvantaged Communities** ([California Climate Investments Guidelines](#))

## Article II. Program Requirements and Procedures

### Section 102. Eligible Projects

The **AHSC Program** is designed to implement GHG emission reductions through a reduction of vehicle miles traveled (VMT), or fewer and shorter auto-trips. The **AHSC Program** will fund integrated land use and transportation projects supporting low-carbon transportation options. Promoting mode shift to low-carbon transportation requires strategies that link residential areas, major employment centers and other **Key Destinations** to accessible, reliable, affordable, safe and comfortable transit and active transportation options.

- (a) The **Project Area** is the area which encompasses transit, housing and destinations and is the area in which **Project** funds will be primarily focused. Each **Project Area** must:
  - (1) Be a contiguous area with no greater than a one (1.0) mile radius from any single point inside the parcel of the **Affordable Housing Development**. Projects that are made up of **Scattered Sites** must choose one point in one of the parcels of the applicant's choice.
  - (2) Include at least one **Transit Station/Stop** consistent with the requirements set forth in (c) or (d) below; and
  - (3) Include all AHSC-funded **Sustainable Transportation Improvements** and **Transportation Related Amenities**. AHSC-funded **STI** components (e.g., a bus-only lane, **Transit Signal Priority**, a bikeway, or sidewalk) may extend beyond the boundaries of the **Project Area**, but a pedestrian entrance to the facility must be located inside the **Project Area**. If making an **STI** improvement to a fixed route transit route, there must be a **Transit Station/Stop** of that route within the **Project Area**. If making an **STI** improvement to a **Flexible Transit Service**, the service area must include the **AHD**.
- (b) The **AHSC Program** includes three eligible **Project Area Types**: 1) **Transit-Oriented Development (TOD) Project Areas**; 2) **Integrated Connectivity Project (ICP) Project Areas**, and 3) **Rural Innovation Project Areas (RIPA)**.

All projects, regardless of **Project Area Type**, must demonstrate VMT reduction through fewer or shorter vehicle trips or through mode shift to transit use, bicycling or walking within transit areas, with an emphasis on integrating or developing affordable housing, and with an emphasis on providing benefits to **Disadvantaged Communities** or **Low-Income Communities**. There are several differentiating requirements between each **Project Area Type**, as described below.

- (c) **TOD Project Areas** must demonstrate all the following:
  - (1) Include at least one (1) **Transit Station/Stop** that is served by **High Quality Transit** at the time of application submittal which is located no farther than one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route. If the pedestrian access route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided; and

- (2) Include **Capital Projects** or **Program Costs**:
  - (A) At least one of the following: **Affordable Housing Development (AHD)**; **Housing Related Infrastructure (HRI)**; AND
  - (B) At least one of the following: **Sustainable Transportation Infrastructure (STI)**; **Transportation Related Amenities (TRA)**; **Program Costs (PGM)**
- (d) **ICP Project Areas** must demonstrate all the following:
  - (1) Include at least one (1) **Transit Station/Stop** that is served by the **Qualifying Transit** at the time of application submittal which is located no farther than one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route. If the pedestrian access route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided; and
  - (2) Does not include a **Transit Station/Stop** that is served by **High Quality Transit** at the time of application submittal which is located within one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route; and
  - (3) Include **Capital Projects** or **Program Costs**:
    - (A) At least one of the following: **Affordable Housing Development (AHD)**; **Housing Related Infrastructure (HRI)**; AND
    - (B) At least one of the following: **Sustainable Transportation Infrastructure (STI)**; **Transportation Related Amenities (TRA)**; or **Program Costs (PGM)**
- (e) **RIPAs** must demonstrate all the following:
  - (1) Include at least one (1) existing or planned **Transit Station/Stop** that is served by the **Qualifying Transit** that is located no farther than one-half (0.50) mile from the **Affordable Housing Development** along a pedestrian access route. If the pedestrian access route is not already in place at the time of application, the route and **Transit Station/Stop** must be in place by the time a certificate of occupancy is provided.
  - (2) Meet all the requirements detailed in Section 102(d)(2) and Section 102(d)(3) above; and
  - (3) Must be located within a **Rural Area**, as defined in California Health and Safety Code 50199.21.

### Section 103. Eligible Costs

The **AHSC Program** funds **Capital Projects** and eligible **Program Costs** within **TOD, ICP** and **RIPA Project Areas** consistent with requirements of Section 102(c), (d), and (e) as follows:

- **Affordable Housing Development (AHD)**
- **Housing Related Infrastructure (HRI)**
- **Sustainable Transportation Infrastructure (STI)**
- **Transportation Related Amenities (TRA)**
- **Community Education and Other Program Costs (PGM)**

Each **Capital Project** or **Program Cost** must be unique to a single application and cannot be split over multiple applications.

Examples of **Eligible Costs** within each category of eligible **Capital Projects** and **Program Costs** are identified in Figure 2 below. Note that these are examples and not an exhaustive list. To be considered a stand-alone component under any of the categories, the improvements must meet the guidelines definition of that component (e.g., **STI, TRA, PGM**, etc.):

**Figure 2: Eligible Cost Examples**

<b>Eligible Cost Examples</b>	<b>AHD/ HRI</b>	<b>STI</b>	<b>TRA</b>	<b>PGM</b>
Construction or Substantial Rehabilitation of affordable housing	X			
Installation of broadband internet trunk line or fixed wireless infrastructure	X			
Installation of on-site energy storage (battery arrays)	X			
Installation of new or improved walkways that improve mobility and access of pedestrians		X		
Installation of new or improved bikeways that improve mobility and access of cyclists		X		
Installation of new or improved pedestrian crossings or over-crossings		X		
Repaving and road reconstruction costs, only for the portion of the roadway where the new or improved walkway and bikeway is installed		X		
Streetscape improvements, including, but not limited to the installation of lighting, signage, or other related amenities that improve the safety or convenience of pedestrians, cyclists, or transit riders, but do not increase capacity for private vehicles			X	
Street crossing enhancements including installation of accessible ramps or pedestrian signals		X		
Installation of traffic calming measures including development of curb extensions, roundabouts, median islands, traffic diverters, chicanes, "road diets," lane narrowing projects		X		
Signage and way-finding markers for pedestrians or transit users		X		
Bike sharing infrastructure and fleet		X		
Signage and striping of a dedicated bus lane		X		
Transit operations for new service or service expansion		X		

<b>Eligible Cost Examples (continued)</b>	<b>AHD /HRI</b>	<b>STI</b>	<b>TRA</b>	<b>PGM</b>
ZEV transit vehicles and charging infrastructure for new service or service expansion		X		
ZEV vehicles and charging infrastructure for use in a car share program that is accessible to the public, and includes reduced costs for low-income participants		X		
Transit related equipment to increase service or reliability		X		
Transit Signal Priority technology systems		X		
Installation of at-grade boarding infrastructure or concrete bus pads at bus stops		X	X	
Transit passenger amenities (e.g., Wi-Fi access, Digital or Integrated Fare Collection)		X	X	
Street furniture (e.g., benches, shade structures, etc.)		X	X	
Development or improvement of transit facilities or stations			X	
Real-time arrival/departure information systems			X	
Development or improvement of shelters or waiting areas at transit station/stops			X	
Transit fare machine purchase or improvements			X	
Publicly accessible bicycle parking or repair kiosks			X	
Bicycle carrying devices on public transit			X	
Station area signage capital improvements			X	
Publicly accessible ZEV Open Network charging infrastructure	X	X	X	
Zero Emission Transit Vehicle (ZEV) Charging Infrastructure	X	X	X	
Energy efficiency and renewable energy capital improvements	X	X	X	
Urban Greening and water efficiency capital improvements	X	X	X	
Pedestrian and bicycle safety education programs				X
Development and implementation of "walking school bus" or "bike train" programs				X
School crossing guard training programs				X
Bicycle and pedestrian safety clinics or bike rodeos				X
Safe Passages Programs				X
Bike sharing program operations				X
ZEV car share programs				X
Transit subsidy programs				X
Education and marketing of transit subsidy programs				X
Transportation Demand Management (TDM) programs				X
Air pollution exposure reduction program				X
Workforce development partnerships				X
Tenant education and support services (e.g., finances, housing, legal, wellness, workforce)				X
Digital or financial literacy programs for AHD residents				X
No-cost broadband internet service for AHD residents				X

(a) **Capital Projects**

(1) **Affordable Housing Development Capital Projects**

(A) **Affordable Housing Development Capital Projects** must:

- (i) Consist of one or more of the following:
  - a. New Construction
  - b. Acquisition and **Substantial Rehabilitation** (including preservation of affordable housing at-risk of conversion to market rate). The acquisition must be made through a bona fide sale or transfer from the existing ownership entity to the new ownership entity comprised of a completely disparate ownership structure, which contains no common entity interest at any level of the organizational structure. Re-syndication of an **Affordable Housing Development** is not an eligible **Capital Project**.
  - c. Conversion of one or more nonresidential structures to residential dwelling units.
- (ii) Be located within one-half (0.50) mile from a **Transit Station/Stop** that meets the **Project Area** transit requirements as defined in Section 102(c) or (d). The one-half (0.50) mile is to be measured from any edge of the **AHD** parcel to the bus stop or pedestrian entrance to a **Transit Station/Stop** along a pedestrian access route. If the route is not already in place at the time of application, the route must be in place by the time a certificate of occupancy is provided. The **STI/TRA** components of the **Project** can fund this improvement. If the pedestrian access route is not clearly demonstrated in the submitted supporting documentation, additional clarification may be requested to substantiate compliance with requirements.
- (iii) Rental and Homeownership **Affordable Housing Developments** must include at least 20 percent of the total residential units as **Affordable Units**. Rental **AHD Projects** must have an overall **Project** average affordability of all **Restricted Units** within the **Project** no greater than 50 percent represented by **Area Median Income (AMI)**. There is no requirement regarding overall **Project** average affordability of all **Restricted Units** for homeownership **AHDs**. Average affordability means the total number of **Restricted Units** multiplied by each restricted affordability level divided by the total **Restricted Units**. For example, for a 30-unit **Project** with 10 units restricted to 40 percent and 10 units restricted to 60 percent **AMI** the calculation of the average affordability would be as follows:
  - a. 10 units @ 40% **AMI** is  $10 \times 40 = 400$
  - b. 10 units @ 60% **AMI** is  $10 \times 60 = 600$
  - c.  $400 + 600 = 1,000$ ;
  - d.  $1,000/20$  total **Restricted Units** = average affordability of 50%.And;

- (iv) The **Affordable Housing Development** must demonstrate a minimum **Net Density** not less than that shown below in Section 103(a)(1)(A)(iv)(a.) or (b.)

*Note: While applicants may choose which **Net Density** formula they wish to use for **Project Eligibility**, **Applicants** must use the Un-Adjusted Minimum **Net Density** (Figure 3) for quantification of GHG reductions*

- a. For the total number of dwelling units in the project to be used in the calculation of **Net Density**, the **Applicant** may use either the un-adjusted total number of dwelling units in the project (Figure 3) or a number adjusted for unit size as described in Section 103(a)(1)(A)(iv)(b.).

**Figure 3: Un-Adjusted Minimum Net Density**

<b>Project Area Type</b>	<b>Residential Only Projects</b>	<b>Mixed Use Developments (Floor Area Ratio)</b>
<b>TOD</b>	30 units per acre	> 2.0
<b>ICP</b>	20 units per acre	> 1.5
<b>RIPA</b>	15 units per acre	> 0.75

- b. For the total number of dwelling units in the project to be used in the calculation of **Net Density**, the **Applicant** may use either the un-adjusted total number of dwelling units in the project (Figure 3) or a number adjusted for unit size by multiplying the factors shown below by the total number of units in each unit size category, then summing the resulting products:
- 0 Bedroom = 0.7 factor
  - 1 Bedroom = 0.9 factor
  - 2 Bedroom = 1.5 factor
  - 3 Bedroom = 1.6 factor
  - 4 Bedroom = 1.8 factor
- c. **Mixed Use Affordable Housing Developments** may demonstrate consistency with the **Net Density** requirements through either the unit per acre or **Floor Area Ratio** requirements detailed in Figure 3.
- d. Acquisition and **Substantial Rehabilitation** (including preservation of affordable housing at-risk of conversion to market rate housing) are exempt from the above minimum density requirements but shall not result in fewer units or lower percentage of total affordability than currently exists except where reductions in unit count are required to meet building code requirements.
- (v) Must supply at least one (1) **Secure Overnight Bicycle Parking** spot that is not publicly accessible and is completely enclosed for every two residential units. Bicycle parking at the **Affordable Housing Development** will be considered an eligible cost but may not be used to meet required **Project Area** components as outlined in Section 102.

- (B) **Affordable Housing Development Capital Projects** may:
- (i) Include residential units that are rental or homeownership, or a combination of both;
  - (ii) Consist of a **Scattered Site** constituting a single, integrated **Affordable Housing Development**. Rental **Affordable Housing Developments** on a **Scattered Site** must meet all the requirements set forth by Section 8303(b) of the Uniform Multifamily Regulations (UMRs). For Homeownership **Affordable Housing Developments** on **Scattered Sites**, the individual sites must have a single owner at the time of execution of the AHSC grant agreement;
  - (iii) Include nonresidential uses that are compatible under local zoning.
- (C) **Eligible costs** for **Affordable Housing Development Capital Projects** are limited to:
- (i) Loans for rental **Affordable Housing Development**. Eligible loan costs for a **Housing Development**, as specified in Section 7304 and 7305 of the **MHP** Guidelines.
  - (ii) Grants for homeownership **Affordable Housing Development**. Eligible grant costs as specified in Section 7747 of the [CalHome Guidelines dated November 27, 2019](#). Construction and **Substantial Rehabilitation** work is also an **Eligible Cost**.
  - (iii) Soft costs such as those incidentally but directly related to construction or other pre-development components including, but not limited to, planning, engineering, construction management, architectural, and other design work, required mitigation expenses, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed 10 percent of costs associated with the funding request for the **AHD Capital Project**.
  - (iv) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale with the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** costs are not included within the soft costs cap.
- (D) **Affordable Housing Development** and **Housing Related Infrastructure Capital Project Eligible Costs** must comprise *at least* fifty percent (50.0%) of total AHSC funds requested.
- (E) A **Project** may not contain more than one **Affordable Housing Development Capital Project**. A single **Affordable Housing Development Capital Project** may not include more than one **Affordable Housing Development**, nor may it include an **Affordable Housing Development** that contains multiple development sites when one development site is receiving 4 percent low-income housing tax credits, and another is receiving 9 percent low-income housing tax credits, or when the multiple development

sites are each receiving separate 4 percent low-income housing tax credits. An application proposing an **Affordable Housing Development** with both 4 percent low-income housing tax credits and 9 percent low-income housing tax credits, or with multiple 4 percent low-income housing tax credits, will be disqualified on the grounds that it is not proposing a **Project** within the meaning and design of the **AHSC Program**. To the extent such tax credit scenarios are contemplated, they shall constitute two separate and independent **Projects**, each of which must submit an entirely separate application and qualify independently of the other.

- (i) The purpose of this subsection is to clarify which types of **Project** structures are eligible within a single AHSC application and award. This reinforces AHSC's directive to SGC, HCD, and CARB to identify and fund unified, cohesive **Projects** which interdependent components truly work together to create reductions in VMTs and ultimately GHG emissions. Any **Project** that represents at application as a single **Affordable Housing Development** for scoring purposes, but after receiving an award letter attempts to split its single **Affordable Housing Development** into multiple **Affordable Housing Developments** with separate ownership structures or separate financing structures will be disencumbered as it no longer meets the requirements of AHSC.

(2) **Housing Related Infrastructure Capital Projects**

(A) **Eligible costs for Housing Related Infrastructure Capital Projects** are limited to any of the following:

- (i) Capital improvements required by a **Locality**, transit agency, or special district as a condition to the approval of the **Affordable Housing Development**.
- (ii) Soft costs such as those incidentally but directly related to construction or other pre-development components including, but not limited to, planning, engineering, construction management, architectural, and other design work, required mitigation expenses, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed 10 percent of costs associated with the **HRI Capital Project**.
- (iii) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale with the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** costs are not included within the soft costs cap.
- (iv) Required environmental remediation necessary for the **HRI Capital Project** where the cost of the remediation does not exceed 50 percent of **AHSC Program** grant funds.
- (v) Real property acquisition (not inclusive of the **AHD** site) of the **Housing Related Infrastructure** project site and associated fees

and costs (not to exceed 10 percent of the total **AHSC Program** award). Real estate commissions for purchase or acquisition are not an eligible expenditure.

- (vi) Impact fees required by local ordinance are eligible for funding only if used for the identified eligible **HRI Capital Project** not to exceed 15 percent of the **AHSC Program** award up to \$300,000.
- (vii) The purchase and installation of on-site energy storage in the form of battery arrays, as certified by an energy consultant or architect.

(B) **Affordable Housing Development and Housing Related Infrastructure Capital Projects** must comprise *at least* fifty percent (50.0%) of total AHSC funds requested.

(3) **Sustainable Transportation Infrastructure Capital Projects** (including **Active Transportation** and transit infrastructure)

(A) **Eligible costs for Sustainable Transportation Infrastructure Capital Projects** are limited to:

- (i) Capital improvements that result in the improvement or addition of infrastructure that encourages mode-shift by enhancing: 1) public transit access; 2) pedestrian network; or 3) bicycle network (includes public bike-share infrastructure and fleet) within the defined **Project Area** meeting the transit requirements detailed in Section 102 (c) or (d).

**STI Capital Projects** may extend beyond the boundaries of the **Project Area**, but a pedestrian entrance to the facility must be located inside the **Project Area**. If making an **STI** improvement to a fixed transit route, there must be a **Transit Station/Stop** of that route within the **Project Area**. If making an **STI** improvement to a **Flexible Transit Service**, the service area must include the **AHD**.

- (ii) Soft costs such as those incidentally but directly related to construction or project plans, specifications and estimates including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed thirty (30.0) percent of costs associated with the **STI Capital Project**.
- (iii) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** are not included within the soft costs cap.
- (iv) **Activity Delivery Costs** that are associated with the implementation of the **STI Capital project** not to exceed 10 percent of the costs associated with the **STI Capital Project**.

- (v) Transit operations expenditures for up to 10 years that directly expand fixed route, flexible and paratransit transit service, by supporting new, restored, or expanded routes and may include wages, fueling, maintenance, and other costs to operate those services.
- (vi) All vehicles purchased using **AHSC Program** funds must be **Zero Emission Vehicles (ZEV)**. Transit types that do not have an approved zero emission passenger locomotive for use, must provide documentation stating so, and purchase vehicles that meet EPA Tier 4 emission standards.
- (vii) Other **STI Capital Project** costs required as a condition of local approval for the **STI Capital Project**, as approved by the **Department**.
- (B) The total combined grant amount for **Sustainable Transportation Infrastructure Capital Projects** and **Transportation Related Amenities Capital Projects** that are part of the AHSC funds requested shall not exceed \$15,000,000.
- (4) **Transportation Related Amenities Capital Projects**
  - (A) **Transportation Related Amenities** must be publicly accessible.
  - (B) **Eligible costs** for **Transportation Related Amenities Capital Projects** are limited to:
    - (i) Capital improvements that are publicly accessible and provide supportive amenities to cyclists, pedestrians, and transit riders (e.g., bike parking, bus shelter, benches, street trees, etc.) within the defined **Project Area** meeting the transit requirements detailed in Section 102 (c) or (d).
    - (ii) Soft costs such as those incidentally but directly related to construction project plans, specifications, and estimates including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, appraisals, legal expenses, and necessary easements. Soft costs shall not exceed 10 percent of costs associated with the **TRA Capital Project**.
    - (iii) Each AHSC application may budget up to 2 percent of their total funding request for **Employment Benefits and Outcomes Reporting**. This amount will scale with the size of the **Applicant's** funding request. **Applicants** should consider the size of their loan and grant funded project components when allocating this item into capital cost budgets. **Employment Benefits and Outcomes Reporting** costs are not included within the soft costs cap.
    - (iv) **Activity Delivery Costs** that are associated with the implementation of the **TRA Capital Project** not to exceed 10 percent of the costs associated with the **TRA Capital Project**.
    - (v) Other **TRA Capital Project** costs required as a condition of local approval for the **TRA Capital Project**, as approved by the **Department**.

- (C) The total combined grant amount for **Sustainable Transportation Infrastructure Capital Projects** and **Transportation Related Amenities Capital Projects** that are part of the AHSC funds requested shall not exceed \$15,000,000.
- (b) **Program Costs**
- (1) **Program Costs** include those costs typically associated with 1) program creation or 2) expansion of existing programs to serve new populations or offer new program service and implementation. Eligible costs may include operational costs for programs for the term of the grant (3 years). Programs include education, outreach and training programs for **Active Transportation** or transit ridership; air pollution exposure reduction; workforce development partnerships; tenant legal counseling services; and outreach, education, and subsidy to low-income residents for **ZEV** car sharing. Access and availability of **Programs** may be limited to **AHD** residents or may be offered to the greater community. Additionally, costs and fees associated with the ongoing provision of broadband internet service, as defined in Section 106, provided free of charge to the **AHD** residents are an eligible **Program Cost**.
- (A) Tenant legal counseling services cannot be provided by the **Developer**, building manager, or related entity and must be offered through a third party.
- (2) The total grant amount for **Program Costs** within a **Project Area** shall not exceed 30 percent of the funding request for the overall **Project** up to \$600,000. Costs incurred for required transit passes or cards described in Section 106 (4) will not contribute to this cap.
- (c) Ineligible costs include, but are not limited to, all the following:
- (1) Costs are not eligible for funding if there is another feasible, available source of committed funding for the **Project** portion thereof to be funded by the **AHSC Program** or if the cost is incurred prior to **AHSC Program** award;
  - (2) Routine maintenance or operations of transportation infrastructure unrelated to AHSC-funded transit service, including the general transit fleet;
  - (3) In lieu fees for local inclusionary housing programs;
  - (4) Ongoing operational costs beyond the term of the grant (three years) for **Program Costs**; and
  - (5) Costs associated with automobile or motorcycle parking (excluding electric vehicle charging infrastructure);
  - (6) Costs associated with fossil fuel-based backup power.

## Section 104. Assistance Terms and Limits

- (a) The maximum **AHSC Program** loan or grant award, or combination thereof, for a **TOD, ICP, and RIPA Project** is \$50 million with a minimum award of \$10 million.
- (b) Loans for rental **Affordable Housing Developments**, or the rental portions of an **Affordable Housing Development**, are subject to the following terms:
  - (1) **AHSC Program** funds will be provided as a loan for permanent financing by the **Department** to the owner of the **Affordable Housing Development**, with the same terms as the **Department's MHP** Program financing as set forth in Section 7308 of the **MHP Guidelines**.
  - (2) The maximum loan amount shall be calculated pursuant to Section 7307 of the **MHP Guidelines** based on the number of **Restricted Units** in the **Affordable Housing Development**, affordability, unit sizes, and location in addition to the base amount for loan calculation as follows:

The initial base loan amount shall be:

- (A) \$150,000 per **Assisted Unit** utilizing 9 percent tax credits;
- (B) \$200,000 per **Assisted Unit** utilizing 4 percent tax credits; or
- (C) \$300,000 per **Assisted Unit** utilizing no tax credit

The base per **Restricted Unit** loan limit is inclusive of all requested **AHD** loan funds and all **Department** loan awards made prior to the application close date. A manager's unit will be considered a **Restricted Unit** for the purpose of allocating **Affordable Housing Development** costs and may qualify for a loan amount up to the amount applicable to the 60 percent **AMI** level.

Total **Department** loan and grant funding, including all AHSC funds, shall not exceed the following percentages of the total development cost.

- 40 percent for **Projects** utilizing 9 percent tax credits
- 50 percent for **Projects** utilizing 4 percent tax credits
- 80 percent for **Projects** not utilizing tax credits

In calculating percentage of total development cost, total **Department** funding shall be inclusive of both loan and grant awards received at any point in time. Thus, total **Department** funding will include prior loan and grant awards, AHSC awards, and shall also be applicable to future **Department** awards subsequent to any AHSC award. Only the **Department** funding sources listed in Administrative Notice Number: 21-06, are applicable to the percentages of total development cost listed above and the total **Department** funding.

- (3) Unless expressly contradicted by any other provision expressly set forth herein, the currently adopted and applicable UMRs as may be amended from time to time, all as set forth in the CCR, Title 25, commencing with Section 8300 ("UMRs") are hereby incorporated by reference in their totality into these Guidelines.
- (4) Use of multiple **Department** funding sources on the same **Assisted Unit(s)** (subsidy stacking) is permitted, subject to the **Department's** Repeal of Stacking

Prohibition of Multiple Department Funding Sources Memo. Additional limitations on the use of multiple **Department** funding sources may be specified in the **NOFA**. Limits on **Department** funding, including loan or grant funds on a per unit, per project, and/or per **Developer** basis may be further specified in the **NOFA**.

- (c) Grants shall be subject to the following terms:
- (1) The applicant must demonstrate that the grant will not result in a profit that exceeds the commercially reasonable range for other developments of similar size and level of risk.
  - (2) **AHSC Program** grant funds will be disbursed as reimbursed progress payments only after the execution of the Standard Agreement in the amount not to exceed the **AHSC Program** award of funds.
  - (3) Eligible costs incurred after the award date are eligible for reimbursement once the Standard Agreement is executed. Costs incurred prior to award are not eligible for reimbursement.
  - (4) For **Housing Related Infrastructure Capital Project** grants:
    - (A) The total **Housing Related Infrastructure Capital Project** grant amount is \$35,000 per residential unit in the proposed **Affordable Housing Development**, or \$50,000 per **Restricted Unit**.
    - (B) Conditions precedent to the first disbursement of **AHSC Program** funds shall include receipt of all required **Public Agency** entitlements and all construction funding commitments for the **Affordable Housing Development** supported by the **Housing Related Infrastructure Capital Project**.
    - (C) Rental **Affordable Housing Developments** supported by the **Housing- Related Infrastructure Capital Project** shall be subject to a recorded covenant ensuring affordability for duration of at least 55 years, recorded on the fee interest of the real property on which the rental **Affordable Housing Development** is to be located.
    - (D) Homeownership **Affordable Housing Developments** supported by the **Housing Related Infrastructure Capital Project** shall be subject to a recorded covenant with a duration of at least 30 years that includes either a resale restriction or equity sharing upon resale, recorded on the fee interest of the real property on which the homeownership **Affordable Housing Development** is to be located.
  - (5) For homeownership **Affordable Housing Developments** grants:
    - (A) **AHSC Program** grant funds will be disbursed as reimbursed progress payments only after the execution of the Standard Agreement in the amount not to exceed the **AHSC Program** award of funds.
    - (B) All **Restricted Units** must be made available for sale to qualified **First-time homebuyers**.
    - (C) The maximum grant amount per **Restricted Unit** is calculated pursuant to Section 7307 of the **MHP** Guidelines based on the number of **Restricted Units** in the **Affordable Housing Development**, affordability, unit sizes, and location in addition to the base amount of \$200,000 except that the

maximum grant amount per **Restricted Unit** for a given homeownership **AMI** tier shall equal the maximum loan amount per **Restricted Unit** for a given rental **AMI** tier as follows:

- (i) For homeownership **AMI** tier of 55-85%

Homeownership <b>AMI</b>	85%	80%	75%	70%	65%	60%	55%
Rental <b>AMI</b>	45%	40%	35%	30%	25%	20%	15%

- (ii) For homeownership **AMI** tier of 90-120%

Homeownership <b>AMI</b>	120%	115%	110%	105%	100%	95%	90%
Rental <b>AMI</b>	80%	75%	70%	65%	60%	55%	50%

- (D) Conditions precedent to the first disbursement of **AHSC Program** funds shall include receipt of all required **Public Agency** entitlements and all construction funding commitments for the homeownership **Affordable Housing Development**.
- (E) Prior to any disbursement, an affordability covenant will be recorded against the fee interest in the property of the homeownership **Affordable Housing Development**.
- (F) Homeownership **Affordable Housing Developments** supported by the **Housing Related Infrastructure Capital Project** shall be subject to a recorded covenant with a duration of at least 30 years that includes either a resale restriction or equity sharing upon resale, recorded on the fee interest of the real property on which the homeownership **Affordable Housing Development** is to be located.

## Section 105. Eligible Applicants

### (a) Eligible Applicants

- (1) Eligible applicant entities shall include any of the following:
  - (A) A **Locality**, public housing authority, redevelopment successor agency, transit agency or transit operator, Regional Transportation Planning Agency (RTPA), local Transportation Commission, Congestion Management Agency, Joint Powers Authority (JPA), school district, facilities district, University or Community College District.
    - (i) For **STI** or **TRA** components only, an applicant may provide an executed agreement with a specific **Locality** or transportation agency non-applicant for the completion of the **STI** or **TRA** components of the AHSC Project for which funding is sought.
  - (B) A **Developer** or **Program Operator**.
  - (C) A **Tribal Entity** whose **Project** meets requirements listed in detail in Appendix B.
- (2) A special purpose entity formed and controlled by the **Developer**, and which will serve as the ultimate borrower of AHSC loan funds, is not an eligible **Applicant**. A special purpose entity ultimate borrower meeting the requirements of UMR 8313.2 may be listed on the **AHSC Program** application in the appropriate, designated fields for listing such a borrower entity.
  - (A) Single purpose entities not meeting the requirements of a special purpose entity pursuant to UMR 8313.2, whether serving as an intermediate entity within the ultimate borrower structure or not, are not **Eligible Applicants**. Such single purpose entities will not be included as a separate party on any **AHSC Program** legal documents, including but not limited to, Standard Agreements, nor are they eligible to be **Recipients** or payees of **AHSC Program** funds.
- (3) Where a **Public Agency** has a real property interest in the proposed **Project**, the application must include the **Public Agency** as a joint **Applicant** or otherwise include a commitment to enter into a contractual agreement to develop the **Project**, if it is awarded.
- (4) All eligible **Applicants** appearing on the application for the **Project** will be held jointly and severally liable for the completion of the **Project** and as such, will each sign all Standard Agreements to the award of AHSC funds.
  - (A) A **Recipient** of **Department** funds must remain liable for performing all requirements of the award of funds as set forth in the Standard Agreement. Where there are multiple **Recipients**, all such **Recipients** must remain jointly and severally liable to the **Department** for that performance. Notwithstanding the foregoing, **Recipients** may indemnify each other by entering into agreements with one another as to individual **Capital Projects**. In no event will any such agreement alter, amend, or revoke each individual **Recipient's** obligations to the **Department**, including the joint and several liability.

## Section 106. Program Threshold Requirements

- (a) Application Threshold Requirements: In addition to requirements detailed in Sections 102 through 105, to be eligible for **AHSC Program** funding, an application shall demonstrate to the **Department** all the following:
- (1) The proposed **Project** will achieve a reduction in GHG emissions through fewer vehicle miles travelled (VMT), pursuant to the most recent **AHSC Program** Quantification Methodology, available on the California Air Resources Board's [Climate Change Investments \(CCI\) Quantification, Benefits and Reporting Materials webpage](#). This must be evidenced by a completed GHG Benefits Calculator tool, described in the AHSC Application, displaying VMT and GHG reductions for each **Project** component.
  - (2) The proposed **Project** supports the implementation of the applicable Sustainable Community Strategy (SCS), as confirmed by the Metropolitan Planning Organization (MPO), or equivalent sustainable planning document in non-MPO regions, as required by Public Resources code section 75210 et seq. The application must be consistent with activities or strategies identified in the regional SCS, or similar planning document that demonstrate a per capita reduction in VMT and GHG.
  - (3) The proposed **Project** must be consistent with the State Planning Priorities established pursuant to Section 65041.1 of the Government Code.
  - (4) All proposed **Affordable Housing Developments** located in a jurisdiction that has fare-based transit must provide at least one (1) transit pass or card to each **Restricted Unit** for at least 3 years. If the transit agency does not provide passes with unlimited rides, the card or pass should have a minimum value of 40 average commute length rides a month as determined by the transit agency. These passes or cards may be paid for with AHSC funding pursuant to Section 103(b)(2).
  - (5) **Applicants** of all proposed rental **Affordable Housing Developments** must certify that the development will be smoke free and demonstrate compliance by submitting a draft of the development's **Smoke Free Housing** lease addendum.
  - (6) The AHSC-funded components of the **Project** must:
    - (A) Incorporate more than one **Urban Greening** feature with dedicated maintenance for at least two years. The grantee is ultimately responsible for the maintenance of the **Urban Greening** features in the **Project**, even if municipal ordinance assigns responsibility for their maintenance to adjacent property owners. **Applicants** must propose at least \$200,000 in reasonable direct **Urban Greening** costs.
    - (B) Include adequate lighting in accordance with local, state, and federal design standards and requirements for all publicly accessible components of the **Project** including active transportation routes and transit stations or stops.
  - (7) Completion and approval or adoption of all necessary environmental clearances including those required under the California Environmental Quality Act (CEQA) and if applicable, the National Environmental Policy Act (NEPA). All applicable time periods for filing appeals or lawsuits have lapsed within 30 days after the

application due date with lawsuits or appeals resolved. Proof of NEPA clearance is shown through an Authority to Use Grant Funds document.

- (A) **STI** or **TRA** components of a **Project** are not required to certify completion and demonstration of approval of environmental clearances (NEPA or CEQA) as stated in Section 106(7) above until prior to the initial disbursement of grant funds.
- (B) Applicants are not required to complete any necessary environmental clearances prompted exclusively by rental and/or operating subsidies prior to the AHSC application deadline.
- (8) Applications must demonstrate that all necessary discretionary local land use approvals, excluding design review, have been granted.
- (9) The application must be sufficiently complete to assess the feasibility of the proposed project and its compliance with **AHSC Program** and application requirements.
- (10) The applicant must demonstrate that the **Project** is financially feasible as evidenced by documentation including, but not limited to, **Enforceable Funding Commitments**, a market study which meets the requirements specified in the **TCAC** Regulations Section 10322(h)(10), project pro-forma, sources and uses statement, proposed operating budget, multi-year pro-forma, or other feasibility documentation that is standard industry practice for the type of proposed **Affordable Housing Development**.
- (11) The **Eligible Applicant** or **Locality** serving as the **Developer** of a particular component of the **Project** must demonstrate site control of the property on which that **Project** component will be located as set forth at UMR Sections 8303 and 8316 with the additional requirement that the **Applicant** shall maintain site control through the award date.
  - (A) The following shall apply to **Capital Projects**:
    - (i) Where site control is in the name of another entity, the **Applicant** shall provide documentation, in form and substance reasonably satisfactory to the **Department** (e.g., a purchase and sale agreement, an option, a leasehold interest/option, a disposition and development agreement, an exclusive right to negotiate with a public agency for the acquisition of the site), which clearly demonstrates that the **Applicant** has some form of right to acquire or lease the **Project** property.
    - (ii) Where site control will be satisfied by a long-term ground lease, the **Department** will require the execution and recordation of the **Department's** form lease rider at the time of closing, which shall be entered into by and among the ground lessor, the ground lessee, the **Department**, and any other applicable parties. In all cases, the lease rider shall be recorded against the fee interest in the **Project** property.
  - (B) For **Capital Projects** developed in **Indian country**, the following exceptions apply:
    - (i) Where site control is a ground lease, the lease agreement between the **Tribal Entity** and the **Project** owner is for a period not less than 50 years; and

- (ii) An attorney's opinion regarding chain of title and current title status is acceptable in lieu of a title report
- (12) **Applicants** must demonstrate experience by providing evidence of at least two projects that are similar to each proposed AHSC **Capital Project (AHD, HRI, STI, and TRA)** in scope and size, which have been completed by the **Applicant** serving as the **Developer** of that **Project** component, during the ten years preceding the application due date. If an **Applicant** relies upon the experience of its **Principal** to meet the **Applicant** experience requirements, documentation of the **Principal's** experience is required as set forth in the application, in addition to recent project evidence described in the previous sentence.
  - (A) For **STI** or **TRA** components only, an **Applicant** may demonstrate the requisite experience (as detailed above) by using the past experience of work completed of a **Locality** or transportation agency non-applicant so long as the **Applicant** can provide an executed agreement with that specific **Locality** or transportation agency non-applicant for the completion of the **STI** or **TRA** components of the AHSC **Project** for which funding is sought, thereby demonstrating that the **Locality** or transportation agency will be serving as the **STI** or **TRA Developer** for that **Capital Project**.
- (13) As of the date of application, the **Applicant(s)**, the **Project**, or the real property on which the **Project** is proposed may not be party to or the subject of any claim or action in the state or federal courts that affects or potentially affects the feasibility of the **Project**. Further, the **Applicant(s)** shall disclose and describe any claim or action undertaken by or against the **Applicant(s)**, the **Project** or the Property which affects or potentially affects the feasibility of the **Project**.
- (14) Construction of the **Project** has not commenced as of the application deadline set forth in the **NOFA**. Any demolition operation conducted under a written order issued by a state or local governmental agency because a facility is structurally unsound and in danger of imminent collapse is exempt from this requirement.
- (15) For **TOD** and **ICP** projects, the **High Quality Transit** or **Qualifying Transit**, respectively, must be serving the **Transit Station/Stop** at the time of application submittal. For **RIPA** projects, the **Qualifying Transit** must be serving the **Transit Station/Stop** by the time a certificate of occupancy is provided. For all **Project Area Types**, the **AHD** and **Qualifying Transit's Transit Station/Stop** must be connected by a pedestrian access route no greater than 0.50 miles at the time of certificate of occupancy. Improvements to complete the pedestrian access route between the **AHD** and the **Transit Station/Stop** may be included as part of the project **STI/TRA** components so long as they are completed by the time a certificate of occupancy is provided.
- (16) Demonstrate consistency with State Relocation Assistance Law (CA Gov Code Sec. 7260-7277).

- (17) The Housing Element for the jurisdiction in which the **Project** is located must be in substantial compliance by the date of award recommendation. Housing Element in substantial compliance means the local public entity's adopted housing element is in substantial compliance as demonstrated by a letter from the **Department** which sets forth findings that the housing element adopted within the time frames required by Section 65588 of the Government Code includes that substance essential to every requirement of Article 10.6, commencing with Section 65580, of Chapter 3 of Division I of Title VII of the Government Code. A jurisdiction's current housing element compliance status can be obtained by referencing the [Department's website](#). **Projects** located on Trust Land, as defined under **Indian country**, are exempt from this requirement.
- (A) For the purposes of this section alone, jurisdictions that are undergoing **Department** review of their housing element at the time of award and jurisdictions which are receiving **Department** technical assistance to bring their housing element into compliance at the time of award, shall both be deemed to be in a presumptive state of substantial compliance by the **Department**. All awards premised on presumptive substantial compliance shall include conditions in their respective standard agreements requiring that prior to funds disbursement the subject jurisdiction must have received a final housing element certification letter from the **Department**.
- (18) **Applicants** that are a City, County, or City and County must at the time of application, have submitted their housing element annual progress reports as required by Government Code section 65400 to the State of California for the current and prior year.
- (19) Applications must integrate applicable climate adaptation measures as described in Section 107 Narrative Based Policy Scoring (b).
- (20) The **Applicant** must demonstrate that costs for any **Project** or component thereof will not result in loss or conversion of agricultural or other working lands or natural resource lands for other uses. The **Project** site must not be designated as **Agricultural Land** according to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) Tool ([California Important Farmland Finder](#)). An exemption to the FMMP designation may be allowed for applications that submit documentation that substantiates a description of an **Infill Site**.
- (21) Applications requesting **AHSC Program** funding for **Affordable Housing Developments** and **Housing Related Infrastructure Capital Projects** must also demonstrate to the satisfaction of the **Department** all the following:
- (A) Rental **Affordable Housing Developments** must meet the underwriting standards in the UMRs and **MHP Guidelines** Section 7312.
- (B) The **Affordable Housing Development, Housing Related Infrastructure**, or both are infeasible without **AHSC Program** funds, and other committed funds are not and will not be supplanted by **AHSC Program** funds.

- (C) Proposed **Projects** involving new construction or **Substantial Rehabilitation** and requiring the demolition of existing residential units are eligible only if the number of bedrooms in the new **Project** is at least equal to the number of bedrooms in the demolished structures, with equal or greater affordability. The new **Affordable Units** may exist on separate parcels provided all parcels are part of the same **Project** meeting the requirements of the UMRs Section 8303 (b).
- (i) The Department may approve **Projects** involving new construction or **Substantial Rehabilitation** and requiring the demolition of existing residential units that result in a number of bedrooms less than the number in the demolished structures where it determines that such approvals will substantially improve the livability of the remaining units, or serve some other compelling public policy objective, as long as the reduction does not result in more than 25 percent fewer units upon Project completion
- (D) If the **Affordable Housing Development, Housing Related Infrastructure, or both Capital Project(s)** involves the demolition of existing units that are affordable to lower-income households, the application must demonstrate the replacement of demolished units, comparable in size, of equal or greater affordability and equal to or greater than the number of the demolished **Affordable Units** located within comparable access to transit and include first right of return to displaced residents.
- (E) Applicants must demonstrate the proposed **Affordable Housing Development** is consistent with State and Federal Fair Housing requirements including duties to [affirmatively further fair housing](#).
- (F) Where approval by a local public works department, or other responsible local agency, is required for the **Housing Related Infrastructure Capital Project**, the application must include a statement from that department indicating that the **Housing Related Infrastructure Capital Project** is consistent with all applicable local rules, regulations, codes, policies and plans enforced or implemented by that **Department**.
- (22) Applicants must affirm that the proposed **Affordable Housing Development, or Mixed Use Development** in the case that non-residential uses are included, are powered entirely through electricity with no connections to natural gas infrastructure. Only zero-emission generators are **AHSC Eligible Costs. Projects** required to include fossil fuel-based backup power by regulation or code should consider the cleanest and most renewable technology first, starting with gaseous fuel (e.g., RNG, NG, LPG), and then tier 4 compliant diesel. If a fossil fuel-based generator is installed, be advised that procurement, site preparation, installation, or operation of such units is not an **AHSC Eligible Cost**.

- (23) Applications requesting **AHSC Program** funding for **Sustainable Transportation Infrastructure, Transportation Related Amenities**, or both must satisfy all the following:
- (A) Where approval by a local public works department, or other responsible local agency, is required for the **Project**, the application must include a statement from that entity indicating that the **Sustainable Transportation Infrastructure and/or Transportation Related Amenities Capital Project(s)** is consistent with all applicable local rules, regulations, codes, policies, and plans enforced or implemented by that entity.
  - (B) If the **Sustainable Transportation Infrastructure and/or Transportation Related Amenities Capital Project(s)** involves the demolition of existing units that are affordable to lower-income households, the application must demonstrate the replacement of demolished units, comparable in size, of equal or greater affordability and equal to or greater than the number of the demolished **Affordable Units** located within comparable access to transit and include first right of return to displaced residents.
    - (i) The no net loss requirements contained in Section 106(a)(21)(C) of these Guidelines apply to **Sustainable Transportation Infrastructure or Transportation Related Amenities Capital Projects** occurring on a property which includes a parcel, or any portion of a parcel, on which (1) residential dwelling units affordable to lower income households currently exist, or (2) there have been dwelling units restricted to lower-income households that have been vacated or demolished within the five year period preceding the application
- (24) Applications requesting **AHSC Program** funding for **Program Costs** must also demonstrate to the satisfaction of the **Department** all the following:
- (A) The **Program Costs** are infeasible without **AHSC Program** funds, and other committed funds are not being supplanted by **AHSC Program** funds.
- (25) All proposed **AHSC Project** components are subject to all applicable codes, including the California Building Standards Code (**CCR**, Title 24).
- (26) The application must demonstrate that outreach and education on reducing potential health impacts of air pollution will be provided to residents of **Affordable Housing Developments**.
- (27) **Affordable Housing Developments** must meet the Americans with Disabilities Act (ADA), fair housing, nondiscrimination, Pet Friendly Housing Act, physical accessibility, and Violence Against Women Act (VAWA), requirements pursuant to **MHP** Guidelines Section 7314 (a)-(d). Projects must also provide a preference for accessible units to persons with disabilities requiring the features of the accessible units in accordance with **TCAC** regulations (California Code of Regulations (**CCR**), Title 4, Section 10337(b)(2), as may be amended and renumbered from time to time). The

- Applicant** or **Developer** of the **Project** must ensure that any other applicable federal, state, and local accessibility requirements are met.
- (28) **Affordable Housing Development** and **Housing Related Infrastructure** components involving new construction, acquisition and **Substantial Rehabilitation**, or conversion of nonresidential structures to residential, dwelling units must be capable of accommodating broadband internet service with at least a speed of 100 megabits (50 megabits for rural) per second for downloading and 20 megabits (10 megabits for rural) per second for uploading.
- (A) **Affordable Housing Development** and **Housing Related Infrastructure** components must provide a conduit from the public right of way or property line and provide pathways, wiring, cables, and other necessary infrastructure extended to each unit and public common space to provide a broadband internet connection.
- (B) For some rural areas, other technologies like fixed wireless, might offer the highest caliber connection. All **Applicants** should consult with their local jurisdictions about their broadband internet infrastructure planning, as well as existing broadband internet service providers in the area.
- (C) High speed broadband internet service, with speeds listed above must be made available to each **Restricted Unit** for a minimum of 5 years, free of charge to the tenants, and available within 6 months of the **AHD's** placed-in-service date.

## Section 107. Scoring Criteria

**AHSC Program** funds will be allocated through a competitive process, based on the merits of the application to support a sustainable housing development that expands and improves transit, walking, and biking infrastructure, providing opportunities to reduce VMT by supporting connectivity between housing and destinations to bring about reduction of GHG emissions.

The scoring criteria is divided by three broad categories, with additional subcategories, for a total of 100 points. Scoring elements are detailed in Figure 4. It is the intent of the **AHSC Program** to use scoring to differentiate projects for ranking, so it is not expected that any project will score the full 100 points.

**Projects** will be reviewed and scored only after meeting threshold requirements as detailed in Section 106. Projects that are not scored are not eligible for award. All the scoring criteria will be applied to every **Project**, regardless of the project components present in each specific **Project**.

### Figure 4: AHSC Scoring Elements and Criteria

#### Estimated GHG Reductions Scoring (30 points)

- Transit and Shared Mobility GHG (5 points)
- Project Area GHG (10 points)
- GHG Efficiency (15 points)

#### Quantitative Policy Scoring (52 points)

- Active Transportation and Transit Improvements (14 points)
- Green Buildings and Renewable Energy (3 points)
- Housing and Transportation Collaboration (10 points)
- Location Efficiency and Access to Destinations (3 points)
- Funds Committed (4 points)
- Prohousing Designation (3 points)
- Anti-Displacement Activities (4 points)
- Local Workforce Development and Hiring Practices (3 points)
- Housing Affordability (5 points)
- Programs (3 points)

#### Narrative-Based Policy Scoring (18 points)

- Community Benefit & Engagement (6 points)
- Climate Adaptation & Community Resiliency (5 points)
- Collaboration & Planning (4 points)
- Equity & Transformation (3 points)

To receive points related to a specific **Project** component, the **Applicant** must request a portion of the costs through AHSC (e.g., an **Applicant** can only receive points related to an **Affordable Housing Development** when requesting **AHD** or **HRI** funds).

In all scoring categories, it is the responsibility of the **Applicant** to provide accurate, complete, and clear descriptions of their proposed **Project**. The **Department** and **Council** staff will use the required supporting documentation provided in the submitted application to verify claims, and cannot accept, nor rely on, additional or alternate materials provided after the application deadline. Applicants shall not provide intentionally unclear or vague answers

to avoid disclosing relevant or material details of a **Project** and are instead required to be forthcoming in their application and respond clearly in the spirit and intent of the program. The **Department** and **Council** staff reserve the right to withhold all points in any scoring categories if applicant-submitted documentation is determined to be unclear or incomplete. **Project** details not disclosed to the **Department** that are later discovered or disclosed, and which are determined to be inconsistent with the requirements of AHSC, will result in disencumbrance of the awarded funds and negative points, if applicable.

### Estimated GHG Emission Reductions – 30 Points Maximum

For this section, applications will be scored on the GHG emission reductions of proposed project components, for a total of 30 points. Applicants are required to adhere to quantification requirements and guidance published by California Air Resources Board (CARB) and SGC regarding GHG emission reduction estimates and should refer to the AHSC Quantification Methodology and the AHSC User Guide available on the CARB CCI Quantification, Benefits, and Reporting Materials webpage.

Applicants should refer to Table 3 of the AHSC User Guide for a complete list of quantifiable project components. The GHG emission reductions attributable to AHSC will be scored in the following GHG categories:

- Transit and Shared Mobility GHG: Transit and shared mobility project component(s) for a maximum of 5 points;
- Project Area GHG: Affordable housing, active transportation, and/or grid-connected solar PV project component(s) for a maximum of 10 points; and
- GHG Efficiency: Total GHG emission reductions per AHSC dollar for a maximum of 15 points

(a) Estimated GHG Emission Reductions Scoring Process:

- (1) Applicants will estimate GHG emission reductions of each quantifiable project component using the most recent AHSC Benefits Calculator Tool, available on the [CARB CCI Quantification, Benefits, and Reporting Materials webpage](#).

(A) Each application requesting GGRF funding must include at least one of the project components listed in Table 3 of the AHSC User Guide. Applications are not required to estimate the benefits of all quantifiable project components. Also note that the AHSC Benefits Calculator Tool will prorate GHG reductions according to the share of GGRF funding from AHSC and other programs. GGRF Funding from other programs should be specified by the applicant in the Project Info Tab and prorated GHG emission reductions will appear in the GHG Summary Tab.

(B) Applications that include a single **ZEV** transit vehicle purchase as a project component, must use AHSC dollars to fund more than 50 percent of the vehicle cost to be eligible for GHG quantification. In the case that multiple **ZEV** transit vehicles of a single mode type are purchased, all but one vehicle must be funded entirely by AHSC while the additional vehicle shall have more than 50 percent funded by AHSC to be eligible for quantification.

(C) Applications quantifying solar PV electricity generation will only receive credit for electricity generation above state code requirements. Applicants should refer to the applicable energy code at the time of project building permit application submittal.

(D) Phased projects should only quantify the project components for the phase seeking AHSC funding in the current application cycle. Previously funded or future phases are not included in the GHG calculation.

- (2) The GHG emission reductions of each application will be ranked from highest to lowest within each GHG category. Each application will be

assigned to one of five bins in ranked order. Each bin will receive an assigned point score as follows:

**FIGURE 5. GHG Scoring Categories**

GHG Scoring Category	Bin 1	Bin 2	Bin 3	Bin 4	Bin 5
Transit and Shared Mobility GHG	5 points	4 points	3 points	2 points	1 point*
Project Area GHG	10 points	8 points	6 points	4 points	2 points
GHG Efficiency	15 points	12 points	9 points	6 points	3 points

\* Note: **Projects** that do not include a transit component or include transit components that result in a net increase in emissions will be placed in Bin 5 but receive 0 points for the Transit and Shared Mobility GHG Category.

- (3) The score of each GHG category will be combined to determine the **Project's** Total GHG Score.
- (4) Please note that while all projects are scored together, independent of **Project Area Type**, **Projects** will only compete within their **Project Area Type** for the first 80 percent of funding available in the **NOFA** per Section 108.

#### Quantitative Policy Scoring – 52 Points Maximum

##### (a) **Active Transportation and Transit Improvements – 14 Points Maximum**

- (1) Up to 3 points for the total length (in **Lane Miles**) of AHSC-funded **Context Sensitive Bikeways**. as follows:
  - (A) 3 points for at least one (1.0) lane mile
  - (B) 1 point for at least one half (0.50) lane mile

AHSC funds may be used to install new or improved bikeways, even if they are not a **Context Sensitive Bikeway**; however, points will only be awarded for **Context Sensitive Bikeways**. Improved bikeways must be facility enhancements that allow an upgrade from Class II to Class I or IV; or Class III to a facility that creates dedicated bicycle space (Class I, II, or IV). A project that converts a temporary Class IV bikeway (e.g., paint, plastic bollards, and/or K-rail) to a permanent Class IV bikeway using permanent physical barriers (e.g., poured concrete and/or plantings) is an eligible cost and eligible **Context Sensitive Bikeway**, but would not be eligible for GHG Quantification since it is not a new bikeway.

- (2) 2 points for **Projects** that expand an existing bicycle network. The new **Context Sensitive Bikeway** funded by AHSC must have an entry point within the **Project Area** and directly intersect with an existing bikeway as a way to connect to the existing bike network. The existing bikeway and bikeway network does not have to be comprised of **Context Sensitive Bikeways**.
- (3) Up to 3 points for the length of AHSC-funded **Safe and Accessible Walkways** as follows:

- (A) 3 points for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 2,000 feet of continuous **Safe and Accessible Walkway**.
- (B) 1 point for repairing or constructing sections of sidewalks, walkways, or ramps that create more than 1,000 but at or less than 2,000 feet of continuous **Safe and Accessible Walkway**.

**STI** improvements that will make walkways safe and accessible (e.g., through new or repaired sidewalks, crosswalks, or curb ramps) will be measured for the distance of the entire block face on which the infrastructure improvement will be made so long as the entire distance of its walkway will then meet the definition of **Safe and Accessible Walkway**. Crosswalk improvements, which are eligible **STI** components, can be measured for the crosswalk distance plus the distance of one block face to which it connects, so long as the block face already is or will be a **Safe and Accessible Walkway** at the completion of the project.

- (4) 2 points for **Projects** that create at least 1,000 continuous linear feet of new pedestrian facilities where none exist at the time of application submission. Examples include new overpasses or underpasses, and new Class 1 path or sidewalk where no walkway currently exists so long as these facilities meet the definition of **Safe and Accessible Walkway**. Curb ramps or other wheelchair-accessible entry points are required for any crossings in this new facility but would not be sufficient in and of themselves to be eligible for this point. The **Lane Miles** of one Class I Multi-Use Path cannot be counted to fulfill the distance scoring sections for both the bikeway and walkway scoring sections; applicants may not use the same portion of a Multi-Use Path for both scoring sections.
- (5) Up to 4 points for **Projects** that improve existing transit routes that serve the community around the **AHD**. To qualify for these points, the AHSC-funded improvements must improve service along one transit route that serves at least one (1) stop or station inside the **Project Area**. The improvement to the transit route need not be wholly inside the **Project Area**, but the **Project's** effects to improving reliability and/or speed inside the **Project Area** should be evident.

**Projects** that improve a local bus route by implementing any (or a multiple) of the following will be eligible for two points for each strategy, up to four points:

- (A) At least one (1.0) **Lane Mile** of a Bus Only Lane that includes prohibition of private vehicles or High Occupancy Toll (HOT) Lanes that are in effect at least eight (8) hours a day, at least five (5) days a week
- (B) Installation of new off-board fare collection kiosks or machines along all stops for one (1.0) consecutive **Lane Mile**
- (C) Installation of new at-grade boarding infrastructure along all stops for one (1.0) consecutive **Lane Mile**

- (D) Installation of at least four (4) bus bulb-outs that eliminate the need for buses to pull out of the general flow lane along one bus route in the **Project Area**
- (E) Installation of new or upgraded **Transit Signal Priority** hardware and software along all signals for one (1.0) consecutive **Lane Mile**
- (F) Installation of at least five (5) new bus shelters where none currently exist at least five stops along one bus route in the **Project Area**
- (G) Procurement of at least one new **ZEV** transit vehicle that allows the provider to modify published schedules that will achieve headways of 15 minutes or less during peak hours or reduce peak hour existing headways by more than 10 minutes

(b) **Green Buildings and Renewable Energy - 3 Points Maximum**

- (1) 3 points will be awarded for **Affordable Housing Developments** that commit to a design that achieves green building status beyond State mandatory building code requirements as certified by the project architect, energy analyst, and/or sustainability consultant. Applicants may select from the following green building certification programs:

**Certifications for residential construction:**

<b>Program</b>	<b>Tier</b>
CalGreen	Tier 2
LEED	Gold
Green Point Rated	New Construction: Gold Rehabilitation: Whole Building
ENERGY STAR	Certified Home
Living Future Challenge	Living Building

**Certifications for non-residential construction**

<b>Program</b>	<b>Tier</b>
CalGreen	Tier 2
LEED	Gold

(c) **Housing and Transportation Collaboration - 10 Points Maximum**

- (1) Up to 6 points for applications with an AHSC funds request for **Sustainable Transportation Infrastructure** that comprises at least a certain amount of funds or a percentage of the total AHSC funds request (whichever is the lower amount) as detailed below:

<b>STI Funds Request as an amount or percentage of Total AHSC Funding Request</b>	<b>Points</b>
At least \$3,000,000 or 10.0% of total funding request	2 points
At least \$4,500,000 or 15.0% of total funding request	4 points
At least \$7,500,000 or 25.0% of total funding request	6 points

- (2) 2 points for applications which invest at least \$1,500,000 or five (5.0%) percent of total AHSC funding request (whichever is the lower amount) in **Transportation Related Amenities** at or along the side of block face(s) that include a **Transit Station/Stop** within the **Project Area**.

(3) 2 points for **Projects** which provide documentation that their site is:

- (A) In a High-Speed Rail Planning Area: An **AHD** that is within environmentally cleared California high-speed rail station planning areas; or
- (B) Funding the construction of community-identified components: A **Project** that funds community-identified components from another SGC-funded project, such as Transformative Communities Collaborative (TCC), Sustainable Agricultural Lands Conservation (SALC); or
- (C) Utilizing Publicly-Owned Land: An **AHD** which is to be developed on land designated as Excess Land (EO N-06-19) or any land declared surplus by a local agency. **Projects** developed on land donated by or leased at a discounted rate from a transit agency are also eligible for these points.
  - (i) For excess state-owned property, the **AHD** must be located on a site selected under EO-N-06-19 to enter into a ground lease with the state to create affordable housing on excess state-owned property.
  - (ii) For surplus land owned by a local agency, including transit agencies:
    - a. Land donations made in fee title must be supported by a transfer agreement and demonstrated written conformance with the Surplus Land Act.
    - b. Land donations made as a low-cost, long-term lease must be supported by written conformance with Surplus Land Act, and a Post-Negotiation Notice and Proposed Disposition Summary.

(d) **Location Efficiency and Access to Destinations - 3 Points Maximum**

(1) Up to 3 points will be given for projects that provide the location of existing **Key Destinations** within one-half (0.50) mile of the AHD. For **TOD Project Areas** and **ICP Project Areas** each type of **Key Destination** is worth one third (0.333) of a point. For **RIPA Project Areas** each type of **Key Destination** is worth one half (0.50) of a point. Each **Key Destination** category may only be counted once. Facilities that meet multiple categories (e.g., a Grocery Store with a Pharmacy) may be counted toward multiple categories. Please see definitions and further specifications for each **Key Destination** in Appendix A. Please see Mapping Guidance for how to map and document **Key Destinations**.

- (A) Market or Grocery store (SNAP Retailer)
- (B) Food Bank
- (C) Medical clinic that accepts Medi-Cal payments or offers free medical services to low-income individuals
- (D) Licensed childcare facility as identified by the California Department of Social Services
- (E) Pharmacy

- (F) Park accessible to the general public
- (G) Community Center accessible to the general public
- (H) Public library
- (I) Public elementary, middle, high school, non-profit university or non-profit junior college
- (J) Bank, or credit union
- (K) Post Office

(e) **Funds Committed - 4 Points Maximum**

- (1) 4 points will be awarded for applications demonstrating committed funding for all permanent financing, grants, project-based rental assistance, and operating subsidies, excluding: the amount requested from the **AHSC Program**, an allocation of tax-exempt bonds, and 4 percent or 9 percent tax credits. For **Projects** with bond financing, any applicable permanent lender commitment of bond financing is required for these points. Assistance for capital expenditures will be deemed to be an **Enforceable Funding Commitment** if it has been awarded to the **Project** or if the **Department** approves other evidence that the assistance will be reliably available. Contingencies in commitment documents based upon the receipt of an allocation of tax-exempt bonds, 4 percent tax credits or 9 percent tax credits will not disqualify a source from being counted as committed.

For homeownership **Affordable Housing Developments** only: Construction loans which will be repaid with revenue from the sale of homes to low-income or moderate-income homebuyers will be considered committed funding.

(f) **Prohousing Designation – 3 Points Maximum**

- (1) 3 Points will be awarded for **Projects** located in jurisdictions that have received a “Prohousing designation” as certified by the **Department** by the application due date; OR
- (2) 2 Points will be awarded for **Projects** located in jurisdictions that have applied for a “Prohousing designation” from the **Department**. The prohousing application must be received by the **Department** before the application due date and the jurisdiction must have passed a resolution of their governing body authorizing application and participation in the Prohousing Designation Program, and have at least three of the following policies in place:
  - (A) **Projects** located in jurisdictions with policies that involve meaningful actions towards Affirmatively Furthering Fair Housing pursuant to GC Section 8899.50, including, but not limited to, rezoning higher density in **Higher Opportunity Areas**, prioritizing funding in **Higher Opportunity Areas** or areas of concentrated poverty or lower opportunity, place-based (e.g., acquisition/rehabilitation, infrastructure improvements, enhancement of community amenities and resources) or displacement strategies in areas of concentrated poverty, lower opportunity or high displacement risk.

- (B) **Projects** located in jurisdictions permitting missing middle housing uses (e.g., triplexes and fourplexes) by right in existing low-density, single-family residential zones or increasing allowable density in low-density, single-family residential areas beyond the requirements of state Accessory Dwelling Unit Law (e.g., permitting more than one ADU or JADU per single-family lot) and Government Codes sections 65852.21 and 66411.7.
- (C) **Projects** located in jurisdictions with density bonus programs which exceed statutory requirements by 10 percent or more.
- (D) **Projects** located in jurisdictions that are reducing or eliminating parking requirements for residential development as authorized by GC Sections 65852.2; adopting vehicular parking ratios that are less than the relevant ratio thresholds at subparagraphs (A), (B), and (C) of GC Section 65915, subdivision (p)(1); or adopting maximum parking requirements at or less than ratios pursuant to GC Section 65915, subdivision (p).
- (E) Establishment of ministerial approval processes for a variety of housing types, including single-family and multifamily housing.
- (F) Establishment of an Enhanced Infrastructure Financing District or similar local financing tool that, to the extent feasible, directly supports housing developments in an area where at least 20 percent of the residences will be affordable to Lower Income households.
- (G) **Projects** located in jurisdictions that zone more sites for residential development or zoning sites at higher densities than is required to accommodate 150 percent of the minimum Regional Housing Needs Allocation for the Lower-Income allocation in the current housing element cycle.
- (H) **Projects** located in jurisdictions with measures that reduce costs for transportation-related infrastructure or programs that encourage active modes of transportation or other alternatives to automobiles. Qualifying policies include, but are not limited to, publicly funded programs to expand sidewalks or protect bike/micro-mobility lanes; creation of on-street parking for bikes; transit-related improvements; or establishment of carshare programs.
- (I) **Projects** located in jurisdictions that have established pre-approved or prototype plans for missing middle housing types (e.g., duplexes, triplexes, and fourplexes) in low-density, single-family residential areas.
- (J) Establishment of streamlined, program-level CEQA analysis and certification of general plans, community plans, specific plans with accompanying Environmental Impact Reports (EIR), and related documents and Projects located in jurisdictions that have documented practice of streamlining housing development at the Project level, such as by enabling a by-right approval process or by utilizing statutory and categorical exemptions as authorized by applicable law (Pub.

Resources Code, Sections 21155.1, 21155.4, 21159.24, 21159.25; Gov. Code, Section 65457; Cal Code Regs., tit. 14, Sections 15303, 15332; Pub. Resources Code, Sections 21094.5, 21099, 21155.2, 21159.28).

- (K) Waiver or significant reduction of development impact fees for residential development.
- (L) Establishment of local housing trust funds or collaboration on a regional housing trust fund.
- (M) A comprehensive program that complies with the Surplus Land Act (Gov. Code, § 54220 et seq.) and that makes publicly owned land available for affordable housing, or for multifamily housing projects with the highest feasible percentage of units affordable to Lower Income households. A qualifying program may utilize mechanisms such as land donations, land sales with significant write-downs, or below-market land leases.

(g) **Anti-Displacement Activities - 4 Points Maximum**

- (1) Up to 4 points for Projects that document a commitment to implement at least one (1) new or expanded Anti-displacement activity listed below, as supported by an assessment of housing needs and displacement vulnerability.

Assessment: **Applicants** are required to develop an assessment of the housing needs and displacement vulnerability for the communities overlapping the **Project Area**. The assessment should describe housing needs and displacement vulnerability using the most recent economic statistics and demographic information available (U.S. Census or other more recently-collected local information is acceptable). The assessment should provide details summarizing adopted and proposed policies and programs related to displacement as publicly-identified in the jurisdiction's Housing Element, other government policies, or any non-governmental organization's Anti-Displacement work. The assessment may be an existing document that meets the goals stated above or the **Applicant** can use the prompts found in Anti-displacement Attachment.

Commitment Letter: All proposals in partnership with a non-profit or **Locality** must provide a Commitment Letter and a proposed workplan describing how each program or activity will be implemented. The following items should be included in the proposed workplan: 1) Proposed Scope of Work by task; 2) Budget by task; 3) Deliverables by task; 4) Proposed implementation timeline; 5) Current status of work, if applicable; 6) Current status of the role the non-profit plays in the **Project Area**; 7) Proposed measures of success & tracking protocols; and 8) Signatures from all implementing parties agreeing to the terms above.

- (A) **Projects** may select any activity listed below. These activities must be implemented by an independent non-profit or **Locality** with

dedicated **Program Cost (PGM)** funding of a minimum \$150,000 per activity:

- (i) A non-profit and/or **Locality** developing a Community-Driven, Neighborhood-Scale Anti-Displacement Plan
- (ii) A non-profit and/or **Locality** implementing a policy or action identified in a previously-adopted Anti-Displacement Plan that is not listed below
- (iii) A non-profit and/or **Locality** implementing a policy identified in an existing Community-Driven, Neighborhood-Scale Anti-Displacement Plan
- (iv) A non-profit and/or **Locality** developing or implementing a pipeline or training programs that will build capacity for local affordable housing developers
- (v) A non-profit and/or **Locality** developing or implementing a process for data collection, monitoring, & tracking systems related to the causes of displacement (e.g. rental property registry, inventory of at-risk units, landlord licensing, local eviction tracking, or a speculation watchlist)
- (vi) A non-profit and/or **Locality** developing or implementing foreclosure or eviction prevention and landlord anti-harassment programs
- (vii) A non-profit and/or **Locality** developing or implementing rental assistance programs
- (viii) A non-profit and/or **Locality** developing a Neighborhood Leadership Development Program for stakeholders within the project community
- (ix) A non-profit and/or **Locality** developing or implementing a Small/Family Business Protection Program for community businesses in the Project Area
- (x) A non-profit and/or **Locality** developing or operating a Community Land Trust or Land Banking activities

(h) **Local Workforce Development and Hiring Practices - 3 Points Maximum**

- (1) Up to 3 points (1.5 points per strategy) for **Projects** that implement workforce development strategies that advance the recruitment, training, and hiring of individuals who live within **Priority Population** census tracts or **Low-Income Households**. Strategies should aim to connect these populations with training and hiring opportunities created by the **Project**. Workforce development strategies may be implemented during project construction or after completion of the project, but they must be implemented within the contract reporting period. Choose from the following AHSC workforce development strategies:

- (A) **Partnership with a Workforce Development organization or a Workforce Development Board:** Applicants must provide the following information and verifiable documentation in a letter jointly signed by the **Applicant** and the external organization:

- (i) The name(s) of the organization(s)
  - (ii) The nature of the partnership between the **Applicant** and the organization
  - (iii) Demonstrate that the implementing organization has a track record of success serving disadvantaged populations, and,
  - (iv) Demonstrate that the implementing organization has a history of success in job placement rates for trainees from **Disadvantaged Communities**
  - (v) The written agreement that details the partnership strategy or policy undertaken and its outcomes
  - (vi) The number and the demographic composition (race, education, and income) of participants in the external organization over the last three (3) years, for each of the following:
    - a. Participants who enrolled in the program;
    - b. Participants who completed the program; and
    - c. Participants who were successfully placed into state-certified apprenticeship or related job
- (B) **Project is bound by a Skilled and Trained Workforce Commitment:** **Applicants** must provide the following information and verifiable documentation in a letter jointly signed by the **Applicant** and the external organization:
- (i) A letter of intent between the **Developer** and the state-certified apprenticeship program including the mechanism to deliver on the term of that commitment
  - (ii) The number and the demographic composition (race, education, income) of participants in the external organization over the last three (3) years, for each of the following:
    - a. Participants who enrolled in the program;
    - b. Participants who completed the program; and
    - c. Participants who were successfully placed into a state-certified apprenticeship or related job
- (C) **Projects that have developed a Project Labor or Community Workforce Agreement:** **Applicants** must provide the following information and verifiable documentation in a letter jointly signed by the **Applicant** and the external organization
- (i) Documentation of the agreements, including, a Targeted Hiring Plan, as defined in in HSC 38599.10, demonstrating how the applicant will:
    - a. Create jobs for residents of under-resourced, tribal, and **Low-income Communities** in the same region as the proposed project
    - b. Ensure access for the aforementioned residents to those jobs

- c. Create a defined cohort of pre-apprentices from local programs with close and demonstrable connections to state-certified apprenticeships
- (D) **Projects that are located in jurisdictions with Local Hire Ordinances: Applicants** must provide the following information and verifiable documentation in a letter:
  - (i) Date the ordinance took effect
  - (ii) Documentation of the ordinance's requirements,
  - (iii) Confirmation the **Project** will be subject to and comply with the ordinance's requirements that including:
    - a. A specific number of targeted workers or apprenticeships to be hired;
    - b. The mechanism for targeting the workers or apprenticeships; and
    - c. The programs from which workers or apprenticeships will be recruited from
- (i) **Housing Affordability - 5 Points Maximum**
  - (1) For rental **Affordable Housing Developments**, the following shall apply:
    - (A) Up to 3 points will be awarded for applications which restrict a percentage of units in a rental **Affordable Housing Development** to Extremely Low Income (ELI) households. Points will be awarded based on the percent of total units restricted to ELI households as follows:
      - (i) 15 to 19.9 percent of total units = 1 points
      - (ii) 20.0 to 24.9 percent of total units = 2 points
      - (iii) 25 percent or more of total units = 3 points
    - (B) Up to 2 points will be awarded for applications which restrict a percentage of three-bedroom or larger units in a rental **Affordable Housing Development** to Extremely Low Income or Very Low-Income households. Points will be awarded based on the percent of total units restricted to three-bedroom or larger at ELI or Very Low-Income households as follows:
      - (i) 10 to 19.9 percent of total units = 1 points
      - (ii) 20 percent or more of total units = 2 points
  - (2) For homeownership **Affordable Housing Developments** the following shall apply:
    - (A) Up to 5 points will be awarded for applications which restrict a percentage of units in a homeownership **Affordable Housing Development to Low-Income (LI) households**. Points will be awarded based on the percent of total units restricted to LI households as follows:
      - (i) 20 to 29.9 percent of total units = 2 points
      - (ii) 30 to 39.9 percent of total units = 3 points
      - (iii) 40 to 49.9 percent of total units = 4 points
      - (iv) 50 percent or more of total units = 5 points

(j) **Programs – 3 Points Maximum**

- (1) 3 points will be awarded to applicants that propose an AHSC-funded **Program (PGM) Cost** in partnership with a non-profit organization (including churches, Community Based Organizations, or other organization registered as a 501(c)(3) Organization) for at least \$150,000. All proposals in partnership with a non-profit must provide a commitment letter and a proposed workplan describing how each program or activity will be implemented. An **Applicant** seeking points for an activity under the Anti-Displacement category is not eligible for additional points for that same activity under the **Programs** section.

The following items should be included in the proposed workplan: 1) Proposed Scope of Work by task; 2) Budget by task; 3) Deliverables by task; 4) Proposed implementation timeline; 5) Current status of work, if applicable; 6) Current status of the role the non-profit plays in the **Project Area**; 7) Proposed measures of success & tracking protocols; and 8) Signatures from all implementing parties agreeing to the terms above

Note: Not all eligible costs identified as **Program (PGM) Costs** in Section 103 will fully satisfy this scoring criteria. Programs proposed under this section must fall under one of these four categories to be eligible for points.

- (A) **Active Transportation** Encouragement and Safety: **Active Transportation** programs that encourage residents to walk or bicycle more frequently and more safety. Programs may include, but are not limited to: Bike Safety Workshops, Walking School Buses or other group walking activities, Safe Routes to School or Transit. Additionally, distribution of lights, safety equipment, or bicycles to low-income residents are an eligible **Program Cost** as an incentive for participation in safety education programs
- (B) Low-Income **Zero Emission Vehicle (ZEV)** Car Sharing Programs: Programs that provide free or reduced cost access to **Zero Emission Vehicle** Car Sharing Programs.
- (C) **AHD Resident Support**: Instructor-led adult educational, health and wellness, or skill building classes. Includes, but is not limited to: Financial literacy, computer training, home-buyer education, GED classes, and resume building classes, ESL, nutrition class, exercise class, health information/awareness, art class, parenting class, on-site food cultivation and preparation classes, and smoking cessation classes. Drop-in computer labs, monitoring or technical assistance shall not qualify.
- (D) **Tenant Legal Counseling**: Programs that provide legal advice and education to renters on their rights as a tenant and access to programs to help reduce risks of evictions and displacement. Section 103(b)(1)(A) applies.

### Narrative Based Policy Scoring – 18 Points Maximum

The narrative-based policy scoring section of the application will be scored only for projects that meet threshold requirements listed in Section 106. For Narrative-Based Policy Scoring, applicants must provide responses to the questions and prompts outlined in the Narrative Prompts document. Please reference the Narrative Prompts document and rubric at the SGC **AHSC Program** Website for instructions, the specific questions to answer, and necessary application materials. The following is a summary of each section:

(a) **Community Benefits & Engagement - 6 Points Maximum:**

Community involvement and leadership are crucial to ensuring that both the principal objectives and co-benefits of the project respond to the true needs of the community. Taken together, the responses to the prompts will explain how local residents and community-based organizations were meaningfully engaged in developing the **Project**, especially those from **Disadvantaged** and **Low-income Communities**, and how the project addresses community-identified needs and promotes community health and well-being. The prompts will ask applicants to address two main components: (1) Community Engagement and Leadership and (2) how the AHSC **Project** addresses community needs.

(b) **Climate Adaptation & Community Resiliency - 5 Points Maximum**

Communities will continue to experience effects of climate change in many ways, including increased likelihood of droughts, flooding, heatwaves, sea level rise, severe weather, and wildfires. Due to these effects, climate resiliency is a key part of planning and project implementation. The prompts will ask applicants to address how the risks posed from climate change and other environmental exposures will be reduced by strategies listed in the Climate Adaptation Assessment Matrix. The prompts will also ask how the **Project** will reduce the health risks of climate change and other environmental exposures including extreme heat, wildfires and smoke, air pollution from vehicle emissions, and more. Under this section applicants will fill out the Climate Adaptation Assessment Matrix.

*Note: If available, use localized climate impact projections. For tools to help assess general climate impacts, please visit [Cal-Adapt's Local Climate Snapshot tool](#).<sup>\*</sup> For adaptation tools, resources, strategies and case studies visit the [state's Adaptation Clearinghouse](#).*

(c) **Collaboration & Planning - 4 Points Maximum**

Collaboration between local governments and housing and transportation providers is critical to create a project that ensures connectivity and responds to the day to day needs of the community. Taken together, the responses to the prompts of this section should outline how the proposed project brings together the efforts of local government, including housing and transportation agencies to achieve projects that improve efforts related to climate adaptation, health, housing, mobility, and safety. The prompts will ask applicants to address two components of this: (1) Local Planning Efforts and (2) Housing and Transportation Collaboration.

(d) **Equity & Transformation – 3 Points Maximum**

As stated in the **AHSC Program** Overview, SGC is committed to achieving racial equity in its operations, investments, and policy initiatives and to achieving its vision that: All people in California live in healthy, thriving, and resilient communities regardless of race (read more in the [SGC Racial Equity Action Plan](#)). The **AHSC Program** encourages a holistic approach to community development and broader investments in neighborhoods. Under this section, the prompts will ask applicants to describe how the **Project**: 1) advances equity and 2) is either piloting new or innovative approaches or policies, leveraging existing resources in a new way, or shaping future projects in the nearby communities.

## Section 108. Application Process

- (a) Pursuant to direction of the **Council**, the **Department** shall offer funds through a **NOFA** and applications will be reviewed based on the steps detailed below.
- (b) The **Department** will schedule optional pre-application consultations as detailed in the **NOFA** to provide assistance to applicants regarding minimum threshold eligibility and other requirements.
- (c) Applications will be made available through the **Department**, and complete applications and supporting documentation must be submitted to the **Department** by the deadline detailed in the **NOFA**. An application workbook will be developed by SGC and the **Department** in accordance with these Guidelines, and will outline the required documentation and methods by which compliance with the Guidelines is demonstrated.
- (d) The **Department** may elect to not evaluate compliance with some or all threshold requirements for applications that are not within a fundable range.
- (e) Applications will be reviewed, and negative points assessed, consistent with the **Department's** Negative Points Policy. The Negative Points Policy, Administrative Notice Number 2022-01 dated March 30, 2022, and as [published on the Department's website](#), is hereby incorporated by this reference to these Guidelines as if set in full herein and shall apply with equal force as all other provisions set forth herein.
- (f) Applications recommended for funding and approved by the **Council** are subject to conditions specified by the **Department**. Applicants will receive an official letter of award after funding recommendations are approved by the **Council**.
- (g) Applications will be treated in accordance with Public Records Act. Certain information, in accordance with the Public Records Act, may be publicly disclosed.
- (h) The highest scoring applications that meet all threshold requirements as determined by the **Department**, based on criteria set forth in these guidelines, shall be recommended to the **Council** for funding as specified in the **NOFA**. If there are insufficient **Projects** that have scored 70 points or more, the **Council** may make adjustments in this procedure to meet the following objectives:
  - (1) **Project Area Type** funding goals: The goals are as follows:
    - (A) At least thirty-five (35.0) percent of funds as designated in the **NOFA** to **TOD Project Area** applications;
    - (B) At least thirty-five (35.0) percent of funds as designated in the **NOFA** to **ICP Project Areas** applications;
    - (C) At least ten (10.0) percent of funds as designated in the **NOFA** to **RIPA** applications; and
    - (D) **Remaining Funds**: After designating funds to **Projects** that meet the **Project Area Type** funding targets, remaining available funds may be awarded to any eligible **Project Area Type** that meets the goals detailed below.

- (2) **Geographic Goal:** The **Council** strives to achieve a diverse distribution of resources and recognizes that in order to meet the State's environmental commitments, GHG emission reductions must be made in all parts of the State. The **Council** will use **Remaining Funds**, as described in (D), above, to ensure a distribution of total AHSC funds that allows for all geographic areas with a competitive application to receive funds, with a minimum of one (1) per geographic area to be awarded.

The **AHSC Program** defines the eight geographic areas as follows (listed by geographic area followed by counties pertaining to each area):

- (A) Central Coast: Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, Ventura
  - (B) Coastal Southern California: Los Angeles, Orange
  - (C) Inland Southern California: Imperial, Riverside, San Bernardino
  - (D) North State & Sierras: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tuolumne
  - (E) Sacramento Area: El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba
  - (F) San Diego Area: San Diego
  - (G) San Francisco Bay Area: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma
  - (H) San Joaquin Valley: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare
- (3) **Tribal Entity Goal:** Regardless of **Project Area Type**, and to the extent qualifying **Projects** are received, the **Council** will seek to fund one project per funding cycle to a **Tribal Entity**. To be considered for the Tribal funding target, a **Tribal Entity** must be the **Developer** for the **AHD** and/or **HRI** components, or the project partner responsible for **STI** and/or **TRA** components. Projects where the only involvement of a **Tribal Entity** is as an applicant for **Program Costs**, the **Project** will not be considered for the Tribal funding target. The **Project** must meet the requirements laid out in Appendix B to qualify for the Tribal funding target. Unless stated otherwise, the **Project** must meet all **AHSC Program** requirements. If multiple **Tribal Entities** apply for **Projects** but are not awarded through the **Project Area Types** goals, the **Council** will apply the scoring criteria from these Guidelines to rank the **Projects** and may take into consideration the level of Tribal involvement and leadership in a **Project** before awarding the **Project** that will meet the Council's Tribal target. Any remaining **Project(s)** involving a **Tribal Entity** will compete for the **Remaining Funds** along with all other projects.
- (4) **Priority Populations Statutory Requirement:** At least fifty (50.0) percent of **AHSC Program** expenditure for **Projects** must benefit **Disadvantaged Communities**. In addition to this requirement, **AHSC Program** funds must be spent in accordance with the goals for **Low-Income Communities** as identified

in the CARB [Funding Guidelines for Agencies Administering California Climate Investments](#). **Projects' Disadvantaged Community and Low-Income Community** status are based upon the location of their AHSC-funded **Affordable Housing Development**.

- (5) Affordable Housing Statutory Requirement: At least fifty (50.0) percent of the annual proceeds appropriated for the **AHSC Program** shall be expended for **Affordable Housing Development(s)**. For the purposes of this set-aside, expenditures related to **Affordable Housing Development** and **Housing Related Infrastructure Capital Projects** shall count toward this requirement.
- (6) A single **Project** may count toward any or all the requirements and targets in Section 108(h)(1)-(5).
- (7) After all the requirements and targets in Section 108(h)(1)-(5) are achieved, any **Remaining Funds** will be awarded to the highest scoring applications. In the event of two or more applications have the same final score, the **Project** with the total highest GHG reductions (MTCO<sub>2</sub>e), after appeals and verification, will take precedence.
- (8) To the extent applications received are insufficient to meet any of the targets detailed above, the **Council** reserves the right to waive these targets at their discretion.
- (i) The following additional policies will inform the final decision of **Project** awards:
  - (1) A single **AHD Developer** may not be awarded more than \$100 million per **NOFA** funding cycle, however this limitation may be waived if necessary to meet AHSC statutory funding set-asides.
  - (2) **Projects** will not be partially funded. At the discretion of the **Council**, a **Project** that received a lower score may be awarded funding if the **Remaining Funds** are sufficient to fully fund the **Project**. If funds remain after awards, those funds will roll forward into the next **NOFA**.
  - (3) To support implementation of an applicable SCS and consistency with activities or strategies identified in a regional SCS, or equivalent planning document that demonstrates per capita reductions in VMT and GHG, as allowed by [SB 862](#) (Chapter 36, Statutes of 2014), an MPO/region may develop its own process prior to the application due date to identify and recommend applications that have the highest regional priorities based on criteria established by the MPO/region.

## Article III. Legal and Reporting Requirements

### Section 109. Legal Documents

- (a) **Affordable Housing Developments:** Upon the award of **AHSC Program** funds to assist an **Affordable Housing Development**, the **Department** shall enter into one or more agreements with the applicant, one of which will be in the form a State of California Standard Agreement (Standard Agreement), which shall commit funds from the **AHSC Program** in an amount sufficient to fund the approved **AHSC Program** loan or grant amount. The agreement or agreements shall contain the following:
- (1) A description of the approved **Affordable Housing Development** and the permitted uses of **AHSC Program** funds;
  - (2) The amount and terms of the **AHSC Program** loan;
  - (3) The regulatory restrictions to be applied to the **Affordable Housing Development** through the **Regulatory Agreement**;
  - (4) Special conditions imposed as part of the **Department's** approval of the **Affordable Housing Development**;
  - (5) Requirements for the execution and the recordation of the agreements and documents required under the **AHSC Program**;
  - (6) Terms and conditions required by federal and state law;
  - (7) Requirements regarding the establishment of escrow accounts for the deposit of documents and the deposit and disbursement of **AHSC Program** loan proceeds;
  - (8) The approved schedule of the **Affordable Housing Development**, including land acquisition if any, commencement and completion of construction or rehabilitation work, and occupancy by eligible households;
  - (9) Terms and conditions for the inspection and monitoring of the **Project** in order to verify compliance with the requirements of the **AHSC Program**;
  - (10) Provisions regarding compliance with California's Relocation Assistance Law (Gov. Code, Section 7260 et seq.) and the implementing regulations adopted by the **Department** (Cal. Code Regs., tit. 25, Section 6000 et seq.), or to the extent applicable, compliance with federal Uniform Relocation Act requirements;
  - (11) Provisions relating to the placement of a sign on or in the vicinity of, the **Affordable Housing Development** site indicating that the **Council** has provided financing for the **Affordable Housing Development**. The **Council** may also arrange for publicity of the **AHSC Project** in its sole discretion;
  - (12) Provisions to ensure that the **Eligible Costs** and use of **AHSC Program** funds maintain the required GHG Reduction represented in the application;
  - (13) Other provisions necessary to ensure compliance with the requirements of the **AHSC Program**;

- (14) Description of the conditions constituting breach of the agreement(s) and remedies available to the parties thereto;
  - (15) Provisions identifying the modification or waiver of state housing finance requirements for **Tribal Entities** pursuant to Appendix B, if applicable;
  - (16) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
    - (A) Compliance with all **Department** funding awards to the **Project** is a prerequisite of funding any of the **Department** funding awards; and
    - (B) A default on any one award of **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**;
  - (17) Provisions expressly providing that if any **Project** components (**AHD, HRI, STI, TRA, or PGM**, as applicable) are not timely completed pursuant to **AHSC Program** requirements, the **Project** will no longer qualify for the **AHSC Program** award, and the award will be disencumbered; and
  - (18) Any of the **Department's** standard contractual terms that may be applicable.
- (b) For rental **Affordable Housing Developments**, the **Department** shall enter into a **Regulatory Agreement** with the applicant for not less than the original term of the loan that shall be recorded against all sites comprising the property of the **Affordable Housing Development** prior to the disbursement of funds. The **Regulatory Agreement** shall include, but not be limited to, the following:
- (1) The number, type and income level of **Restricted Units**;
  - (2) Standards for tenant selection pursuant to 25 CCR 8305;
  - (3) Provisions regulating the terms of the rental agreement pursuant to 25 CCR 8307;
  - (4) Provisions related to a Rent Schedule, including initial rent levels for **Restricted Units** and non-Restricted Units pursuant to subsections (a) and (b) of **MHP Guidelines** Section 7312;
  - (5) Conditions and procedures for permitting rent increases pursuant to **MHP Guidelines** Section 7312;
  - (6) Provisions for limitations on Distributions pursuant to 25 CCR 8314 and on developer fees pursuant to 25 CCR 8312;
  - (7) Provisions regarding the deposit and withdrawal of funds to and from reserve accounts in accordance with 25 CCR 8308 and 8309;
  - (8) Assurances that the **Affordable Housing Development** will be maintained in a safe and sanitary condition in compliance with state and local housing codes and the management plan, pursuant to **MHP Guidelines** Section 7325;
  - (9) Description of the conditions constituting breach of the **Regulatory Agreement** and remedies available to the parties thereto;

- (10) Provisions governing use and operation of non-Restricted Units and common areas to the extent necessary to ensure compliance with **AHSC Program** requirements;
  - (11) Special conditions of loans and grants approval imposed by the **Department**;
  - (12) "Operations," **MHP** Guidelines Sections 7322 through 7327, shall apply to rental **Affordable Housing Developments** assisted by the **AHSC Program**;
  - (13) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
    - (A) Compliance with all **Department** funding awards to the **Project** is a prerequisite of funding any of the **Department** funding awards, and
    - (B) A default on any one award of the **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**.
  - (14) Provisions governing income from commercial uses pursuant to **MHP** Guidelines 7326, 7304(b)(8), and 7304(c); and
  - (15) Other provisions necessary to assure compliance with the requirements of the **AHSC Program**.
- (c) For homeownership **Affordable Housing Developments**, the **Department** shall enter into a **Regulatory Agreement** with the applicant that shall be recorded against all sites comprising the property of the **Affordable Housing Development** prior to the disbursement of funds. The **Regulatory Agreement** shall include, but not be limited to, the following:
- (1) The number, type and income level of **Restricted Units**;
  - (2) Standards for homebuyer selection procedures;
  - (3) Requirements for a subsequent regulatory agreement to be recorded on each individual home when sold to an individual homebuyer;
  - (4) Provisions related to the purchase price of **Restricted Units**;
  - (5) Description of the conditions constituting breach of the **Regulatory Agreement** and remedies available to the parties thereto;
  - (6) Provisions governing use and operation of non-Restricted Units and common areas to the extent necessary to ensure compliance with **AHSC Program** requirements;
  - (7) Special conditions of loans and grants approval imposed by the **Department**;
  - (8) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
    - (A) Compliance with all **Department** funding awards to the **Project** is a prerequisite of funding any of the **Department** funding awards, and
    - (B) A default on any one award of the **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**.

- (9) Other provisions necessary to assure compliance with the requirements of the **AHSC Program**.
- (d) All **AHSC Program** loans for assistance to rental **Affordable Housing Developments** shall be evidenced by a promissory note payable to the **Department** in the principal amount of the loan and stating the terms of the loan consistent with the requirements of the **AHSC Program**. The note shall be secured by a deed of trust on the **Affordable Housing Development** property naming the **Department** as beneficiary or by other security acceptable to the **Department**; this deed of trust or other security shall be recorded junior only to such liens, encumbrances and other matters of record approved by the **Department** and shall secure the **Department's** financial interest in the **Affordable Housing Development** and the performance of applicant's **AHSC Program** obligations.
- (e) Grants shall be governed by one or more agreements, which may be in the form a State of California Standard Agreement or other agreement with the **Recipient** in a form prescribed by the **Department**. The agreement or agreements shall ensure that the provisions of these Guidelines are applicable to the **Project** covered by the agreement and enforceable by the **Department**. The agreement or agreements will contain such other provisions as the **Department** determines are necessary to meet the requirements and goals of the **AHSC Program**, including but not limited to the following:
- (1) A description and sources and uses of the approved **Project** and the permitted uses of **AHSC Program** funds;
  - (2) Provisions governing the amount, terms and conditions of the **AHSC Program** grant;
  - (3) Provisions governing the construction work and, as applicable, the acquisition and preparation of the site of the **Capital Project**, and the manner, timing and conditions of the disbursement of grant funds;
  - (4) A schedule for completion of the **Project** and a series of milestones for progress toward **Project** completion together with the remedies available to the **Department** in the event of the failure to meet such milestones;
  - (5) Provisions for the payment of prevailing wages if and as required by state or federal law;
  - (6) Requirements for periodic reports from the **Recipient** on the construction and use of the **Project** and provisions for monitoring of the **Project** by the **Department**;
  - (7) The **Recipient's** responsibilities for the development of the approved **Project**, including, but not limited to, construction management, maintaining of files, accounts and other records, and report requirements;
  - (8) Provisions relating to the development, construction, affordability and occupancy of the **Affordable Housing Development** supported by the **Housing Related Infrastructure Capital Project**, if applicable;
  - (9) Provisions relating to the placement on, or in the vicinity of, the **Project** site, a sign indicating that the **Council** has provided financing for the **Project**.

The **Council** may also arrange for publicity of the **Project** in its sole discretion;

- (10) Remedies available to the **Department** in the event of a violation, breach or default of the Standard Agreement;
- (11) Requirements that the **Recipient** permit the **Department** or its designated agents and employees the right to inspect the **Project** and all books, records and documents maintained by the **Recipient** in connection with the **AHSC Program** grant or loan or both;
- (12) Special conditions imposed as part of **Department** approval of the project;
- (13) Terms and conditions required by federal or state law;
- (14) Provisions to ensure that the **Project** maintains the required **GHG Reduction** as represented in the application;
- (15) Provisions expressly providing that all awards of **Department** loan or grant funding made to the **Project**, or to any component or components of the **Project**, are cross-defaulted to one another such that:
  - (A) Compliance with all **Department** funding awards to the **Project**, is a prerequisite of funding any of the **Department** funding awards; and
  - (B) A default on any one award of **Department** funding constitutes a default of all other **Department** funding awards made to the **Project**;
- (16) Provisions expressly providing that if any **Project** components (**AHD, HRI, STI, TRA, or PGM**) are not timely completed pursuant to **AHSC Program** requirements, the **Project** will no longer qualify for the AHSC award, and the award will be disencumbered; and
- (17) Other provisions necessary to ensure compliance with the requirements of the **AHSC Program**.

## Section 110. Reporting Requirements

- (a) During the term of the Standard Agreement and according to the annual deadline identified in the Standard Agreement, the **Recipient** shall submit, upon request of the **Department** and the **Council**, an annual performance report that demonstrates satisfaction of all reporting requirements pursuant to the **AHSC Program** reporting requirements identified in the Standard Agreement. Recipient shall also submit the reports required by **MHP** Guidelines Article 5. Operations and any additional reporting requirements developed by the **Department**, the **Council** or **CARB**. The reports will be filed on forms provided by the **Department**.
- (b) **Recipient** is responsible for meeting the applicable project reporting requirements of CARB's *Funding Guidelines for Agencies that Administer California Climate Investments* as well as CARB's AHSC Program Quantification Methodology and Benefits Calculator Tool. These may include, but are not limited to: **Project** metrics; the duration over which the **Recipient** will track **Project** metrics; frequency of reporting; the format **Recipient** will use to report; **Project** profile information; **Project** benefit information; and information related to **Priority Population** benefits.
  - (1) **Recipients** are required to submit an estimate of the number of jobs supported by their projects using CARB's Jobs Co-Benefit Assessment Methodology within 90 days of award. This methodology will estimate the number of jobs supported by the AHSC investment based upon the **Project's** budget.
  - (2) Consistent with the [\*2018 Funding Guidelines for Agencies that Administer California Climate Investments\*](#), AHSC funding recipients must track and report the employment outcomes of their projects.
    - (A) **Recipients** will be required to conduct Employment Benefits and Outcomes Reporting for employment benefits and outcomes created supported by the AHSC investment and all leveraged funding, while accommodating provisions for data privacy. Once funds are disbursed, reporting may occur as frequently as an annual basis. **AHSC Program** staff will work with **Recipients** to clarify what the jobs reporting process may look like.
    - (B) **Recipients** must report on all jobs created as a result of the construction or delivery of the AHSC **Projects**. This includes all jobs created, regardless of their funding source, that are used for delivering project components funded at least in-part by AHSC. The **Project's** total development costs reported in the AHSC Application Workbook contains the scope of the AHSC-funded **Project** and all jobs created by it.
    - (C) **Recipients** must report annually on all jobs created from the date the standard agreement is executed and continues until the following milestones are reached.
      - (i) Grant Standard Agreement: all funds are disbursed
      - (ii) Loan Standard Agreement: The **AHD** converts to permanent financing
    - (D) **Recipients** must specify jobs created by the **AHSC Program** that employ individuals who live within **Priority Population** census tracts or low-income households. To identify individuals who live within **Priority Populations**

census tracts or in low-income households, refer to the “Read Me” tab of the AHSC Jobs Reporting Template, posted on [CARB CCI Quantification, Benefits, and Reporting Materials webpage](#).

- (E) **Recipients** must ensure that all subcontractors receiving \$100,000 or more, **AHSC Program** funds or otherwise, from the **Recipient** must report on jobs created by the **Project**. Reporting must be completed using the AHSC Jobs Reporting Template provided by CARB.
- (F) Reporting will be done according to both trade and classification to include the following:
  - (i) Job education required\*
  - (ii) Job experience required\*
  - (iii) Job training credentials\*
  - (iv) Number of jobs provided\*, \*\*
  - (v) Total project work hours\*, \*\*
  - (vi) Average hourly wage\*, \*\*
  - (vii) Total number of workers that completed job training\*, \*\*
  - (viii) Employer paid health insurance provided\*
  - (ix) Paid leave\*
  - (x) Retirement plan\*
  - (i) Targeted hiring strategy
- (3) Consistent with the *2018 Funding Guidelines for Agencies that Administer California Climate Investments*, **Recipients** must report on all outcomes resulting from the AHSC **Projects**. This includes metrics related to **AHD, HRI, STI, and TRA Projects**. Reporting will include the following components and other metrics as requested, for a duration of no more than five (5) years:
  - (A) **AHD/HRI Project** metrics: Project operational date; outcome tracking start date; housing unit occupancy rate; income restricted housing unit occupancy rate; mode share of all residents (i.e., transit, bicycling, walking, driving); mode share of Low-income residents; residents using transit passes; occupancy of commercial space
  - (B) **STI and TRA transit Project** metrics: Average daily ridership of transit
  - (C) **STI active transportation Project** metrics: Average traffic of bicycle and pedestrian facilities; days of operational per year
- (c) At any time during the term of the Standard Agreement, the **Department** may perform or cause to be performed a financial audit of any and all phases of the **Recipient's Project**. At the **Department's** request, the **Recipient** shall provide, at its own expense, a financial audit prepared by a certified public accountant. The State of California has the right to review project documents and conduct audits during project implementation and over the project life.
- (d) Reporting requirements listed in this section are **Eligible Costs** under **Employment Benefits and Outcomes Reporting** for each **Capital Project** or **Program Cost** as described in Section 103.

## Section 111. Performance Requirements

- (a) **Recipients** shall begin construction of the housing units to be developed in the **Affordable Housing Development** that is a **Capital Project** within the time set forth in the Standard Agreement but not later than two years from date of award letter.
  - (1) **Recipients** may request an extension of the performance requirement in Section 111(a) by addressing a letter to SGC's Executive Director explaining the circumstances for why an extension is needed and detailing a plan for meeting the extended performance requirement deadline. At the discretion of SGC's Executive Director, an extension of up to two (2) years may be granted. Only one extension to the requirements of this section may be granted.
- (b) The housing units developed in the **Affordable Housing Development** that is a **Capital Project** must be completed, as evidenced by receipt of a certificate of occupancy not later than five years from date of award letter.
  - (1) **Recipients** may request an extension of the performance requirement in Section 111(b) by addressing a letter to SGC's Executive Director explaining the circumstances for why an extension is needed and detailing a plan for meeting the extended performance requirement deadline. At the discretion of SGC's Executive Director, an extension of up to two (2) years may be granted. Only one extension to the requirements of this section may be granted.
- (c) **AHSC Program** funds must be disbursed in accordance with deadlines specified in the Standard Agreement, and in no event later than the disbursement deadlines outlined in the **NOFA**.
- (d) **Recipients** may not apply for **AHSC Program** funds in a subsequent **NOFA** for the same **Project** if it is already funded by a prior award of **AHSC Program** funds.
- (e) Negative points will be assessed against the **AHD Developer** consistent with the **Department's** Negative Points Policy. The Negative Points Policy, Administrative Notice Number 2022-01 dated March 30, 2022, and as published on the **Department's** website, is hereby incorporated by this reference to these Program Guidelines as if set forth in full herein and shall apply with equal force as all other provisions set forth herein.
- (f) In addition to Section 111(a) through (e), **Affordable Housing Development** award **Recipients** will be subject to the **Department's** Disencumbrance Policy. The Disencumbrance Policy, Administrative Notice Number 2022-22 dated March 30, 2022, and as published on the **Department's** website, is hereby incorporated by this reference to these **AHSC Program** Guidelines as if set forth in full herein and shall apply with equal force as all other provisions set forth herein.

## Section 112. Defaults and Cancellations

- (a) In the event of a breach or violation by the **Recipient** of any of the provisions of the Standard Agreement, the **Department** may give written notice to the **Recipient** to cure the breach or violation within a period of not less than 15 days. If the breach or violation is not cured to the satisfaction of the **Department** within the specified time period, the **Department**, at its option, may declare a default under the Standard Agreement and may seek legal remedies for the default including, but not limited to, the following:
  - (1) The **Department** may accelerate all amounts, including outstanding principal and interest, due under the loan and demand immediate repayment thereof. Upon a failure to repay such accelerated amounts in full, the **Department** may proceed with a foreclosure in accordance with the provisions of the deed of trust and state law regarding foreclosures.
  - (2) The **Department** may seek, in a court of competent jurisdiction, an order for specific performance of the defaulted obligation or the appointment of a receiver to complete the **Project** in accordance with **AHSC Program** requirements.
  - (3) The **Department** may seek such other remedies as may be available under the relevant agreement or any law.
  - (4) In the event the **Project** is or has been awarded additional **Department** funding, any and all such funding will be cross defaulted to and among one another in the respective loan or, where applicable, grant documents. A default under one source of **Departmental** funding shall be default under any and all other sources of **Department** funding in the **Project**.
- (b) If the breach or violation involves charging tenants rent or other charges in excess of those permitted under the **Regulatory Agreement**, the **Department** may demand the return of such excess rents or other charges to the respective households. In any action to enforce the provisions of the **Regulatory Agreement**, the **Department** may seek, as an additional remedy, the repayment of such overcharges.
- (c) The **Department** may cancel funding commitments and Standard Agreements under any of the following conditions:
  - (1) The objectives and requirements of the **AHSC Program** cannot be met by continuing the commitment or Standard Agreement;
  - (2) There has been a material change, not approved by the **Department**, in the **Project** or the principals or management of the **Developer** or **Project**;
  - (3) Construction of the **Capital Project** or implementation of **Program Costs** cannot proceed in a timely fashion in accordance with the timeframes established in the Standard Agreement; or
  - (4) Funding conditions have not been or cannot be fulfilled within required time periods
- (d) Upon receipt of a notice of intent to cancel the grant from the **Department**, the **Recipient** shall have the right to appeal to the Director of the **Department**.

### Section 113. Prevailing Wages

For the purposes of the State Prevailing Wage Law (Labor Code Sections 1720 – 1781), a grant or loan under the **AHSC Program** shall be considered public funding for the construction, rehabilitation, demolition, relocation, preservation, or other physical improvement of the **Capital Project** subject to the provisions of the State Prevailing Wage Law. AHSC Program funding of the **Project** shall not necessarily, in and of itself, be considered public funding of a **Project** unless such funding is considered public funding under the State Prevailing Wage Law. It is not the intent of the **Department** in these regulations to subject **Projects** to the State Prevailing Wage Law by reason of **AHSC Program** funding of the **Project** in those circumstances where such public funding would not otherwise make the **Project** subject to the State Prevailing Wage Law. Although the use of **AHSC Program** funds does not require compliance with federal Davis Bacon wages, other funding sources may require compliance with federal Davis Bacon wages.

## Appendix A. Definitions

“Accessible Housing Unit(s)” refers collectively to “Housing Units with Mobility Features” and “Housing Units with Hearing/Vision Features” as defined below

- 1) A “Housing Unit with Mobility Features” means and refers to a housing unit that is located on an accessible route and complies with the requirements of the Code of Federal Regulations (CFR) 24 Section 8.22 and all applicable provisions of Uniform Federal Accessibility Standards (UFAS) or the comparable provisions of the Alternative Accessibility Standard, including but not limited to Sections 809.2 through 809.4 of the 2010 Standards for Accessible Design. A Housing Unit with Mobility Features can be approached, entered, and used by persons with mobility disabilities, including individuals who use wheelchairs. Such units must also comply with CBC 11B.
- 2) A “Housing Unit with Hearing/Vision Features” means and refers to a housing unit that complies with 24 CFR Section 8.22, and all applicable provisions of UFAS or the comparable provisions of the Alternative Accessibility Standard, including but not limited to Section 809.5 of the 2010 Standards for Accessible Design. Such units must also comply with the California Building Code (CBC) 11B.

“Active Transportation” means infrastructure projects that encourage increased use of active modes of transportation but does not include funding program operations. The project types include but are not limited to: design and construction of capital improvements (construction) that will improve safety and convenience of people who are biking, walking, or using non-motorized mobility devices. These infrastructure projects may include bikeways, paths, sidewalks, crosswalks, crossing beacons or signals, curb ramps, curb extensions and other similar facilities. Traffic Calming devices such as roundabouts, lane narrowing, lane reductions, or other facilities focused on vehicles speed and volume reductions may be considered Active Transportation infrastructure if installed in tandem with facilities dedicated to biking or walking.

“Active Transportation Program” means non-infrastructure related programs which instill safe pedestrian, bicyclist, and motorist behaviors to make safe **Active Transportation** possible. Non-infrastructure activities can stand-alone or be conducted with infrastructure projects (fixed facilities or permanent structural changes) to increase effectiveness. Program that seek funding for distribution of safety gear or bicycles should use the Caltrans Active Transportation Program Guidelines as a reference for when and how distribution is acceptable.

“Activity Delivery Costs” means staff costs incurred by the Public Agency Recipient that are directly related to implementing specific **Capital Projects** and **Program Costs**. They may include costs such as project document preparation, project underwriting, construction management, inspections, or reporting to the **Department**.

“Affordable Housing Development” or “AHD” means a **Capital Project** of residential development or the residential portion of a **mixed-use development** in which at least 20 percent of the total units are **Affordable Units**.

“Affordable Unit” means a housing unit that is made available at an affordable rent, as defined in Health and Safety Code Section 50053, to a household earning no more than 60 percent of the **Area Median Income (AMI)**. For homeownership projects, it means a housing unit that is made available at an affordable housing cost, as defined in Health and Safety Code Section 50052.5, to a household earning no more than 120 percent of the **AMI**. Rental Units shall be subject to a recorded covenant ensuring affordability for a duration of at least 55 years. Homeownership units shall initially be sold to and occupied by a qualified household and shall be subject to a recorded covenant that includes either a resale restriction for at least 30 years or equity sharing upon resale.

“Agricultural Land” means all categories of farmland in the California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) tool ([California Important Farmland Finder](#)) including: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Farmland of Local Potential, Irrigated Farmland, Nonirrigated Farmland, and Grazing land.

“AHSC Program” means the program as outlined by these Program Guidelines.

“Alternative Accessibility Standard” also referred to as the HUD Deeming Notice (HUD-2014-0042-0001), means the alternative accessibility standard for accessibility set out in HUD’s notice at 79 Fed. Reg. 29671 (May 23, 2014), when used in conjunction with the requirements of 24CFR pt. 8, 24 CFR Section 8.22, and the requirements of 28 CFR pt. 35, including 28 CFR Section 35.151 and the 2010 Standards for Accessible Design as defined in 28 CFR Section 35.104.

“Applicant” has a meaning set forth in Section 105 in these Program Guidelines.

“Area Median Income” or “AMI” means the most recent applicable county median family income published by the **TCAC**. For **Tribal Entity** applicants, if United States Department of Housing and Urban Development’s (HUD’s) income for a county/parish located within a Tribal Entity’s service area is lower than the United States median, the **Tribal Entity** may use the United States median income limit.

“Assisted Unit” means a unit that is subject to the Program’s regulatory and/or occupancy restrictions as a result of the financial assistance provided by the Program, as specified in the **Regulatory Agreement**.

“Bus Rapid Transit” (BRT) means a rubber-tired form of rapid transit in an integrated system of facilities, equipment, services, and amenities that exceed the speed and reliability of regular bus service. BRT projects must meet all of the following criteria:

- 1) Operates along a dedicated right of way for at least two (2.0) **Lane Miles** along its route. Dedicated Right of Way (ROW) means that private motor vehicles are prohibited from use of the lane except for turns, parking, and/or the use of variable pricing High Occupancy Toll (HOT) Lanes.
- 2) All vehicles serving the route are equipped with **Transit Signal Priority (TSP)**
- 3) Has peak period minimum frequencies of 12 minutes or less

“Bus Service” means regularly scheduled public transit service operating with limited stops using a fixed route.

"Capital Project" means a **Project** consisting of the construction, rehabilitation, demolition, relocation, preservation, acquisition, or other physical improvement that is an integral part of or is necessary for completion of a **Project**.

"Context Sensitive Bikeway" means on-street infrastructure for bicycle riding that is appropriately applied based on the traffic volumes and speeds on a specific street, as [recommended by the California Department of Transportation](#) based on guidance from the Federal Highway Administration, American Association of State Highway and Transportation Officials, and the California Highway Design Manual

Place Type and Surrounding Land-Use <sup>1</sup>		Posted Speed			
		15-20	25-30	35-45	> 45
Urban Areas & Suburban Main Streets	<2,500	Standard Shoulder or Shared Lane	Standard Shoulder or Shared Lane	Class II or Class IV	Class IV
	2,500-5,000			Class II or Class IV	
	5,000-10,000	Class II or Class IV	Class IV		
	>10,000	Class IV	Class IV		
Rural Areas (Developing Corridors)	<2,500	15-20	25-30	35-45	> 45
	2,500-5,000	Standard Shoulder (may be designated as a Class III facility):			
	5,000-10,000				
	>10,000				
	Rural Main Streets	<2,500	15-20	25-30	35-45
2,500-5,000		Standard Shoulder or Shared Lane	Class II	Class II	Class I or IV
5,000-10,000				Class II	
>10,000		Class II		Class I, II, or IV	

- 1) **Projects** may consider either the design year or post-**Project** implementation conditions for posted speed and Annual Average Daily Traffic (AADT).
- 2) Class I multi-use or bicycle paths are considered **Context Sensitive Bikeways** at any AADT and posted speed.
- 3) For the purposes of **AHSC Program** scoring and GHG quantification, a Class III bikeway must be often referred to as a 'Bicycle Boulevard.' A Bicycle Boulevard is more than just shared lane markings. A Bicycle Boulevard must combine all the following traffic calming measures: signs, pavement markings, speed and volume management measures, and infrastructure for safe and convenient crossings of busy arterials (5,000+ AADT or more).
- 4) For **AHSC Program** scoring purposes, "Rural Main Streets" shall be considered any roadway within one-quarter (1/4) of a mile of federal, state, or county highway within a **Rural Area**.
- 5) For **AHSC Program** scoring purposes and GHG Quantification, bikeways should be measured using **Lane Miles**

"Council" means the California Strategic Growth Council, established pursuant to Public Resources Code Section 75121.

"Deferred Costs" means costs deferred at construction loan closing, including but not limited to: capitalized reserves, loan fees, syndication costs, legal, accounting, audit, consultant fees, and developer fees paid from operating cashflow.

"Department" means the California Department of Housing and Community Development.

“Developer” means the entity that the **Department** and the **Council** rely upon for experience, site control, and capacity, and which controls (1) the **Affordable Housing Development** during development and through occupancy or the **Housing Related Infrastructure** during development and through completion, (2) the **Sustainable Transportation Infrastructure** during development and through operation, or (3) the **Transit-Related Amenities** during development and through Operation.

“Disadvantaged Community” (DAC) means:

- 1) Census tracts receiving the highest 25 percent of overall scores in CalEnviroScreen 4.0 (1,984 tracts).
- 2) Census tracts lacking overall scores in CalEnviroScreen 4.0 due to data gaps, but receiving the highest 5 percent of CalEnviroScreen 4.0 cumulative pollution burden scores (19 tracts).
- 3) Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in CalEnviroScreen 4.0 (307 tracts).
- 4) Lands under the control of federally recognized Tribes. For purposes of this designation, a Tribe may establish that a particular area of land is under its control even if not represented as such on CalEPA's DAC map and therefore should be considered a DAC by requesting a consultation with the CalEPA Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations at [TribalAffairs@calepa.ca.gov](mailto:TribalAffairs@calepa.ca.gov).

“Employment Benefits and Outcome Reporting” means activities undertaken by **Local Agencies** and **Recipients** to coordinate and monitor the development of **Capital Projects** and **Programs** funded by the **AHSC Program** award as well as submission of data about the jobs and related benefits created by the AHSC Investment as required by the Funding Guidelines for Agencies Administering California Climate Investments.

“Enforceable Funding Commitment” or “EFC” means a letter or other document evidencing, to the satisfaction of the **Department**, a commitment of funds or a reservation of funds by a project funding source for construction or permanent financing, including, but not limited to, the following:

- 1) Private financing from a lender other than a mortgage broker, the **Applicant**, or an entity with an identity of interest with the **Applicant**, unless the **Applicant** is a lending institution actively and regularly engaged in residential lending;
- 2) Deferred-payment financing, residual receipts payment financing, grants, and subsidies from public agencies;
- 3) Funds awarded by another **Department** program. Proof of award must be issued prior to final rating and ranking of the Program application;
- 4) Funds conditionally reserved under the following programs shall be accepted as funding commitments: the Department of Housing and Urban Development's (HUD) Supportive Housing Program (SHP), HOME Investment Partnerships Program (HOME), Community Development Block Grant Program (CDBG), and the California Department of Mental Health's Mental Health Services Act (MHSA) Program.
- 5) A land donation in fee for no other consideration that is supported by an appraisal or purchase/sale agreement (“Land Donation”) or a local fee waiver

resulting in quantifiable cost savings for the Project where those fees are not otherwise required by federal or state law ("Local Fee Waiver") shall be considered a funding commitment. The value of the Land Donation will be the greater of either the original purchase price or the current appraised value as supported by an independent third-party appraisal prepared by a Member-Appraisal-Institute-qualified appraiser within one year of the application deadline. A funding commitment in the form of a Local Fee Waiver must be supported by written documentation from the local Public Agency. A below market lease that meets the requirements of UMR section 8316 would be considered a land donation (\$1 per year).

- 6) Owner equity contributions or developer funds. Such contributions or funds shall not be subsequently substituted with a different funding source or forgone if committed in the application, except that a substitution may be made for up to 50 percent of deferred developer fee. The **Department** may require the applicant to evidence the availability of the proposed amount of owner equity or developer funds.
- 7) For homeownership **Affordable Housing Developments** only: Construction loans which will be repaid with revenue from the sale of homes to low- or moderate-income homebuyers.
- 8) Funds for transportation projects which are programmed for allocation and expenditure in the applicable capital improvement plan consistent with the terms and timeframes of the Standard Agreement.

"First-time homebuyer" is defined as a borrower who has not had an ownership interest in any principal residence or resided in the home owned by a spouse during the previous three years.

"Flexible Transit Service" means a form of transit for the public characterized by flexible routing and scheduling of small/medium vehicles operating in shared-ride mode (with at least two passengers) between pick-up and drop-off locations according to passenger needs. Flexible Transit Service includes vanpool, shuttle, paratransit, and feeder bus systems that reduce vehicle miles travelled.

"Floor Area Ratio" (FAR) means the square footage of the floor area of a building divided by the site square footage, excluding therefrom dedicated streets, sidewalks, parks, and open space. The floor area of a building is the sum of the gross area of each floor of the building, excluding mechanical space, cellar space, floor space in open balconies, enclosed parking and elevators or stair bulkheads. Multiplying the FAR by the area of the site produces the minimum amount of floor area required in a building on the lot. For example, on a 10,000 square-foot site in a district with a minimum FAR of 1.5, the floor area of a building must be at least 15,000 square feet.

"Greenhouse Gas Reduction" (GHG Reduction) means actions designed to reduce emissions of one or all the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

“Green Streets” means a sustainable stormwater strategy that meets regulatory compliance and resource protection goals by using a natural systems approach to manage stormwater, reduce flows, improve water quality, and enhance watershed health.

“High Quality Transit” means a **Qualifying Transit** line with high frequencies AND permanent infrastructure as follows:

- 1) Frequency: High Quality Transit must have **Peak Period** headway frequency on the same route, in the same direction, of every 15 minutes or less (e.g., every departure is not more than 15 minutes from the last) and service seven days a week. This level of service must have been publicly posted by the provider at some point between January 2022 and the time of application.
- 2) Permanent Infrastructure: High Quality Transit must operate on a railway or meet the definition of **Bus Rapid Transit**.

“Higher Opportunity Areas” means neighborhoods of opportunity, with high-performing school, greater availability of jobs that afford entry to the middle class, and convenient access to transit and services. Such areas are defined as ‘high’ or ‘highest’ resources areas in the [2022 TCAC/HCD Opportunity Map](#).

“Housing Related Infrastructure” means a capital infrastructure improvement required as a condition of approval of an **Affordable Housing Development** by a **Locality**, transit agency or special district such as sewer, water or utility system upgrades, streets, drainage basins, etc. or a capital infrastructure improvement allowed under Section 103(a)(2)(A).

“Indian Country” means (i) all land located in “Indian country” as defined by 18 U.S. Code (USC) 1151; (ii) all land within the limits of a Rancheria under the jurisdiction of the United States Government; (iii) all land held in trust by the United States for an Indian tribe or individual; and (iv) all land held by an Indian tribe or individual subject to a restriction by the United States against alienation.

“Infill Site” means a site that has been previously developed or at least three of four sides or 75 percent of the perimeter of the site adjoins parcels that are currently developed with qualified **Urban Uses**. Perimeters bordering navigable bodies of water and improved parks shall not be included in this calculation. To qualify as an infill site, the site must also be located in an urbanized area meaning that it fulfills one of the following requirements:

- 1) located within an incorporated city with a charter recorded with the State of California, OR
- 2) for unincorporated areas outside an urbanized area or urban cluster, the area shall be within a designated urban service area that is designated in the local general plan for urban development and is served by public sewer and water.
- 3) Applications from **Tribal Entities** may request an exemption to the requirement to be located within an urbanized area or urban cluster

“Innovative Transit” means a broad category transportation services that includes on-demand shuttles and circulators, paratransit services, and private sector transit solutions commonly referred to as “microtransit.” The innovative transit service must be demand-responsive (routes and/or frequency of service are determined dynamically

based on customer demand) and capable of serving multiple riders simultaneously (not only a single rider service).

“Integrated Connectivity Project (ICP) Project Area” means a **Project Area** which includes at least one (1) **Transit Station/Stop** that is served by **Qualifying Transit**, but not **High Quality Transit** as defined in Section 102.

“Intelligent Transportation Systems” means electronics, communications, or information technology, used singly or in combination, to improve the efficiency, accessibility, or safety of the surface transportation system.

“Joint Venture” means a partnership between applicants that meets the definition as set forth by **Multifamily Housing Program (MHP)** Guidelines, Appendix A.

“Key Destinations” means vital community amenities and resources. The specification of each Key Destination is listed below in (1-10). Key Destinations must be operational at the time of application. For scattered site projects, applicants should identify distance of Key Destinations around the single point identified for the **Project Area Map**.

- 1) Grocery store: either a full-service grocery store or neighborhood market that is listed on the U.S. Department of Agriculture (USDA) as a SNAP Retail Locator tool
- 2) Food bank: A distribution site for a food bank that is managed by a non-profit that distributes free food at least once a week on a publicly advertised schedule
- 3) Medical clinic: a medical clinic that accepts Medi-Cal payments or has an equally comprehensive subsidy program for low-income patients
- 4) Licensed childcare facility: infant center, school age childcare center, childcare center, childcare center preschool, family childcare home (small), family childcare home (large) as licensed by the Department of Social Services.
- 5) Pharmacy
- 6) Public Park: An open space accessible by the general public managed by a public agency. A public park shall not include 1) school grounds unless there is a bona fide, formal joint use agreement between the jurisdiction responsible for the parks/recreational facilities and the school district or private school providing availability to the general public of the school grounds and/or facilities, 2) greenbelts or pocket parks, or 3) open space preserves or biking parkways unless there is a trailhead or designated access point within the specified distance.
- 7) Community or Recreation Center accessible to the general public and managed by a public agency
- 8) Public library: must be a book-lending public library that also allows for inter-branch lending (when in a multi-branch system)
- 9) Public elementary, middle, high school (which includes public charter schools as indicated by the California Department of Education) and non-profit university or non-profit junior college
- 10) Bank or credit union: Must include on-site staff
- 11) Post Office: United States Postal Service (USPS) Post Office location as indicated by the USPS Locator tool

“Lane Mile” means the total length of roadway or bikeway taking number of lanes into account. For scoring, consistency and reporting purposes, applicants are required to describe all bikeways and busways using lane miles. As an example, a project that installs a bikeway in only one direction along one mile of roadway would be considered having installed one lane mile. If the bikeway is bidirectional or on both sides of the roadway for one mile, the project would be considered having installed two lane miles (one mile each way).

“Locality” means a California city, unincorporated area within a county, or a city and county.

“Lower Income” has the meaning set forth in Health and Safety Code Section 50079.5, households with gross incomes not exceeding 80 percent of **Area Median Income**.

“Low-Income Community” means a census tract with either 1) median household incomes at or below 80 percent of the statewide median income, or 2) median household income at or below the threshold designated as low-income by Department of Housing and Community Development’s State Income Limits pursuant to the Health and Safety Code Section 50093. For **Tribal Entities**, if the HUD income for a county/parish located within a **Tribal Entity**’s service area is lower than the State Income Limits, the United States median income limit may be used in determining a Low-Income Community.

“Low-Income Households” mean individual households with either 1) household incomes at or below 80 percent of the statewide median income, or 2) household incomes at or below the threshold designated as low-income by Department of Housing and Community Development’s State Income Limits adopted pursuant to Health and Safety Code Section 50093.

“Mixed Use Development” means a building, combination of buildings, or building complex, designed to functionally and physically integrate non-residential uses such as retail, commercial, institutional, recreational, or community uses with residential uses, in a complementary manner.

“Moderate Income” has the meaning set forth in Health and Safety Code Section 50093.

“MHP” shall mean the Multifamily Housing Program authorized and governed by Sections 50675 through 50675.14 of the Health and Safety Code, and the MHP Guidelines dated March 30, 2022, as amended.

“Natural Infrastructure” means improvements that result in the preservation and/or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change and/or manage other environmental problems. Some examples relative to the **AHSC Program** could include street trees and greenspace for water catchment, infiltration and surface cooling; water treatment facilities that utilize ecologically functioning wetlands; flood mitigation systems that utilize the natural floodplain and stable shorelines used in tandem with constructed flood barriers.

“Net Density” means the total number of dwelling units per acre of land to be developed for residential or mixed use, excluding allowed deductible areas. Allowed deductible areas are septic system requirements and public dedications of land which are for public streets, public sidewalks, public Open Space, and public drainage facilities. Non-allowed deductible areas include utility easements, setbacks, private drives and walkways, general landscaping, common areas and facilities, off street parking, and traditional drainage facilities exclusive to a development project. Mitigations required for development will not be included in the allowed deductible areas.

“NOFA” means a Notice of Funding Availability issued by the Department.

“Peak Hours” or “Peak Period” means the periods with the highest ridership during the entire transit service day as determined by the transit operator. Must include at least one hour during the morning commute hours and one during evening commute hours, Monday through Friday. Each Peak Period cannot be longer than three hours.

“Principal” means employees of the **Developer** who are in a position responsible for the oversight and management of development activities.

“Priority Population” means residents of: (1) census tracts identified as disadvantaged by California Environmental Protection Agency per SB 535; (2) census tracts identified as low-income per AB 1550; or (3) a low-income household per AB 1550. See the [Priority Population maps](#) for more information.

“Program Cost” means the cost(s) associated with 1) program creation, or 2) expansion of existing programs to serve new populations or offer new program service and implementation.

“Program Operator” means the entity that administers the day-to-day operational responsibilities for the program for which the **AHSC Program** funding is sought.

“Project” means the proposed use of funds representing a combination of **Capital Projects** or **Program Costs** which are proposed by the **Applicant** to be funded the **AHSC Program**.

“Project Area” means the one (1.0) mile radius from a single point inside the parcel of the **AHD**. The point may be chosen anywhere inside of the **AHD** parcel and should be used and referenced consistently through all application materials, in mapping and calculation of distances. If a **Project** is a **Scattered Site Project**, then the applicant may choose which parcel they wish to use.

“Project Area Type” means one of the three categories of **Projects** funded by the **AHSC Program**. Project Area Types are decided based on two main factors: The **AHD** proximity to **High Quality Transit** or **Qualifying Transit** and if the **AHD Project** is located in a **Rural Area**. **Project Area Types** are used to improve distribution of funds to a diverse type of communities throughout California.

“Public Agency” means a **Locality**, transit agency, public housing authority or redevelopment successor agency.

“Qualifying Transit” means a transit line serving the public that includes various forms of fixed transit service (Rail Service and Bus Service) and Flexible Transit Service. A Qualifying Transit line requires service that departs two (2) or more times on the same route during Peak Hours as defined by the transit operator. This level of service must have occurred regularly at some point between January 2022 and the time of application.

**Flexible Transit Service** is exempt from these **Peak Hours** frequency requirements. The Transit service must be operated by the following:

- 1) Directly operated by a public entity;
- 2) Operated by a public entity via a contract for purchased transportation service with a private or non-profit provider; or
- 3) Operated by a private or non-profit entity as a grant Recipient or sub-recipient from a public entity

“Rail Service” means regularly scheduled public transit service running on rails or railways.

“Recipient” means the eligible **applicant** receiving a commitment of **AHSC Program** funds.

“Regulatory Agreement” as set forth by UMR 8301(o).

“Restricted Units” as set forth by UMR 8301(q) for rental **Affordable Housing Developments** or the same as “Affordable Unit” for homeownership **Affordable Housing Developments**.

“Remaining Funds” means the funds available for **Project** awards after the **Project Area Type** Targets are met. These funds are to be used primarily for funding projects to achieve the statutory and **Council**-identified priorities of Geographic and **Tribal Entity** Targets.

“Rural Area” means the definition in [Health and Safety Code 50199.21](#)

“Rural Innovation Project Area (RIPA)” means a **Project** that meets the definition of **Integrated Connectivity Project** and is located within a **Rural Area**.

“Safe and Accessible Walkway” means a pedestrian corridor that meets or exceeds accessibility design standards in Caltrans Design Information Bulletin (DIB) 82-06.

“Scattered Site” means an **AHD Project** in which the parcels of land are not contiguous except for the interposition of a road, street, stream or similar interposition.

- 1) For acquisition and/or rehabilitation projects with one pre-existing project-based Section 8 contract in effect for all the sites, there shall be no limit on the number or proximity of sites.
- 2) For acquisition and/or rehabilitation projects with any of the following:
  - a. Existing federal or state rental assistance or operating subsidies,
  - b. An existing CTCAC Regulatory Agreement, or
  - c. An existing regulatory agreement with a federal, state, or local public entity, the number of sites shall be limited to five, unless the Executive

Director approves a higher number, and all sites shall be either within the boundaries of the same city, within a 10-mile diameter circle in the same county, or within the same county if no location is within a city having a population of five-hundred thousand (500,000) or more.

- 3) For new construction projects and all other acquisition and/or rehabilitation projects, the number of sites shall be limited to five, and all sites shall be within a one (1.0) mile diameter circle within the same county.

“Secure Overnight Bicycle Parking” means bicycle parking that is not accessible to the general public, is completely enclosed and protects the bicycle from inclement weather and allows for the bicycle frame to be secured to the bicycle rack at two points. Examples of Secure Overnight Bicycle Parking include bicycle rooms, bicycle lockers, and bicycle cages.

“Site Control” means the applicant or Developer has control of property as set forth in UMR Sections 8303 and 8316 through one or more of the following:

- 1) Fee title;
- 2) A leasehold interest on the property with provisions that enable the lessee to make improvements on and encumber the property provided that the terms and conditions of any proposed lease shall permit, prior to grant funding, compliance with all AHSC Program requirements. Where site control will be satisfied by a long-term ground lease, the Department will require the execution and recordation of the Department’s form lease rider, which shall be entered into by and among the ground lessor, the ground lessee, the Department, and any other applicable parties. In all cases, the lease rider shall be recorded against the fee interest in the Project property;
- 3) An enforceable option to purchase or lease which shall extend through the anticipated date of the Program award as specified in the NOFA;
- 4) An executed disposition and development agreement, right of way, or irrevocable offer of dedication to a public agency;
- 5) An executed encroachment permit for construction of improvements or facilities within the public right of way or on public land;
- 6) An executed agreement with a public agency that gives the applicant exclusive rights to negotiate with the agency for the acquisition of the site; provided that the major terms of the acquisition have been agreed to by all parties; or
- 7) A land sales contract or enforceable agreement for acquisition of the property.

“Smoke Free Housing” means an Affordable Housing Development that implements a policy banning the ignition and burning of tobacco products (including, but not limited to, cigarettes, cigars, pipes, and water pipes or hookahs) in all living units, indoor common areas, and all other interior spaces. The smoke-free policy must also extend to all outdoor areas within 25 feet of occupied buildings on the **AHD** property.

“Substantial Rehabilitation” means a Housing Development with reasonable direct rehabilitation construction contract costs of at least \$35,000 per residential unit. Rehabilitation shall include energy efficiency upgrades per residential units. Rehabilitation projects must fully and efficiently address all the physical needs of the

**Project** for the term of the project loan and therefore merely meeting the minimum threshold cost amount of \$35,000 per residential unit may not, in and of itself, be sufficient to be considered Substantial Rehabilitation for purposes of the project loan.

“Sustainable Transportation Infrastructure” means capital project(s) that result in the improvement or addition of infrastructure that encourages mode-shift from single-occupancy vehicles by enhancing: 1) public transit service, 2) pedestrian networks, or 3) bicycle networks (includes public bike-share programs) as well as transit operations expenditures that directly support transit expansion, within the defined Project Area meeting the transit requirements detailed in Section 102 (c) or (d).

“TCAC” shall mean the California Tax Credit Allocation Committee and the California Tax Credit Allocation Committee Regulations, Title 4 **CCR**, Division 17, Chapter 1, as adopted July 20, 2022.

“Transit Oriented Development (TOD) Project Area” means a **Project Area** which includes at least one (1) Transit Station/Stop that is served by **High Quality Transit**.

“Transit Signal Priority (TSP)” means an operational strategy that facilitates the movement of transit vehicles through traffic-signal controlled intersections. Objectives of TSP include meeting on time schedule performance and improved transit travel time efficiency while minimizing impacts to normal traffic operations. TSP is made up of four components: (1) a detection system that lets the TSP system where the vehicle requesting signal priority is located. The detection system communicates with a (2) priority request generator that alerts the traffic control system that the vehicle would like to receive priority. (3) Priority control strategies; and 4) System management software collecting data and generating reports.

“Transit Station/Stop” means a designated location at which the various **Qualifying Transit** service(s) drop-off and pick-up riders.

“Transportation Demand Management” (TDM) means strategies that increase transportation system efficiency by encouraging shifting from single-occupant vehicle (SOV) trips to non-SOV transportation modes or shifting SOV trips off peak travel periods. Effective TDM strategies result in reduction of vehicle miles traveled (VMT) by increasing travel options, providing incentives and information to incentivize individuals and employers to modify their travel behavior to support these objectives, and/or by reducing the need to travel or reducing travel distance via location efficient development patterns. TDM strategies encourage travel by transit, bike, walking or in shared vehicles.

“Transportation Related Amenities” means capital improvements that are publicly accessible and provide supportive amenities to pedestrians, cyclists and transit riders (e.g., bike parking, bus shelter, benches, street trees, etc.) within the defined Project Area meeting the transit requirements detailed in Section 102 (c) or (d). TRA improvements encourage the use of the transit or active transportation activity.

“Tribal Entity” means: Tribe or a tribally designated housing entity. An Applicant that is any of the following:

- 1) An Indian Tribe as defined under USC Section 4103(13)(B) of Title 25
- 2) A Tribally Designated Housing Entity under 25 USC 4103(22)
- 3) If not a federally recognized tribe as identified above, either:
  - a. Listed in the Bureau of Indian Affairs Office of Federal Acknowledgement Petitioner List, pursuant to CFR Section 83.1 of Title 25; or
  - b. Indian Tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purpose of consultation pursuant to GC Section 65352.3

“Urban Forestry” means the cultivation and management of native or introduced trees and related vegetation in urban areas for their present and potential contribution to the economic, physiological, sociological, and ecological well-being of urban society.

“Urban Forest” means those native or introduced trees and related vegetation in the urban and near-urban areas, including, but not limited to urban watersheds, soils and related habitats, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties.

“Urban Greening” means the incorporation of greenscaped pedestrian and bicycle trail systems, **Urban Forestry**, urban street canopy, green alleys, drought tolerant and native species landscaping and landscape restoration, green roofing, community gardens, **Natural Infrastructure** and stormwater features into public open spaces. Public open space must offer reasonable hours of use for the public, such as dawn to dusk. Community gardens where residents grow edible plants do not have to be publicly accessible as long as they are available to residents of the **Affordable Housing Development**.

“Urban Uses” means any residential, commercial, industrial, transit, transportation passenger facility, or retail use, or any combination of those uses. Urban uses do not include lands used for agricultural uses or parcels in excess of 15,000 square feet in size and containing only one single-family residence.

“Very-Low Income” has the meaning set forth in Health and Safety Code Section 50105, households with gross incomes not exceeding 50 percent of Area Median Income.

“Water Efficiency” means controlling water at the source through design—both rainfall and storm water runoff through a decentralized system that distributes storm water across a project site to replenish groundwater supplies.

“Zero Emission Vehicle (ZEV)” means a motor vehicle equipped with clean technologies consistent with the State of California’s zero emission vehicle regulations and standards, including battery-electric vehicles (BEVs), hydrogen fuel cell electric vehicles (FCEVs), and plug-in hybrid electric vehicles (PHEVs).

## Appendix B. Tribal Eligibility

**A Tribal Entity** may qualify for AHSC funds if their **Project** meets the following requirements:

- (a) Projects are located in **Indian country**, or located on a parcel owned by a **Tribal Entity** in fee or held in trust for the benefit of a **Tribal Entity** within the state of California, and;
- (b) The applicant meets the conditions of award funding to the extent applicable, and subject to any modifications or waivers as provided for by AB1010 (2019) (HSC Section 50406, subdivision (p)) that shall be set forth in a Standard Agreement. It is noted that these same conditions do not need to be satisfied initially to engage in the competitive award process:
  - (1) BIA Consent. The Bureau of Indian Affairs (BIA) has consented to the applicant's execution and recordation (as applicable) of all **Department**-required documents that are subject to 25 CFR sec. 152.34, 25 CFR sec. 162.012, or 25 CFR sec. 162.388, et seq., prior to award disbursement. This requirement shall not apply to projects that are located on fee land not subject to a restriction by the United States against alienation.
  - (2) Personal and Subject Matter Jurisdiction. Personal and subject matter jurisdiction in regard to the Standard Agreement, Project, or any matters arising from either of them is in state court and the **Department** has received any legal instruments or waivers, all duly approved and executed, as are or may be legally necessary and effective to provide for such personal and subject matter jurisdiction in state court.
  - (3) Title Insurance. The **Department** has received title insurance for the property underlying the **Project** satisfactory to the **Department**. Notwithstanding the foregoing sentence, upon a showing of good cause, for **Applicants** unable to provide a conventional title insurance policy satisfactory to the **Department**, this condition may be satisfied by a title status report issued by the BIA Land Title and Records Office and pursuant to a title opinion letter issued for the benefit of the **Department** but paid for by the **Applicant**.
  - (4) Recordation Requirements. Where recordation of instruments is a condition of award funding or otherwise required under or pursuant to the Standard Agreement, the subject instrument is recorded if recorded with the Land Titles and Records Office at the BIA or in the appropriate official records of the County in which the **Project** is located, as may be applicable.
  - (5) Fee Security Required. For all **Projects**, except those located on trust or restricted land within **Indian country**, fee security shall be required, unless the terms allowing leasehold security are satisfied as set forth in Title 25 **CCR** 8316. If a **Department** loan/grant is recorded on fee land then there must be a restriction preventing that land being put into trust until the **Department** loan/grant term is complete.

- (6) Minimum Requirements for Sovereign Immunity Waivers. Sovereign immunity waiver language shall be included in the Department Standard Agreement, and all Department regulatory and loan or grant agreements, all of which may be accomplished by incorporating by reference a separately executed sovereign immunity waiver instrument. The **Recipient** shall also provide or obtain a separate limited waiver of sovereign immunity instruments for both personal and subject matter jurisdictions which shall require, at a minimum, compliance with State construction standards and regulations or with respect to tribal housing Projects in Indian Country, compliance with tribal construction standards and regulations that are at least as stringent as State construction standards and regulations, subject to the Department's review and satisfaction

## Appendix C. Awardee Publicity Guidelines

**Recipients** are required to acknowledge SGC, HCD, and California Climate Investments (CCI) in all publications, websites, signage, invitations, and other media-related and public-outreach products related to the **AHSC Project**. Guidance on CCI logo usage, signage, and logo files contained in the Style Guide are available at:

[www.caclimateinvestments.ca.gov/logo-graphics-request](http://www.caclimateinvestments.ca.gov/logo-graphics-request). SGC and HCD staff will provide their respective logo files and guidance on their usage directly to **Recipients**.

- (a) Long-form written materials, such as reports, must include the following standard language about SGC, HCD, AHSC, and CCI:

- (1) “The Affordable Housing and Sustainable Communities (AHSC) Program builds healthier communities and protects the environment by increasing the supply of affordable places to live near jobs, stores, transit, and other daily needs. This program is administered by Strategic Growth Council (SGC), which coordinates the activities of State agencies and partners with stakeholders to promote sustainability, economic prosperity, and quality of life for all Californians ([www.sgc.ca.gov](http://www.sgc.ca.gov)) and implemented by the Department of Housing and Community Development (HCD).

The AHSC Program is part of CCI, a statewide program that puts billions of Cap-and-Trade dollars to work reducing GHG emissions, strengthening the economy, and improving public health and the environment – particularly in disadvantaged communities. The Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution. California Climate Investments projects include affordable housing, renewable energy, public transportation, zero emission vehicles (ZEV), environmental restoration, more sustainable agriculture, recycling, and much more. Find out more about the program at: [www.caclimateinvestments.ca.gov](http://www.caclimateinvestments.ca.gov).”

- (b) Any informational materials that do not qualify as long-form, but that include at least a paragraph of text, such as press releases, media advisories, short case studies, some flyers, etc., should include the following language:

- (1) Long version: “[Project Name] is supported by California Strategic Growth Council’s Affordable Housing and Sustainable Communities program with funds from [California Climate Investments](http://www.caclimateinvestments.ca.gov), a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment – particularly in disadvantaged communities.”

- (2) Short version: “[Project Name] is supported by California Strategic Growth Council’s Affordable Housing and Sustainable Communities program with funds from [California Climate Investments](http://www.caclimateinvestments.ca.gov)—Cap-and-Trade Dollars at Work”

- (c) **Recipients** may at times produce promotional materials that are primarily visual in nature, such as banners, signage, certain flyers, and sharable images for social media. In such cases, when including the boilerplate language acknowledging CCI and SGC support is not practical, grantees should instead include the official logos of both SGC and CCI, preceded by the words “Funded by.”

- (d) **Recipients** are required to identify a point of contact for all press inquiries and communications needs related to the project and provide the name, phone number and email address of this individual to SGC. **Recipients** must also distribute a press release after grant decisions are made at SGC's Public Council Meeting and are encouraged to do so for other major milestones throughout the lifecycle of the grant. All press releases must be approved by SGC Communications Office prior to distribution and SGC must be alerted and invited to participate in any and all press conferences related to the award by emailing [ASHC@sgc.ca.gov](mailto:ASHC@sgc.ca.gov).
- (e) **Recipients** are required to prepare one or more two-to-four-page documents that provide a summary of the Project components and tell the story of the AHSC proposal development process and/or implementation. All such materials must be approved by SGC Communications Office prior to distribution. These materials will be displayed on SGC website.
- (f) **Applicants** and **Recipients** are encouraged to use social media to share the process of creating an AHSC proposal and to inform the throughout implementation. @CalSGC, @California\_HCD, and @CAClimateInvest should be tagged on all posts related to the AHSC grant. Use of the hashtags #AHSC, #AffordableHousing, and #SustainableCommunities is encouraged.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF STATE FINANCIAL ASSISTANCE**

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January 30, 2023

**MEMORANDUM FOR:** ALL POTENTIAL APPLICANTS

**FROM:** Jennifer Seeger, Deputy Director  
Division of State Financial Assistance

**SUBJECT:** **Affordable Housing and Sustainable Communities  
Notice of Funding Availability (Round 7)**

The California Strategic Growth Council (SGC) and the California Department of Housing and Community Development (Department or HCD) are pleased to announce the release of this Notice of Funding Availability (NOFA) with **approximately \$750 million** in funds for the Affordable Housing and Sustainable Communities (AHSC or Program) program. This funding provides loans and grants to Localities, Developers, public housing authorities, transit agencies, transit operators, Program Operators, Tribal Entities, and others as identified in the Guidelines.

AHSC furthers the purposes of [AB 32](#) (Chapter 488, Statutes of 2006), [SB 375](#) (Chapter 728, Statutes of 2008), and [SB 32](#) (Chapter 249, Statutes of 2016) in that the purpose of AHSC is to reduce greenhouse gas (GHG) emissions through projects implementing land-use, housing, and transportation improvements to support infill and compact development, while supporting related and coordinated public policy objectives. Funding for AHSC is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

AHSC is part of California Climate Investments, a statewide program funded through the GGRF that puts billions of Cap-and-Trade dollars to work, reducing GHG emissions, strengthening the economy, and improving public health and the environment – particularly in Disadvantaged Communities.

**Application materials must be submitted electronically via HCD's Affordable Housing and Sustainable Communities Portal (AHSC Portal) no later than 4:00 p.m. Pacific Time on April 4, 2023.** The Department will no longer accept hardcopy submittals.

AHSC application forms, detailed instructions, webinar details, and related Program information are posted on the Department's AHSC website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/affordable-housing-and-sustainable-communities> Additional Program information may be found at SGC's AHSC website: <https://sgc.ca.gov/programs/ahsc/resources/>.

To receive information on workshops and other updates, please subscribe to the Affordable Housing and Sustainable Communities program [HCD listserv](#) and for questions contact the HCD AHSC team at [AHSC@hcd.ca.gov](mailto:AHSC@hcd.ca.gov) or the SGC AHSC team at [ahsc@sgc.ca.gov](mailto:ahsc@sgc.ca.gov).

Attachment

# **AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM**

## **Notice of Funding Availability Round 7**



**Gavin Newsom, Governor  
State of California**

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

**Lynn von Koch-Liebert, Executive Director  
California Strategic Growth Council**

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

2020 West El Camino Avenue, Suite 500, Sacramento, CA 95833  
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Email: [ahsc@hcd.ca.gov](mailto:ahsc@hcd.ca.gov)

**January 30, 2023**

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## **I. Overview**

### **A. Notice of Funding Availability**

The Strategic Growth Council (SGC) and the California Department of Housing and Community Development (Department or HCD) hereby announce the availability of approximately \$750 million in funding for the Affordable Housing and Sustainable Communities (AHSC) program. AHSC is administered by SGC and implemented by the Department. The California Air Resources Board (CARB) provides the quantification methodology for determining the greenhouse gas (GHG) emissions reductions for AHSC.

These AHSC funds will be used for loans or grants, or a combination thereof, to projects that will achieve GHG emissions reductions to benefit communities throughout California, particularly through increasing accessibility to affordable housing and Key Destinations via low-carbon transportation, resulting in fewer vehicle miles traveled through shortened or reduced trip length or mode shift from single occupancy vehicle use to transit, bicycling, or walking.

### **B. Timeline**

<b>NOFA Release</b>	<b>January 30, 2023</b>
<b>Application Due Date</b>	<b>April 4, 2023, by 4:00 p.m. PDT</b>
<b>Award Announcement</b>	<b>August 2023</b>

### **C. Authorizing Legislation and Regulations (Regulatory Authority)**

AHSC furthers the purposes of [AB 32](#) (Chapter 488, Statutes of 2006), [SB 375](#) (Chapter 728, Statutes of 2008), and [SB 32](#) (Chapter 249, Statutes of 2016). Applications submitted under this NOFA and available funds are subject to the AHSC Guidelines approved by the SGC on December 15, 2022, and as published on the SGC's AHSC website at <https://sgc.ca.gov/programs/ahsc/resources/guidelines.html>

The Guidelines include detailed information on eligibility requirements, application selection criteria, established terms, conditions, and procedures for funds awarded under AHSC. Applicants are encouraged to carefully review the Guidelines and information contained in this NOFA before submitting applications.

## 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 or terms and conditions of the AHSC program. Please note that capitalized words in this NOFA are either defined herein or in the Program Guidelines. Please refer to the Guidelines for complete information.

### A. Eligible Applicants

Applicants must be eligible pursuant to Guidelines Section 105, Eligible Applicants.

### B. Eligible Projects

Eligible Projects must fall into one of the following three eligible Project Area Types:

- Transit Oriented Development (TOD) Project Area Type
- Integrated Connectivity Project (ICP) Area Type
- Rural Innovation Project Area (RIPA) Type

For a detailed list of all eligible costs, please refer to Guidelines Section 103, Eligible Costs.

### C. Program Funding Amounts and Terms

1. **AHSC funding award maximum:** For projects without other HCD awards, the maximum AHSC loan or grant award, or combination thereof, is \$50 million, with a minimum award of \$10 million. For these projects, the maximum Affordable Housing Development loan amount is \$35 million, and the maximum cumulative per Project grant amount is \$15 million.

Additionally, for Projects that have or will have other HCD funding, the maximum cumulative per-project award of all HCD loan sources for housing development is \$35 million.

2. **AHSC funding award maximum:** A single Developer may receive no more than \$100 million per NOFA funding cycle. This limitation may be waived by SGC, if necessary, to meet statutory requirements referenced in Guidelines Section 108, Application Process.
3. **Terms of assistance:** Assistance terms and limits are set forth in Guidelines Section 104, Assistance Terms and Limits. Loans for rental Affordable Housing Developments (AHD) are subject to requirements set forth in Guidelines Section 104(b). Grants are subject to the terms and requirements set forth in Guidelines Section 104(c).

## **D. Transition Reserve**

Projects having or proposing project-based rental assistance shall comply with the Department's Pooled Transition Reserve Policy set forth in HCD's Administrative Notice No. 23-01: <https://www.hcd.ca.gov/sites/default/files/docs/grants-and-funding/hcd-administrative-memo-transition-reserve-policy.pdf>

## **E. Funding Goals, Geographic Distribution of Funds, and Set-Asides**

The Project Area Type funding goals, geographic goals, Tribal Entity goals, Affordable Housing statutory requirements, funding targets, and AHSC statutory funding set-asides are set forth in Guidelines Section 108(h). Additional policies that may impact the final decision of Project awards are set forth in Guidelines Section 108(i).

## **F. Funding Limits**

Use of multiple HCD funding sources on the same Assisted Units is permitted, subject to the following limitations. (For the purpose of identifying funding limits, Units used in the calculation of AHSC grant amounts will be considered assisted):

1. Notwithstanding any conflicts with the AHSC Guidelines or NOFA, the HCD Repeal of Stacking Prohibition of Multiple Department Funding Sources Memorandum, dated August 20, 2021, is applicable. In the event of a conflict, the NOFA or Guidelines will prevail.
2. Total HCD funding per Project, including funds awarded under this NOFA, shall not exceed the following percentages of the total development cost (TDC):
  - < 40 percent of TDCs for Projects utilizing 9 percent tax credits
  - < 50 percent of TDCs for Projects utilizing 4 percent tax credits
  - < 80 percent of TDCs for Projects not utilizing tax credits

For purposes of calculating total HCD funding, all AHD and Housing Related Infrastructure (HRI) funding shall be considered. Additionally, prior awards made to the Project or any component of the Project, any funds awarded pursuant to this NOFA, and any applicable future HCD awards subsequent to any award made pursuant to this NOFA shall be considered. Note that total HCD funding, for these purposes, does not include STI, TRA, or PGM grants.

All Department funding sources listed in the HCD Repeal of Stacking Prohibition of Multiple Department Funding Sources Memorandum [https://www.hcd.ca.gov/grants-funding/docs/admin\\_memo21-06\\_stacking\\_prohibition\\_repeal.pdf](https://www.hcd.ca.gov/grants-funding/docs/admin_memo21-06_stacking_prohibition_repeal.pdf) dated August 20, 2021, are applicable to the percentages of total development cost listed above. For AHSC, these sources

include AHD loans and HRI grants, but not STI, TRA or PGM grants. This HCD-wide Department funding cap applies not only to AHSC Round 7 awards, but to all Department awards.

At the sole discretion of the SGC's Executive Director, funding levels in excess of the percentages above may be approved as exceptions to the limits if they uniquely advance state policy priorities. Examples include large development Projects that include transformative community investments and advance climate goals through infill development, high density construction and proximity to transit.

To request an exception, the Applicant must submit justification prior to their application under this NOFA. It is in the Applicant's interest to submit justification as early as possible. After justifications are submitted, a recommendation from staff will be made based upon the strength of evidence and submitted to the SGC Executive Director for consideration. If approved, Applicants must submit documentation of approval with any subsequent Department applications for the applicable Project. A form for outlining the justification of the exception request will be provided by the Department.

#### **G. Cost Limitations and Developer Fee**

Developer fee limits specified in UMR Section 8312 shall apply, except that:

1. UMR Section 8312(d) shall not apply.
2. For non-tax credit new construction Projects, the total developer fee shall not exceed the following:
  - a. For Projects with 49 or fewer Restricted Units (excluding Units restricted at levels above 60 percent of AMI): the greater of \$40,000 per Restricted/manager's Unit or \$1,200,000.
  - b. For Projects with between 50 and 100 Restricted Units (excluding Units restricted at levels above 60 percent of AMI): \$2,200,000; and
  - c. For Projects with more than 100 Restricted Units (excluding Units restricted at levels above 60 percent of AMI): \$2,200,000 plus \$20,000 per Restricted Unit in excess of 100 up to a maximum of \$3,500,000. The developer fee in excess of \$2,200,000 must be deferred. Payment of deferred developer fee shall be in compliance with UMR Section 8314.
3. For Projects utilizing 4 percent tax credits, developer fee payments shall not exceed the amount that may be included in Project costs pursuant to Title 4 California Code of Regulations (CCR), Section 10327(c)(2)(B); and

4. Projects that include a Tribal Entity that relies on a partner to meet the experience requirements of an eligible Developer shall have their allowable total developer fee increased according to the following:
  - a. For non-tax credit Projects, an increase of \$300,000 over the limits set forth in (b)(2) (a)-(c) above. Additionally, for Projects with more than 100 Units as defined above in (b)(2)(c), the developer fee paid from sources may increase up to \$2,640,000.
  - b. For Projects utilizing 4 percent tax credits, an increase consistent with Title 4 CCR, Section 10327(c)(2)(E), if eligible pursuant to that section.

## **H. Threshold**

In addition to meeting the requirements of the Guidelines, as described in paragraphs A, B, and C above, Applicants and Projects are also required to meet the Program threshold requirements established in Section 106, Program Threshold Requirements of the Guidelines.

1. For projects secured by leasehold security, leases must meet the requirements of UMR §8316, and both the Borrower and the fee owner of the property must execute the Department's form template lease rider without modification. The lease rider amends the lease and must be recorded on the fee estate.

## **I. Scoring and Ranking**

Applications will be scored according to Guidelines Section 107, Scoring Criteria. AHSC funds will be allocated through a competitive process, based on the merits of the application, as detailed in Section 108, Application Process.

## **J. Negative Points and Disencumbrance Policies**

The Department's Negative Points Policy ([Administrative Notice Number 2022-01](#)) and Disencumbrance Policy ([Administrative Notice Number 2022-02](#)), dated March 30, 2022 and published on the Department's AHSC website at <https://www.hcd.ca.gov/sites/default/files/2022-03/Disencumbrance-Policy-FINAL-03-31-22.pdf> are hereby incorporated by this reference to this NOFA. The Department shall apply the Negative Points Policy with equal force as all other provisions set forth herein. The Department shall implement the Negative Points Policy with reasonable and necessary discretion to advance AHSC policy and funding goals.

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 letter.

### III. **Application Submission and Review Procedures**

Applications must meet eligibility requirements upon submission (except as expressly indicated in the Guidelines or Application Workbook). Modification of the application forms by the Applicant is prohibited. It is the Applicant's responsibility to ensure the application is clear, complete, and accurate. After the application deadline, Department staff may request clarifying information, provided 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 disadvantage to other Applicants. No Applicant may appeal the evaluation of another Applicant's application.

#### **A. HCD's AHSC Portal Application Components**

Complete applications must include the following components:

##### **1. AHSC Application Workbook**

All Applicants must complete and submit the AHSC Application Workbook and supporting documentation.

##### **2. AHSC Benefits Calculator Tool**

All Applicants must complete and submit the AHSC Benefits Calculator Tool to meet requirements referenced in Guidelines Section 106, Program Threshold Requirements and Estimated GHG Reduction Scoring in Section 107, Scoring Criteria.

##### **3. Electronic AHSC Portal Submission**

Application materials must be submitted electronically via HCD's AHSC Portal no later than 4:00 p.m. Pacific Time on **April 4, 2023**. Requirements for uploading the AHSC Application Workbook, required supporting documentation, and identified naming conventions are described in the application instructions that will be available when the application is posted to the AHSC website.

**Personal deliveries will not be accepted.** The Department will no longer accept hardcopy submittals. No facsimiles, incomplete applications, application revisions, or walk-in application packages will be accepted.

#### **B. Application Review**

##### **1. Phase One**

Application completeness and satisfaction of threshold criteria described in the Guidelines will be confirmed. Please note, the threshold review for financial feasibility criteria in this phase consists of only verification of documentation completeness, not an evaluation of the material facts.

The complete financial feasibility review will take place in Phase Three. Phase One is a pass/fail stage and Applicants will receive notification of their status upon completion of threshold reviews with a five-day opportunity to appeal the findings of the reviews.

## **2. Phase Two**

Quantitative policy criteria and AHSC Greenhouse Gas Quantification Methodology (GHG QM) will be evaluated for proposals that have met the requirements of Phase One. An initial score letter will be provided to Applicants with a five-day opportunity to appeal the findings of the reviews. AHSC staff will review appeal responses and revise scores where appropriate. Applications with a final combined quantitative policy criteria and Greenhouse Gas Quantification Methodology point score of fewer than 41 points will not be eligible for award and will not be assigned a narrative score. The final score letter will include notification of application status.

## **3. Phase Three**

An interagency team will review the narrative section of eligible applications. During Phase Three, an in- depth evaluation of the Project's financial feasibility will be performed.

## **C. Application Workshops**

AHSC staff will conduct application webinars and pre-application consultations for the Round 7 application submissions. AHSC webinar details and appointment slots for the pre-application consultations will be posted on the SGC website:

<https://sgc.ca.gov/programs/ahsc/resources/guidelines.html> [[sgc.ca.gov](https://sgc.ca.gov)] and announced through the SGC AHSC [E-Mail list](#)

## **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 (Government Code Sections 6250-6276.48). As such, any materials provided are subject to disclosure to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank account numbers, social security numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

## **E. Concurrent Applications**

The Department will allow Applicants under this NOFA to pursue more than one funding scenario. This means that a separate, concurrent application to other HCD program funding sources is permitted. All applications under review and anticipated applications must be disclosed in the AHSC application workbook. In instances where such Applicants are competitive for an award, the Department will consult with Applicants to discern which funding scenarios are optimal for Project feasibility while balancing cost containment.

Submission of two concurrent AHSC applications proposing 4 percent and 9 percent tax credit is prohibited. Submitting an AHSC application proposing 4 percent tax credits to the Department and submitting a concurrent 9 percent TCAC application is prohibited without prior approval from the Department.

If switching from a 4 percent to 9 percent project after receiving an AHSC award, the award will be resized and the award letter reissued to reflect the reduced award amount using the unit mix as originally submitted in the application. Please note that the 24-month disencumbrance deadline, however, will continue to be tied to the date of the original award letter. The Sponsor must demonstrate that any resulting gap from the resizing of the loan has been covered through an alternative funding source.

If switching from a 9 percent to a 4 percent project, the award will NOT be resized

Under both circumstances, the Department will only allow a switch between 4 percent and 9 percent one time per project. The Department MUST be notified and, if required, an amended award letter be issued in advance of application submittal to CDLAC or TCAC.

No final determination can be made on whether a specific project may swap from 4 percent to 9 percent, or vice-versa, until updated application materials indicating changes to the project's budget have been submitted, reviewed, and approved by AHSC program staff.

## **F. Prior Awards**

Applicants must disclose all awards of loans and grants for the project at the time of application submittal. Applicants seeking to substitute previously awarded HCD funds, including but not limited to substitutions to increase the amount of an award, must first withdraw their previous award in writing and provide reasonable justification that the substitution is necessary to ensure Project feasibility. A consultation with Department Program staff is required at the time of the withdrawal. Substitutions based solely upon

Applicant preference or convenience will not be permitted. However, it is allowable for Applicants that wish to retain their previous award to apply for another funding source available within this NOFA, so long as the previous award is unmodified.

In general, no changes to unit mix or other Project-specific criteria as represented for a previous award will be allowed if it would have negatively impacted competitiveness under that program. However, the Department will allow previously awarded Projects to lower their proposed income targets from one application to the next, so long as the total unit count remains the same. The Department will restrict units to the lowest targeting across all awarded funds and will require Projects awarded from a program with prioritized target populations to maintain the special population units (increasing target population and/or Restricted Units is permitted). For Projects proposing a reduction to Area Median Income (AMI) levels on the unit mix, prior to application the Recipient must engage with Program staff of their existing award and confirm the change does not impact Project feasibility and would not cause a reduction in awarded funds pursuant to an existing award program's requirement.

#### **G. Significant Changes in Project After Application**

The Department will review, and score based on information provided in the application. If there is a significant departure from the application, the Department may re-evaluate the Project's score, reduce loan or grant amount, or assign negative points to the Developer/Recipient.

### **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 Branch Chief 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). Any request to appeal HCD's decision regarding an application shall be reviewed for compliance with the AHSC Guidelines and this NOFA. All decisions rendered shall be made by the Branch Chief or their designee. The decision shall be final, binding, and conclusive, and shall constitute the final action of the Department.
3. The appeal process provided herein applies solely to the decision of the Department made in this Program NOFA. For greater specificity, Applicants may refer to the appeal procedure set forth in section "V. Appeals" in the Multifamily Finance Super Notice of Funding Availability dated March 30, 2022, Amended June

10, 2022, which is incorporated hereto by this reference, and which the Department shall, to the extent not contrary to this NOFA and feasible, substantially follow.

## **B. Appeal Process and Deadlines**

1. Process: To file an appeal, Applicants must submit to the Branch Chief 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 must be submitted to the Department at [ahsc@hcd.ca.gov](mailto:ahsc@hcd.ca.gov) and SGC at [ahsc@sgc.ca.gov](mailto:ahsc@sgc.ca.gov) according to the deadline set forth in Department review letters.
2. Filing deadline: Appeals must be received by the Department no later than five 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**

Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the AHSC Guidelines and this NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

## **V. Award Announcements and Contracts**

### **A. Award Announcements**

Award recommendations will be posted with SGC meeting materials on the SGC's AHSC website at <http://www.sgc.ca.gov/meetings> 10 days prior to the SGC public meeting.

### **B. Contracts**

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

A condition of award will be that a Standard Agreement must be executed by the

Recipient within 90 days (contracting period) of HCD's issuance of the award letter. Failure to execute the Standard Agreement(s) within the contracting period may result in award cancellation. The Recipient shall remain a party to the Standard Agreement for the entire term of the Standard Agreement; removal of the Recipient without prior HCD consent is prohibited and will result in a default. Once a Project is awarded HCD funds, the Developer/Recipient is acknowledging the Project as submitted and approved is the Project that is to be funded and built. Any bifurcation would make that award null and void, as the awarded Project is no longer feasible as originally submitted and awarded funds are unable to be assumed or assigned.

### **C. AHSC Cross-Default Provision**

Awards are based on the total points awarded to the application during a highly competitive process. The Standard Agreements set forth requirements for timely completion of Affordable Housing Development (AHD), Housing Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transportation Related Infrastructure (TRA), or Program (PGM) components. If all components are not timely completed pursuant to Program requirements, the entire award may be disencumbered, and disbursed funds recaptured. The Standard Agreements will expressly cross-default all components of the award to one another.

The Department recognizes the Recipient may enter into separate side agreements to address individual Developer responsibilities with respect to each other and with regard to Program funds; provided, however, in no event shall any such agreement alter or amend the respective obligations of the Recipient to the Department under the applicable loan or grant documents.

### **D. Departmental Cross-Default Provision**

In the event the Project is or has been awarded additional Department funding, any and all such funding, including the award of AHSC Program funds, will be cross defaulted to and among one another in the respective loan or, where applicable, grant documents. A default under one source of Departmental funding shall be default under any and all other sources of Department funding in the Project.

## **VI. Other State Requirements**

### **A. Article XXXIV**

All Projects shall comply with Article XXXIV, Section 1 of the California Constitution, as clarified by the Public Housing Election Implementation Law (Health and Safety Code Sections 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 (Health and Safety Code Sections 37000 – 37002) provides clarification as to when Article XXXIV is applicable. Health and Safety Code Section 37001, for example, identifies project types that are not considered “low-rent housing projects.”

Applicants must submit documentation substantiating 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 demonstrates Article XXXIV authority for the project. A local government official with authority must prepare the allocation letter, and it must include the following:

1. The name and date of the proposition and the number of units that were approved;
2. A copy of the referendum and a certified vote tally;
3. 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
4. The number of units that the Locality will commit to this project, including the manager unit.

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**

The Applicant must comply with Government Code Section 7260 et seq., the California Code of Regulations, Title 25, Section 6000 et seq., and, if applicable, 49 CFR Part 24 of the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (URA) (collectively referred to herein as Relocation or Relocation Law).

Failure to comply with applicable relocation requirements will result in rejection of the application and disencumbrance of any awards made to the Project.

### **C. Pet Friendly Housing Act of 2017**

Housing funded through AHSC is subject to the Pet Friendly Housing Act of 2017 (Health and Safety Code Section 50466). Each Recipient is required to submit a signed and dated certification that residents of the AHSC funded housing development will be authorized to own or otherwise maintain one or more common household pets.

## **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 through the Department's email list and will post the revisions to HCD's AHSC website. Please subscribe to HCD's email list at [Email Signup](#).

### **B. Conflicts**

It is the duty and responsibility of the Applicant to review any funding source they obtain for a Project to ensure each of the requirements for those funding sources are compatible with the Department program requirements.

In the event of any conflict between the terms of this NOFA and AHSC Guidelines 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 relevant program, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.



## NOTICE OF FINAL APPROVAL OF AN AB-2162 PROJECT

*Date:* **February 9, 2023**  
*BPA No.:* **202209283327**  
*Planning Record No.* **2022-008873PRJ**  
*Project Address:* **160 Freelon Street (639 Bryant Street)**  
*Zoning:* **Central SoMa Mixed-Use Office (CMUO)**  
**Central SOMa Special Use District**  
**50-X Height and Bulk District**  
*Block/Lot:* **3777/052**  
*Project Sponsor:* **Ann Silverberg**  
**160 Freelon Housing Partners, L.P.**  
**44 Montgomery Street, Suite 1300**  
**San Francisco, CA 94104**  
*Staff Contact:* **Claire Feeney, Senior Planner, [claire.feeney@sfgov.org](mailto:claire.feeney@sfgov.org), 628-652-7313**

### Project Description

This project would construct a nine (9) story multi-family residential building with 85 affordable housing units that will each have a full kitchen and bathroom. There will be 15 studios, 24 one-bedrooms, 22 two-bedrooms, 23 three-bedrooms, and 1 manager's unit. The building will also include resident support and management areas at the ground floor including offices, a community room, children's playground, and other support areas.

### Background

California Assembly Bill 2162 (AB-2162) was signed by Governor Jerry Brown on September 26, 2018 and became effective January 1, 2019. AB-2162 applies statewide and requires the supportive housing be a use that is permitted by right in zones where multifamily and mixed-use development is permitted. AB-2162 amends Government Code Section 66583 and adds Code Section 65650 to require local entities to streamline the approval of housing projects containing a minimum amount of Supportive Housing by providing a ministerial approval process, removing the requirement for CEQA analysis and removing the requirement for Conditional Use Authorization or similar discretionary entitlements granted by the Planning Commission.

Ann Silverberg of 160 Freelon Housing Partners, L.P. submitted an AB-2162 Application for the project at 160 Freelon Street on September 20, 2022 and it was deemed accepted on October 4, 2022. On October 26, 2022,

department staff determined that the AB-2162 Application was complete, and that the proposed project was eligible for AB-2162.

## Project Approval

The Project Sponsor seeks to proceed pursuant to Planning Code Section 206.6, Individually Requested State Density Bonus Law, Government Code Section 65915 et seq (the State Law). Under the State Law, a housing development that includes affordable housing is entitled to additional density concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. Since the Project Sponsor is providing 85 units of housing affordable to moderate-, lower-, and very low-income households, the project is entitled to a density bonus of 50%, up to four concessions/incentives that result in actual and identifiable cost reductions to provide for affordable housing costs, and unlimited waivers from development standards that might otherwise preclude the construction of the project. .

Since the Project Sponsor is providing 84 units of housing affordable to low- and very low-income households, and the project is located within one-half mile of a major transit stop, the project is not subject to any maximum control on density, and is entitled to receive up to four concessions/incentives and an additional three stories, or 33 feet of height and unlimited waivers. The project sponsor is requesting a concession/incentive from the development standards for Residential Usable Open Space (Sec. 135), Required Active Use (Sec. 145.1), and Better Roofs-Living Roof Alternative (Sec. 149). The project is located in a 50-X Height and Bulk District and proposes a maximum building height of 84 feet, excepting those features specified as exemptions to the height limit under Planning Code Section 260(b). The project has requested waivers from the development standards for Rear Yard (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1), Required Off-Street Freight Loading (Sec. 152.1), Lot Coverage (Sec. 249.78), Height (Sec. 260), Narrow Street Controls (Sec. 261.1), and Apparent Mass Reduction (Sec. 270).

## Concessions and Incentives

The project has requested concessions/incentives from the development standards for Residential Usable Open Space (Sec. 135), Required Active Use (Sec. 145.1), and Better Roofs-Living Roof Alternative (Sec. 149). Pursuant to Planning Code Section 206.6, the Department shall grant the concession or incentive requested by the applicant unless the Department makes a written finding, based upon substantial evidence, of any of the following:

- A. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

*Residential Usable Open Space. The requested incentive results in actual cost and identifiable cost reductions. The requested incentive allows the Project to increase residential density on site within bounds of the State Density Bonus Program and decrease costs so that the Project can financially move forward. Sec. 135 requires 80 square feet of open space for each of the 85 units, 6,800. The Project is providing 2,972 square feet of usable open space on the first and second floors. Per Sec. 426, the Open Space Fee in Eastern Neighborhoods Mixed-Use Districts, the Project would have to pay an \$890 fee for the remaining 3,828 square foot of open space. This*

*\$3,406,920 fee and would result in a direct identifiable and actual cost increase to the project that would impede development.*

***Required Active Use.** The requested incentive results in actual cost and identifiable cost reductions. The requested incentive from required active uses at the street frontages allows the project to locate tenant services and associated offices on the ground floor instead of an upper floor. Per Sec. 145.1, the Project is required to provide active uses for the first 25-feet of building depth on the ground floor and they must “have access directly to the public sidewalk or street.” This requirement conflicts with AB 2162 which requires social services for building occupants to be located on site, the project would not be eligible for critical financial assistance through AB 2162 if these residential service areas were not provided. In addition, the cost estimate to add the additional exterior door, stairs, ramp, hand rails, and ADA features would be approximately \$78,000.00, resulting in a direct identifiable and actual cost increase to the project that would impede development.*

***Better Roofs-Living Roof Alternative.** The requested incentive results in actual cost and identifiable cost reductions. The requested incentive from the Better Roofs-Living Roof Alternative allows for more mechanical equipment to be located on the rooftop rather than take up available occupiable square footage on the ground floor for residential and social services. Sec. 149 requires 50% of the roof to be planted green space, about 6,000 square feet. The Project is providing 3,092 square feet of living roof space. The cost estimate to add the 2,908 sf of living roof would be at least \$130,860.00, resulting in a direct identifiable and actual cost increase to the project that would impede development.*

- B. The concession or incentive would have a specific, adverse impact, as defined in paragraph upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

*The requested concessions/incentives from the development standards for Residential Usable Open Space, Required Active Use, and Better Roofs-Living Roof Alternative would not result in a specific, adverse impact to public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources.*

- C. The concession or incentive would be contrary to state or federal law.

*The requested concessions/incentives from the development standards for Residential Usable Open Space, Required Active Use, and Better Roofs-Living Roof Alternative would not be contrary to state or federal law.*

## Waivers

The Planning Department may waive any development standard that will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by the State Density Bonus Law. The Department is not required to waive or reduce development standards if the waiver or

reduction would have a specific, adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The Department is not required to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

The project has requested waivers from the development standards for Rear Yard (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1), Required Off-Street Freight Loading (Sec. 152.1), Lot Coverage (Sec. 249.78), Height (Sec. 260), Narrow Street Controls (Sec. 261.1), and Apparent Mass Reduction (Sec. 270).

- D. The waiver is not required to permit the construction of the project meeting the density permitted or with the Concessions and Incentives permitted under Planning Code Section 206.6.

**Rear Yard.** *The requested waiver results in increased residential density. The requested waiver from rear yard setback allows the project to add an additional thirty-two (32) dwelling units, half of which are three-bedroom apartments, on the Eastern side of the property. The building is U-shaped to create a courtyard where the rear yard would otherwise be required in order to better align with existing neighborhood pattern of mid-block open space.*

**Ground Floor Ceiling Height.** *The requested waiver results in increased residential density. The requested waiver from ground floor ceiling height allows the project to add an additional eleven (11) dwelling units by allowing for shorter floor-to-floor heights. This waiver effectively allows for an additional floor of residential units to be included within the building envelope proposed by the project.*

**Required Off-Street Freight Loading.** *The requested waiver from off-street freight loading allows the project to add at least one (1) dwelling unit. Site constraints including the street frontages of the lot and the open space and circulation designs for the larger 639 Bryant Street development (2012.0640ENX) make an off-street loading space that meets the dimensional and locational standards of Planning Code Sections 154 and 155 infeasible without requiring relocation of tenant services or mechanical spaces to one of the residential floors.*

**Lot Coverage.** *The requested waiver results in increased residential density. The requested waiver from lot coverage allows the project to add an additional thirty-two (32) dwelling units. The project would be limited to utilizing only 80% of the property, losing approximately 2,500 square feet of space per floor. Across all nine floors the project would cumulatively lose the ability to develop approximately 23,500 square feet of built space.*

**Height.** *The requested waiver results in increased residential density. The requested waiver from height allows the project to add an additional forty-four (44) dwelling units by allowing four stories over the height limit.*

**Narrow Street Controls.** *The requested waiver results in increased residential density. The requested waiver from narrow street controls allows the project to add an additional fifteen (15) dwelling units along the Freelon Street frontage. The required setbacks to meet the sun access plane would result in a substantial loss of buildable area above the third floor.*

***Apparent Mass Reduction.** The requested waivers result in increased residential density. The requested waiver from apparent mass reduction allows the project to add an additional fifteen (15) dwelling units. The project would need to decrease mass and minimize the building façade along Freelon Street, which qualifies as a narrow street, by 50% for floors five through nine.*

- E. The waiver would have a specific, adverse impact, as defined in paragraph upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

*The requested waivers from the development standards for Rear Yard (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1), Required Off-Street Freight Loading (Sec. 152.1), Lot Coverage (Sec. 249.78), Height (Sec. 260), Narrow Street Controls (Sec. 261.1), and Apparent Mass Reduction (Sec. 270) would not result in a specific, adverse impact to public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources.*

- F. The waiver would be contrary to state or federal law.

*The requested waivers from the development standards for Rear Yard (Sec. 134), Ground Floor Ceiling Height (Sec. 145.1), Required Off-Street Freight Loading (Sec. 152.1), Lot Coverage (Sec. 249.78), Height (Sec. 260), Narrow Street Controls (Sec. 261.1), and Apparent Mass Reduction (Sec. 270) would not be contrary to state or federal law.*

The Department has determined that the project meets all the objective standards of the Planning Code and has completed design review of the project. The project has been approved in accordance with the provisions of AB-2162, as recorded in Building Permit Application No.202209283327.

**From:** [Conine-Nakano, Susanna \(MYR\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Paulino, Tom \(MYR\)](#); [Dahl, Bryan \(BOS\)](#); [Nickolopoulos, Sheila \(MYR\)](#); [Geithman, Kyra \(MYR\)](#); [Gluckstein, Lisa \(MYR\)](#)  
**Subject:** Mayor -- Resolution -- 160 Freelon  
**Date:** Tuesday, February 28, 2023 4:52:17 PM  
**Attachments:** [Mayor -- Resolution -- 160 Freelon.zip](#)

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Hello Clerks,

Attached for introduction to the Board of Supervisors is an Resolution authorizing the Mayor's Office of Housing and Community Development on behalf of the City and County of San Francisco to execute a grant application, as defined herein, under the Department of Housing and Community Development Affordable Housing and Sustainable Communities ("AHSC") Program as a joint applicant with The Related Companies of California, LLC and San Francisco Housing Development Corporation, for the 100% affordable housing project identified as 160 Freelon Family; authorizing the City to assume any joint and several liability for completion of the projects required by the terms of any grant awarded under the AHSC Program; and adopting findings under the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and Administrative Code, Chapter 31.

Please note that Supervisor Dorsey is a co-sponsor of this legislation.

Best,  
Susanna

Susanna Conine-Nakano  
Office of Mayor London N. Breed  
City & County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 200  
San Francisco, CA 94102  
415-554-6147