

**Note:** The following is a strikethrough text version of the changes to Round 6 Guidelines for Draft Round 7 Guidelines. To review the changes in an ADA compliant version please see the “Summary of Key Changes and Change Log” and the “AHSC Draft Round 7 Guidelines” at <https://sgc.ca.gov/programs/ahsc/resources/guidelines.html>

**DRAFT**  
**AFFORDABLE HOUSING  
AND  
SUSTAINABLE  
COMMUNITIES PROGRAM**

**ROUND 7  
PROGRAM GUIDELINES**



CALIFORNIA STRATEGIC  
GROWTH COUNCIL



**September 30, 2022 DRAFT**

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February 24, 2021

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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.

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## 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](#).

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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)**.

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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.

**(a) 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.**

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**.

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**(b) 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.

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

### **Overview**

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

- All **Project Areas** 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.
- *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 Rental or Homeownership

#### **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 (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
  - A 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)

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**Article II. Program Requirements and Procedures**  
**Section 102. Eligible Projects**

The **AHSC Program** is designed to implement GHG emissions 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 will require 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 an 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** as defined below:

- (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 incentivize mode shift to transit use, bicycling or walking within transit areas, with an emphasis on integration of or development of affordable housing, and with an emphasis on providing **Disadvantaged Community** or **Low-Income Community** benefits. There are several differentiating requirements between each **Project Area Type**, as described below.

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For **Project Areas** with

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(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 walkable route. The walkable 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 that is located no farther than one-half (0.50) mile from the **Affordable Housing Development** along a walkable route. The walkable 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 walkable 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)
- Program Costs (PGM)

(e) **RIPAs** must meet all the requirements detailed in Section 102(d) above for an **ICP Project Area** and must be located within a **Rural Area**, as defined in California **Health and Safety Code 50199.21**.

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Include an **Affordable Housing Development**

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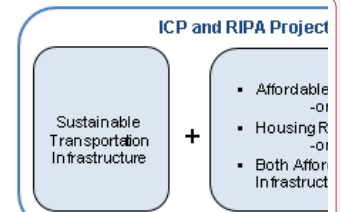
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**Section 103. Eligible Costs**

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**

Eligible Cost Examples	AHD/ HRI	STI	TRA	PGM
Construction or Substantial Rehabilitation of affordable housing	X			
Installation of internet broadband trunk line or fixed wireless infrastructure	X			
<u>Installation of on-site energy storage (battery arrays)</u>	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		
<u>Repaving and road reconstruction costs, only for the portion of the roadway where the new or improved walkway and bikeway is installed.</u>		X		
<u>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</u>			X	
Street crossing enhancements including installation of accessible ramps or pedestrian signals		X		
<u>Installation of traffic calming measures including development of curb extensions, roundabouts, median islands, traffic diverters, chicanes, "road diets," lane narrowing projects</u>		X		
Signage and way-finding markers <u>for pedestrians or transit users</u>		X		
Bike sharing infrastructure and fleet			X	
<u>Signage and striping</u> of a dedicated bus lane			X	
<u>Transit operations for new service or service expansion</u>			X	

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

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(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 walkable route, or along a route that will be walkable once the STI/TRA components of the Project are complete. If the walkable 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)**. 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:

10 units @ 40% **AMI** is 10 x 40 = 400

10 units @ 60% **AMI** is 10 x 60 = 600

400 + 600 = 1,000

1,000/20 total **Restricted Units** = average affordability of 50%

and;

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September 30, 2022 Version – For Public Comment – Email AHSC@sqc.ca.gov with comments by Oct. 31, 2022

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Homeownership Affordable Housing Developments must include at least 20 percent of the total residential units as Affordable Units with an overall Project average affordability of all Restricted Units within the Project no greater than 80 percent represented by Area Median Income (AMI). ¶

(iv) The Affordable Housing Development must demonstrate a minimum Net Density not less than that shown on the below.

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 by multiplying the factors shown below by the total number of units in each unit size category, then summing the resulting products.

**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.

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(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.

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(B) **Affordable Housing Development Capital Projects** may:

(i) Include residential units that are rental or homeownership, or a combination of both;

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(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.

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(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.

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(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.

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(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**.

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Deleted: replaced with the following: For Projects utilizing 4 percent tax credits, the developer fee paid from development funding sources shall not exceed the amount in Title 4 CCR, Section 10327 (c)(2)(A).

(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.

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Moved down [3]: <#>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.

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(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.

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Moved up [4]: A **Project** may not contain more than one **Affordable Housing Development Capital Project**.

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For AHSC application purposes,

- (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.

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

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

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- (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

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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 an 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**

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capital cost budgets.

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**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.

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(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 5 years that directly expand transit service, by supporting new, restored, or expanded routes and may include wages, fueling, maintenance, and other costs to operate those services.

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(vi) All vehicles purchased using AHSC Program funds must be Zero Emission Vehicles (ZEV).

(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.

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#### (4) **Transportation Related Amenities Capital Projects**

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(A) **Transportation Related Amenities** must be publicly accessible.

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(B) **Eligible costs for Transportation Related Amenities Capital Projects** are limited to:

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(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).

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(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.

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(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.

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(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 internet service, as defined in Section 106, provided free of charge to the AHD residents.

(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.

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(c) Ineligible costs include, but are not limited to, all the following:

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(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;

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(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);

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(6) Costs associated with fossil fuel-based backup power.

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**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: **\$150,000** for projects receiving 9 percent tax credits, **\$200,000 for projects receiving 4 percent tax credits**, and **\$300,000** for projects not receiving 9 percent tax credits. 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**

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 Supportive Housing Multifamily Housing program;  
 MHP;  
 Veterans Housing and Homelessness Prevention program;  
 No Place Like Home Program, including funds awarded either by

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 Affordable Housing and Sustainable Communities program - Affordable Housing Development loans, but not grants for Housing Related Infrastructure, Sustainable Transportation Infrastructure, Transportation Related amenities or Program Costs, all as defined

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 Transit Oriented Development program – rental housing development loans, but not grants for infrastructure;  
 Joe Serna, Junior Farmworker Housing Grant program;  
 SB 2 Farmworker Housing Program;  
 Housing for a Healthy California program, including funds awarded either by the

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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) 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 rental unit in the proposed **Affordable Housing Development**, or \$50,000 per rental **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**

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If the **Capital Project** grant includes multiple phases or developments, all entitlements and construction funding commitments for the first phase must be received prior to the initial disbursement of AHSC funds. ¶

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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:

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

- (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) At the time of sale of each **Restricted Unit** to a qualified **First-time homebuyer**, and at each resale of each **Restricted Unit** to a qualified **First-time homebuyer** for the following 30 years, the **Recipient** shall ensure that a covenant with a duration of at least 30 years that includes either a resale restriction or equity sharing upon resale is recorded against the **Restricted Unit**.

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**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.

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## 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 similar 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** must provide free transit passes, reloadable transit cards, or discounted passes priced at no more than half of retail cost. At least one (1) pass or card shall be made available for each **Restricted Unit** for at least 3 years. 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

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of the **Project** including active transportation routes and transit stations or stops.

- (7) The **Project** must demonstrate a level of committed funding at time of application that is 90 percent or greater calculated by the following equation:

$$\frac{[\text{AHSC funds requested} + \text{Enforceable Funding Commitments (EFCs)} - \text{Deferred Costs}]}{[\text{Total Development Cost} - \text{Deferred Costs}]}$$

Note: All Homeownership Affordable Housing Developments are exempt from this EFC threshold.

- (8) 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) are due at time of application. Proof of NEPA clearance is shown through an Authority to Use Grant Funds document.

- (9) Applications must demonstrate that all necessary discretionary local land use approvals, excluding design review, have been granted.

- (10) The application must be sufficiently complete to assess the feasibility of the proposed project and its compliance with **AHSC Program** and application requirements. For example, the applicant must demonstrate that the **Project** is financially feasible as evidenced by documentation including, but not limited to, 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

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Deleted: 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 (8) above until prior to the initial disbursement of grant funds. Applicants are not required to complete any necessary environmental clearances prompted exclusively by rental and/or operating subsidies prior to the AHSC application deadline.

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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.

(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.

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(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.

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(15) **Qualifying Transit** must be completed and offering service to the **Transit Station/Stop** at the time of application submittal.

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(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.

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(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(m).

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(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 State Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) Tool. 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:

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(A) Rental **Affordable Housing Developments** must meet the underwriting standards in the UMRs and **MHP** Guidelines Section 7312.

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(B) The **Affordable Housing Development**, **Housing Related Infrastructure**, or **both** are infeasible without **AHSC Program** funds, and

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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**.

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(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,

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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)(20)(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

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Projects

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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.

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- (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 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.

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- (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 connection.

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- (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 infrastructure planning, as well as existing internet service providers in the area.

- (C) High speed internet service, with speeds listed above must be made available to each **Restricted Unit** for a minimum of 15 years, free of charge to the tenants, and available within 6 months of the **AHD's** placed-in-service date.

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## 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 (10 points)
- Green Buildings and Renewable Energy (8 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 (2 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

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GHG Reductions Scoring (30 points)¶  
Quantitative Policy Scoring (55 points)¶  
Narrative-Based Policy Scoring (15 points)¶  
¶  
Applications

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Figure 5: AHSC Scoring Elements and Criteria¶  
Criteria

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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.

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## Estimated GHG Emissions Reductions – 30 Points Maximum

### (a) 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 2 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 Project for a maximum of 15 points.

#### Estimated GHG Emissions 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 2 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 application for requirements.

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**Deleted:** renewable energy **Project** GHG emission reductions; **AND** 3) cost efficiency of total estimated

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Note: While up to 5 points are available for GHG emission reductions from transit **Projects**, the 15 points for cost efficiency of total estimated GHG emissions reductions will also be strongly affected by transit **Projects**. On average, GHG reductions from transit **Projects** make strong contributions to total **Project** GHG Emissions Reductions in a cost-effective manner. ¶

¶ Applications will be awarded points for Project

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For each **Project**,

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**Deleted:** Transit **Project** GHG emission reductions will represent the GHG emission reductions associated with AHSC funded new or expanded transit service, capital improvements, or fare reductions as estimated through the AHSC

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Applicants are required to adhere to guidance published by CARB and SGC regarding GHG emission reductions estimates, including on how to estimate ridership growth. Guidance will be posted to [CARB's CCI Quantification, Benefits, and Reporting Materials webpage](#) and [SGC's AHSC Resource Page](#), possibly in the form of a Questions and Answers document. ¶

¶ Housing, active transportation, and renewable energy **Project** GHG emission reductions will represent the GHG emission reductions associated with AHSC funded **Affordable Housing Developments** and residential transit subsidies, solar photovoltaic (PV) electricity generation, new bicycle facilities and walkways, and new or expanded bikeshare as ¶ estimated through the AHSC Benefits Calculator Tool and reviewed by State agency staff. ¶

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(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:

(A) Transit and Shared Mobility GHG Category

- (i) Bin 1 = 5 points
- (ii) Bin 2 = 4 points
- (iii) Bin 3 = 3 points
- (iv) Bin 4 = 2 points
- (v) Bin 5 = 1 points

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

(B) Project Area GHG Category

- (i) Bin 1 = 10 points
- (ii) Bin 2 = 8 points
- (iii) Bin 3 = 6 points
- (iv) Bin 4 = 4 points
- (v) Bin 5 = 2 points

(C) GHG Efficiency

- (i) Bin 1 = 15 points
- (ii) Bin 2 = 12 points
- (iii) Bin 3 = 9 points
- (iv) Bin 4 = 6 points
- (v) Bin 5 = 3 points

(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.

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All applications

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Transit Bin Scoring

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Bin scores for (1) transit Project GHG emission reductions; (2) housing, active transportation, and renewable energy Project GHG emission reductions; and¶  
(3) cost efficiency

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Transit Bin Scoring

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## Quantitative Policy Scoring – 52 Points Maximum

### (b) Active Transportation and Transit Improvements – 10 Points Maximum

- (1) Up to 2 points for the total length (in Lane Miles) of AHSC-funded **Context Sensitive Bikeways** as follows:

- 2 points for at least one (1.0) lane mile
- 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) 1 point for Projects that link the Affordable Housing Development or Qualifying Transit Station or Stop to 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 2 points for the length of AHSC-funded Safe and Accessible Walkways as follows:

- 2 points for connecting more than 2,000 feet of continuous sidewalk, including both sides of the street as applicable.
- 1 point for connecting more than 1,000 but less than 2,000 feet of continuous sidewalk, including both sides of the street as applicable.

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 AHSC 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) 1 point for Projects that create at least 1,000 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

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Up 2 points (1 point per improvement) for projects that address barriers to safe access of bicycle routes. Documentation must be provided to certify that the Project will do at least one of the following in an attempt to increase bicycle safety and access:¶

¶ reduce vehicular speed or volume near bicycle users;¶  
improve sight distance and visibility;¶  
eliminate potential conflict points;¶  
improve compliance with traffic laws; or¶  
address any other barriers to cyclists that may have existed on the route. ... [10]

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1 point for 1,000 to 1,999 feet¶

¶ Indicate the measured length (in feet) of new or replaced

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TRA improvements that will create Safe and Accessible Walkways will be measured according to the length of sidewalk directly improved (ex: provided shade to, illuminated). Unimproved distances of walkways in-between TRA improvements will not be measured.¶

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where no walkway currently exists. 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 use the Multi-Use Path for only one scoring section.

(5) Up to 4 points for Projects that improve existing transit routes that serve the community around the AHD. To qualify for this point, 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 directly 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 service for at least one (1.0) Lane Mile by implementing any (or a multiple) of the following will be eligible for two points for each strategy, up to four points:

- 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
- Installation of new off-board fare collection kiosks or machines
- Installation of new at-grade boarding infrastructure
- Installation of at least 4 bus bulb-outs that eliminate the need for buses to pull out of the general flow lane
- Installation of new or upgraded Transit Signal Priority hardware and software
- Installation of at least 5 new bus shelters where none currently exist
- 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

(c) **Green Buildings and Renewable Energy - 8 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:**

Program	Tier
CalGreen	Tier 2
LEED	Gold
Green Point Rated	New Construction: Gold Rehabilitation: Whole Building
ENERGY STAR	Certified Home

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Up to 2 points for projects that address barriers to safe access

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Living Future Challenge	Living Building
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**Certifications for non-residential construction:**

Program	Tier
CalGreen	Tier 2
LEED	Gold

- (2) Up to 5 points will be awarded for **AHD Projects** that will invest in technologies that can achieve significant reductions in energy grid use, measured as total onsite energy consumption and as verified by a HERS rater, based on the following:

5 Points will be awarded to an AHD Project that has Zero Net Energy Design: A development that produces as much energy as it consumes over the course of a year, when accounted for at the energy generation source;

3 Points will be awarded to an AHD Project that at least two-thirds (66.6 percent) of the building energy is produced by on-site renewable sources.

**(d) 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:

STI Funds Request as an amount or percentage of Total AHSC Funding Request	Points
<u>At least \$3,000,000 or 10.0% of total funding request</u>	2 points
<u>At least \$4,500,000 or 15.0% of total funding request</u>	4 points
<u>At least \$7,500,000 or 25.0% of total funding request</u>	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 or Stop within the Project Area.

- (3) 2 points for Projects which provide documentation that their site is either:  
Utilizing Publicly-Owned Land: An AHD which is to be developed on land designated as Excess Land (EO N-06-19), Surplus Land, Exempt Surplus Land, or land covered by any other exemption in Section 103 of the Surplus Land Act Guidelines. Projects developed on land purchased, or leased, from a transit agency are also eligible for this point. 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.

OR

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 3 points for Affordable Housing Developments, or Mixed Use Developments that achieve near electrification – projects where two out of three of the major energy appliances (cook stoves, space heating, water heating) are electric. Projects must be wired to be electric ready, defined as having 240 volts outlets near each gas appliance.  
 7 points for Affordable Housing Developments or Mixed Use Developments that are powered entirely through electricity with no connections to natural gas infrastructure.

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 1 point for Projects which have received funding from other Greenhouse Gas Reduction Fund (GGRF) programs which directly benefit or contribute to the development of the proposed Project.  
 1 point for Projects which have received funding from other Greenhouse Gas Reduction Fund (GGRF) programs which directly benefit or contribute to the development of the proposed Project.

OR

1 point for Projects within environmentally cleared California high speed rail station planning areas.

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In a High-Speed Rail Planning Area: An AHD that is within environmentally cleared California high-speed rail station planning areas.

(e) **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 QPS 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.

- Market or Grocery store (SNAP Retailer)
- Medical clinic that accepts Medi-Cal payments or offers free medical services to low-income individuals
- Licensed childcare facility as identified by the California Department of Social Services
- Pharmacy
- Park accessible to the general public
- Community Center accessible to the general public
- Public library
- Public elementary, middle, high school, non-profit university or non-profit junior college
- Food bank, bank, or credit union
- Post Office

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

(1) 4 points will be awarded for applications demonstrating Enforceable Funding Commitments for all permanent financing, grants, project-based rental assistance, and operating subsidies, excluding: the amount requested from the AHSC Program,

(1) 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. The assistance 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.

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

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Up to

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Points will be given on the following scale:

- 3 points: Most Walkable (Dark Green; 15.25-20)
- 2 points: Above Average Walkable (Light Green; 10.51-15.25)
- 1 point: Below Average Walkable (Yellow; 5.76-10.5)
- 0 points: Least Walkable (Orange; 1-5.75)

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- (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) 1 Point 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 need allocation for the Lower-Income allocation in the current housing element cycle.

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- (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.

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

- (1) Up to 4 points (2 points per activity) for Projects that document commitments to implement new or expanded Anti-displacement activities, as supported by an assessment of housing needs and displacement vulnerability.

Assessment: A Housing Needs and Displacement Vulnerability Assessment is required to receive Anti-displacement points in this category. 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 further provide details summarizing

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 Increased visibility of the jurisdiction's small business assistance programs;<sup>4</sup>  
 Formal program to ensure that some fraction of a jurisdiction's purchases of goods and services come from local businesses;<sup>4</sup>  
 Prioritization of Minority and Women Business Enterprises (MWBE) for public contracting.<sup>4</sup> (... [24])

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existing local policies and programs currently impacting the community, including policies described in the jurisdiction's Housing Element, other government policies, and any non-governmental organization's working on Anti-Displacement. 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 workplan describing how each program or activity will be implemented. The workplan should include all of the categories below:

- Scope of Work by task
- Budget by task
- Deliverables by task
- Proposed implementation timeline
- Current status of work
- Current status of the role the non-profit plays in the **Project Area**
- Proposed measures of success & tracking protocols
- Signatures from all implementing parties agreeing to the terms above

**Projects** may select up to two activities listed below.

**Implemented by Developers, and does not require dedicated AHSC Program funding:**

- (A) The **Project** is a **Joint Venture** with an **Emerging Developer** or **Community-Based Developer**, with those entities as the lesser experienced co-applicant;
- (B) The **Project** will ensure that at least 15% of the total AHSC request will go towards procurement from, or subcontracting with, businesses based within 5 miles of the **AHD**;
- (C) The **Project** funds the construction of community-identified components or activities from another SGC-funded project, such as Transformative Communities Collaborative (TCC), Sustainable Agricultural Lands Conservation (SALC)

**Implemented by an independent non-profit or locality with dedicated Program Cost (PGM) funding of a minimum \$150,000 per activity:**

- (D) A non-profit and/or **Locality** developing a Community-Driven, Neighborhood-Scale Anti-Displacement Plan
- (E) A non-profit and/or **Locality** developing or implementing a pipeline or training programs that will build capacity for **Emerging, Community-Based, or BIPOC Developers**
- (F) 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)

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- (G) A non-profit and/or **Locality** developing or implementing eviction prevention and landlord anti-harassment programs
- (H) A non-profit and/or **Locality** developing or implementing rental assistance programs
- (I) A non-profit and/or **Locality** developing a Neighborhood Leadership Development Program for stakeholders within the project community
- (J) A non-profit and/or **Locality** developing or implementing a Small/Family Business Protection Program for community businesses in the Project Area
- (K) A non-profit and/or **Locality** developing or operating a Community Land Trust or Land Banking activities

(i) **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:

- The name(s) of the organization(s)
- The nature of the partnership between the **Applicant** and the organization
- Demonstrate that the implementing organization has a track record of success serving disadvantaged populations, and
- Demonstrate that the implementing organization has a history of success in job placement rates for trainees from **Disadvantaged Communities**.
- The written agreement that details the partnership strategy or policy undertaken and its outcomes
- 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:
  - Participants who enrolled in the program;

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For maximum points in this section, **Projects** must implement at least two of

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AHSC workforce development strategies include:¶  
Funding a workforce development organization that has a track record of success serving disadvantaged populations and can demonstrate significant job placement rates for trainees from **Disadvantaged Communities**. The workforce community based organization must submit program metrics detailing the demographics and numbers of individuals recruited, trained, and placed into state-certified apprenticeships or related jobs;¶  
Funding a

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- Participants who completed the program; and
- 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 following information and verifiable documentation in a letter jointly signed by the Applicant and the external organization:

- A letter of intent between the Developer and the state-certified apprenticeship program including the mechanism to deliver on the term of that commitment
- 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:
  - Participants who enrolled in the program;
  - Participants who completed the program; and
  - Participants who were successfully placed into a state-certified apprenticeship or related job.

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**(C) Projects that have developed a Project Labor or Community Workforce Agreement**

Applicants must provide following information and verifiable documentation in a letter jointly signed by the Applicant and the external organization:

- Documentation of the agreements, including, a Targeted Hiring Plan, as defined in HSC 38599.10, demonstrating how the applicant will:
  - Create jobs for residents of under-resourced, tribal, and Low-income Communities in the same region as the proposed project
  - Ensure access for the aforementioned residents to those jobs
  - Create a defined cohort of pre-apprentices from local programs with close and demonstrable connections to state-certified apprenticeships,

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**(D) Projects that are located in jurisdictions with Local Hire Ordinances**

Applicants must provide following information and verifiable documentation in a letter:

- Date the ordinance took effect
- Documentation of the ordinance's requirements,
- Confirmation the Project will be subject to and comply with the ordinance's requirements that including:
  - A specific number of targeted workers or apprenticeships to be hired;

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- The mechanism for targeting the workers or apprenticeships; and
- The programs from which workers or apprenticeships will be recruited from.

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(j) **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 = 1 point
- (ii) 20.0 to 24.9 percent = 2 points
- (iii) 25 percent or more = 3 points

(B) Up to 2 points for applications which restrict a percentage of the households in a rental **Affordable Housing Development** to three-bedroom or larger in one of the following manners:

- (i) Restrict a percent of ELI households in a rental **Affordable Housing Development** to three-bedroom or larger units, as follows:
  - a. 10 to 19.9 percent = 1 point
  - b. 20 percent or more = 2 points

OR:

- (ii) Restrict a percentage of the ELI or Very Low Income households in a rental **Affordable Housing Development** to three-bedroom or larger units, as follows:
  - a. 20 to 29.9 percent = 1 point
  - b. 30 percent or more = 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 = 2 points
- (ii) 30 to 39.9 percent = 3 points
- (iii) 40 to 49.9 percent = 4 points
- (iv) 50 percent or more = 5 points

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Percent of total units restricted to ELI households (... [25])

(k) **Programs – 2 Points Maximum**

(1) 2 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 workplan describing how each program or activity will be implemented.

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The purpose of these workforce partnerships and practices is to advance the recruitment, training, and hiring of low income residents and underrepresented workers living in **Disadvantaged Communities**, connecting these populations with training and hiring opportunities that the funded project creates or facilitates.¶

*Note: Projects in which every AHSC project component cannot legally implement local hire or workforce development strategies must include an explanation detailing these barriers in order to receive full points.¶*

- Scope of Work by task
- Budget by task
- Deliverables by task
- Proposed implementation timeline
- Current status of work
- Current status of the role the non-profit plays in the **Project Area**
- Proposed measures of success & tracking protocols
- Signatures from all implementing parties agreeing to the terms above

If funding is to be used to expand an existing program, the **Applicant** must also explain how the new funding will expand upon the existing work (e.g. serve new geographic or demographic populations) or offer a new program service. The document must be signed by an authorized signatory of both the **Developer** and the non-profit organization.

Applicants may choose funding a program under one of the following categories:

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

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Up to 1 point will be awarded for applicants that provide documentation showing how the Program Operator will sustain the program beyond the term of the AHSC Program grant (three years).¶

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## **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:

### **(l) 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.

### **(m) 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](#).\* For adaptation tools, resources, strategies and case studies visit the [state's Adaptation Clearinghouse](#).*

### **(n) 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.

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Local Planning Efforts: Identify what local planning ... [26]

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**(o) 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. 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.

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**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
- (c) 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 sufficient 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 Area applications;
- (C) At least ten (10.0) percent of funds as designated in the NOFA to

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At least fifty (50) percent of **AHSC Program** expenditure for **Projects** benefitting and located in **Disadvantaged Communities**. **Projects' Disadvantaged Community** status are based upon the location of their **AHSC funded Affordable Housing**.

At least fifty (50) percent of the annual proceeds appropriated for the **AHSC Program** shall be expended for affordable housing. For the purposes of this set-aside, expenditures related to **Affordable Housing Development**

**Deleted: Housing-Related Infrastructure Capital Projects** shall count toward this requirement.

**Project Area** type targets are as follows:

Target thirty five (35) percent of funds available as designated in the **NOFA to TOD Project Area** applications.

Target thirty five (35) percent of funds available as designated in the **NOFA to ICP Project Area** applications. [35]

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**Deleted:** committed to ensuring access to **AHSC funding across the State's diverse geographic areas. In future** [37]

**Moved down [10]:** Unless stated otherwise, the **Project** must meet all **AHSC Program** requirements.

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**Deleted:** The **Project** will contribute to the relevant **Project Area** type and geographic funding targets. If multiple [39]

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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 emissions reductions must be made in all regions 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 region 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**: 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.

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- (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>2e</sub>), 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 would 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 similar 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:

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- (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;

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Provisions regarding tenant relocation in accordance with State law; ¶  
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- (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; ¶

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- (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**;

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(12) “Operations,” MHP Guidelines Sections 7322 through 7327, shall apply to rental Affordable Housing Developments assisted by the AHSC Program.

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(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:

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(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:

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(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

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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

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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**.

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## 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**.

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(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.

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(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. **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.

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**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.

**Recipients** must report annually on all jobs created from the date the standard agreement is executed and continues until the following milestones are reached.

- Grant Standard Agreement: all funds are disbursed
- Loan Standard Agreement: The AHD converts to permanent financing

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**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.

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**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.

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Reporting will be done according to both trade and classification to include the following:

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- Job education required\*
- Job experience required\*
- Job training credentials\*
- Number of jobs provided\*, \*\*
- Total project work hours\*, \*\*
- Average hourly wage\*, \*\*
- Total number of workers that completed job training\*, \*\*
- Employer paid health insurance provided\*
- Paid leave\*
- Retirement plan\*
- Targeted hiring strategy\*

*\*Please refer to the “Data Dictionary” tab in the AHSC Jobs Reporting Template for a description of each of the reporting categories listed above.*

*\*\*Each of these statistics must also be reported according to workers defined as belonging to a **Priority Population**.*

- (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**.

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Reporting will include the following components and other metrics as requested, for a duration of no more than five (5) years:

- **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

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- Occupancy of commercial space
  - **STI and TRA transit Project** metrics:
    - Average daily ridership of transit
  - **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**.

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**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.

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(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.

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(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 two years from date of award letter.

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(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.

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(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 (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.

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## 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.

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**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.

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**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**

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Infrastructure Projects:

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¶ The unit must satisfy one of the following affordability criteria:¶  
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60 percent of the **Area Median Income (AMI)** or, for homeownership projects, 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.

“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.

“BIPOC Developer” means a Developer that meets the definition of “BIPOC Entity” as defined by California Debt Allocation Commission (CDLAC) regulations (Section 5170).

“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 50 (50.0) percent of 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) Has an average stop spacing of no less than 800 feet (0.15 miles) along the entirety of the route
- 3) Maintains an average operating speed of at least 12 mph and
- 4) 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.

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¶ It is available at an “affordable rent” or an “affordable housing cost” according to the alternative percentages of income for agency-assisted rental and cooperative housing developments pursuant to Department regulations adopted under Health and Safety Code section 50462(f).¶

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¶ For “Affordable Units” that are ownership units, they must

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For the purposes of this definition, the terms “persons and families of low income” and “area median income” shall have the same meanings as set forth in Health and Safety Code section 50093 and 50093(c).¶

For the purposes of this definition, the terms “persons and families of low income” and “area median income” shall have the same meanings as set forth in Health and Safety Code section 50093 and 50093(c).¶

¶ The unit must be occupied by a “lower income household” as defined by Health and Safety Code section 50079.5, which includes “very low income households” as defined by Health and Safety Code section 50105 and also includes “extremely low income households” as defined by Health and Safety Code section 50106.¶

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“Community-Based Developer” means an entity that meets the definition as set forth by Multifamily Housing Program (MHP) Final Guidelines, Appendix A.

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“CCR” means the California Code of Regulations. ¶ ... [44]

“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	Design Year AADT	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	
	2,500-5,000	Class II or Class IV	Class II or Class IV	Class IV	Class IV
	5,000-10,000	Class IV	Class IV	Class IV	
	>10,000				
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	> 45
	2,500-5,000	Standard Shoulder or Shared Lane		Class II	Class I or IV
	5,000-10,000	Class II		Class II	Class I or IV
	>10,000			Class I, II, or IV	

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Class I bicycle paths are considered Context Sensitive Bikeways at any ADT and posted speed. ¶

- 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.

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“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.

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“Currently Developed” means that the land in question is altered by paving, construction, and/or land use that would typically have required regulatory permitting to have been initiated. ¶

“Department” means the California Department of Housing and Community Development.

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“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

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**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.

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“Disadvantaged Community” (DAC) means:

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- 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.

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“Emerging Developer” means an entity that meets the definition as set forth by Multifamily Housing Program (MHP) Final Guidelines, Appendix A.

“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.

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“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:

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- 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

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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.

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“Energy Efficiency” means managing and restraining the growth in energy consumption.¶  
“Energy Efficiency” means managing and restraining the growth in energy consumption.¶  
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“Federally Recognized Native American Tribe” means Native American native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges to exist as a Native American tribe, pursuant to the Federally Recognized Native American Tribe List Act of 1994, 25 U.S.C. 479a.¶  
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“High Quality Transit” means a **Qualifying Transit** line with high frequencies AND permanent infrastructure as follows:

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- 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.

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“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).

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(cc) “Housing Development” means a residential development or the residential portion of a mixed-use development. ¶  
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“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.

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“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:

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- 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

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located within an urbanized area or urban cluster as defined by the U.S. ¶  
Census Bureau, OR ¶  
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“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.

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“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.

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

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"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.

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- 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) Medical clinic: a medical clinic that accepts Medi-Cal payments or has an equally comprehensive subsidy program for low-income patients
- 3) 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.
- 4) Pharmacy
- 5) 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.
- 6) Community or Recreation Center accessible to the general public and managed by a public agency
- 7) Public library: must be a book-lending public library that also allows for inter-branch lending (when in a multi-branch system)
- 8) 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
- 9) Food bank, bank, or credit union: All three facility types must include on-site staff. A food bank must be managed by a non-profit that distributes free food at least once a week on a publicly advertised schedule.
- 10) 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.

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"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

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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.

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Housing and Community Development's State Income Limits adopted pursuant to Health and Safety Code Section 50093.  
Housing and Community Development's State Income Limits adopted pursuant to Health and Safety Code Section 50093.  
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Deleted: (tt) → “Performance measures” means indicators of transit regarding data indicators such as accessibility, mobility choices and ridership.

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“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 2020 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)

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Moved down [13]: Operated by a private or non-profit entity as a grant Recipient or sub-recipient from a public entity.

Deleted: (aaa) “Qualified Tribal Entity” means a **Federally Recognized Native American Tribe**, an eligible entity having co-ownership with a **Federally Recognized Native American Tribe**, or an eligible entity established by a **Federally Recognized Native American Tribe** to undertake Tribal housing or transportation projects.  
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“Restricted Units” as set forth by UMR 8301(q)

“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**;

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(fff) → “Restricted Units” mean residential units restricted by an enforceable covenant or agreement with the Department or other public agency to occupancy by low- or very low-income households, with affordable rents pursuant to **MHP Guidelines Section 7312** or affordable housing costs pursuant to the **CalHOME Program**. Restricted Units must be substantially equivalent in size and number of bedrooms to the balance of units in the **Housing Development**. Restricted Units may consist of units designated for any housing tenure, rental or owner-occupied, within the **Housing Development**.

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**Deleted:** Continuously-paved, ADA-compliant sidewalks. Marked pedestrian crossings at all arterial intersections. Attributes which contribute to comfort and safety including, but not limited to, adequate lighting or shade canopy.

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- 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.

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“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.

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 Other forms of site control that give the Department assurance (equivalent to 1- 7 above) that the applicant or Developer will be able to complete the Project and all housing designated in the application in a timely manner and in accordance with all the requirements of the Program.  
 Other forms of site control that give the Department assurance (equivalent to 1- 7 above) that the applicant or Developer will be able to complete the Project and all housing designated in the application in a timely manner and in accordance with all the requirements of the Program.

“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.

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“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).

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“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.

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“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**.

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“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.

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

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“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.

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“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.

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

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- (i) An Indian Tribe as defined under USC Section 4103(13)(B) of Title 25
- (ii) A Tribally Designated Housing Entity under 25 USC 4103(22)
- (iii) 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.

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“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. If not abundantly clear, public accessibility must be demonstrated to the satisfaction of **Department** staff, such as through a recorded instrument, and run for at least 55 years. Public open space must offer reasonable hours of use for the public, such as dawn to dusk. Community gardens do not have to be publicly accessible as long as they are available to residents of the **Affordable Housing Development**.

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“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.

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“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.

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“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.

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“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).

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**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 in 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 dully 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

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Federally Recognized Native American Tribes
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Individual Trust Lands. Real property that is held in trust by the United States Government for the benefit
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Tribal Fee Restricted Lands. Fee lands that are owned by or under the control of a Federally Recognized Native American Tribe that are subject to a United States ... [46]
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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.

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## 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**.

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- (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 our more about the program at: www.caclimateinvestments.ca.gov.”](#)

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- (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](#), 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](#)—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

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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.

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Signage and striping of a dedicated bus lane

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