Program Guidelines

TRIBAL HOUSING PRE-DEVELOPMENT FUND

Administered by the California Strategic Growth Council
Funded by California Climate Investments



CALIFORNIA STRATEGIC GROWTH COUNCIL



Published April 29, 2026

Updated on 10/28/2026

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1. Program Overview

The Tribal Housing Pre-Development Fund (herein after referred to as Fund) is a new grant program that provides funding to support pre-development activities related to affordable housing to people from California Native American Tribes (listed on the Native American Heritage Commission [NAHC] Contact List) and Tribal entities. The Fund is administered by the California Strategic Growth Council (SGC) and aims to increase preparedness to build housing by providing funding for planning, design, construction, and other activities necessary to build housing and be eligible for other state-funded affordable housing programs. Due to limited funding, this is a competitive grant program, and applications will be accepted on a rolling basis until funds are expended. Both federally recognized and non-federally Tribes are encouraged to apply.

The Fund is one of two grants concurrently being offered exclusively to Tribal entities by the SGC. Tribal entities may also apply to Round 2 of the Tribal Capacity Building Program, which funds staff salaries and activities that advance Tribes' housing- and climate-related work. Activities may include planning, securing funding for, and implementing housing projects and related efforts to advance climate mitigation, adaptation, and resilience.

1.1. Program Background and Goals

The Tribal Housing Capacity Building Initiative was approved by SGC during the April 30, 2025, council meeting through an expenditure of ~~up to $30 million from~~ of already accumulated Affordable Housing and Sustainable Communities (AHSC) Program continuous appropriation funds. These funds support technical assistance and capacity-building activities for Tribal entities interested in affordable housing and related projects that implement land use, housing, transportation, and agricultural land preservation practices that support infill and compact development. The initiative is made up of two complementary, but independent, programs: the Tribal Housing Pre-Development Fund and the Tribal Capacity Building Program, Round 2 (also administered by SGC).

The Fund's priority is to assist Tribal entities interested in building affordable housing to access other state-funded affordable housing programs. The Tax Credit Allocation Committee created the first set-aside, or first state funding opportunity, that Tribal entities were eligible to apply for in 2014. Given that Tribal entities have only recently been able to access state housing resources, there are significant gaps in funding, and it is critical that the state find ways to address those gaps. The SGC created the Tribal Capacity Building and Tribal Housing Pre-Development Programs to provide flexible funding that is responsive to the diverse needs of people from Tribal backgrounds.

The Grant Guidelines incorporate feedback gathered from workshops, Tribal consultations, interviews with Tribal-serving organizations, in-person and virtual Tribal events, and a 90-day public comment period. The SGC's outreach with Tribes and organizations that serve Tribes has identified that there is not enough grant funding for pre-development activities, which has created a significant barrier for Tribes to access

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state housing programs, specifically the Affordable Housing and Sustainable Communities Program.

This program is intended to support architectural, appraisal and engineering activities, as well as legal or other consulting costs and fees that are necessary to build affordable housing. The Fund may also support costs associated with site acquisition or site preparation for construction, including surveying, grading, and mitigation. Additional eligible uses include design and installation of housing-related infrastructure such as sewer, street, or electric utilities necessary to support an affordable housing project. The Fund may support community engagement, community needs assessments, or other related activities intended to establish a project plan that is responsive to the needs of the community. The Fund may also support staff training and development needed to carry out any pre-development activities.

The Fund will accept applications from California federally recognized and non-federally recognized Tribes on an ongoing basis, with awards made at a public meeting of SGC. The Fund will attempt to distribute funds to projects co-located throughout the State of California to achieve some level of geographic diversity when possible.

1.2. Applicable Laws and Regulations

Division 44, Part 1, Chapter 2 of the California Public Resources Code (PRC) (commencing with Section 75200) establishes the Affordable Housing and Sustainable Communities (AHSC) Program.

Funds for the Tribal Housing Pre-Development Fund are Affordable Housing and Sustainable Communities Program funds made available pursuant to Health and Safety Code section 39719 for fiscal years 2024/25 and 2025/26, including disencumbered funds, and are administered in accordance with Public Resources Code section 75210.3, subdivision (e)(1).

Per the California Public Resources Code (Sec. 75210), the purpose of AHSC is to reduce greenhouse gas 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:

a) Reducing air pollution.
b) Improving conditions in disadvantaged communities.
c) Supporting or improving public health and other co-benefits as defined in Section 39712 of the Health and Safety Code.
d) Improving connectivity and accessibility to jobs, housing, and services.
e) Increasing options for mobility, including the implementation of the Active Transportation Program established pursuant to Section 2380 of the Streets and Highways Code.

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f) Increasing transit ridership.
g) Preserving and developing affordable rental and owner-occupied housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code.
h) Protecting agricultural lands to support infill development.

The California Public Resource Code (Sec. 75211) further states that to be eligible for funding pursuant to the program, a project shall do all of the following:

- Demonstrate that it will achieve a reduction in greenhouse gas emissions.
- Support implementation of an adopted or draft sustainable communities strategy or, if a sustainable communities strategy is not required for a region by law, a regional plan that includes policies and programs to reduce greenhouse gas emissions.
- Demonstrate consistency with the state planning priorities established pursuant to Section 65041.1 of the Government Code.

Because this is an AHSC-funded project, at least 50% of program expenditures must benefit disadvantaged communities. Therefore, SGC may be required to make award decisions that prioritize projects located in an area designated as a disadvantaged community.

*Note: A Tribe may establish that a particular area of land is under its control, for purposes of this designation, by requesting a consultation with the California Environmental Protection Agency Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations at TribalAffairs@calepa.ca.gov.*Lack of affordable housing across California is a matter of vital statewide importance, as noted in Executive Order N-06-19. Indigenous communities continue to face some of the most severe housing shortages in the state, and the number of Indigenous Californians who are unhoused or experiencing homelessness is two times that of the general population. As demonstrated by Executive Order N-15-19, the administration is committed to addressing disparities in access to housing faced by Tribal communities. In line with these executive orders, SGC is dedicated to enhancing affordable housing and related projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development for Tribal communities through the AHSC Program. The Fund seeks to partner with Tribal entities to develop a vision for using these pre-development funds to support affordable housing, thereby achieving the legislative priorities of AHSC.

The Tribal Housing Pre-Development Fund furthers the purpose 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 greenhouse gas emissions by supporting affordable housing in disadvantaged communities and Tribal lands.

Assembly Bill 32 requires California to return to 1990 levels of greenhouse gas emissions by 2020. All programs developed under AB 32 contribute to the reductions needed to

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achieve this goal, and will deliver an overall 15% reduction in greenhouse gas emissions compared to the "business-as-usual" scenario in 2020 if we did nothing at all.

The Tribal Housing Pre-Development Fund is part of California Climate Investments, which uses billions of Cap-and-Invest dollars to fund projects that reduce harmful emissions, protect public health, strengthen local economies, and support natural environments. With a strong focus on communities most impacted by pollution and limited access to resources, California Climate Investments helps build a more equitable and sustainable future.

California Climate Investments programs are required to meet minimum levels of investments to projects that benefit residents of disadvantaged communities, low-income Communities, and low-income households, collectively referred to as "priority populations". The Tribal Housing Pre-Development is funded through the Affordable Housing and Sustainable Communities (AHSC) Program's continuous appropriation and contributes to the AHSC Program's overall priority population funding targets of 75%. To count toward statutory investment minimums, administering agencies must determine if a project meets the criteria for providing direct, meaningful, and assured benefits to priority populations by identifying that a project is located within a census tract identified as a disadvantaged community or low-income community, or directly benefits residents of a low-income household; that the project meaningfully addresses an important need; and that the project directly addresses the identified need. SGC will use the Priority Populations Map to determine geographic eligibility and will use a Benefit Criteria Table to determine if investments have a direct benefit to priority populations.

1.3. Funding Availability

Grant funding is available on a competitive basis for the Tribal Housing Pre-Development Fund. ~~however, the exact amount of funding will be established at the time the~~. The Notice of Funding Availability (NOFA) will provide information about the total amount of funding available for this program. **The Fund will accept applications on a rolling basis until funds are expended, with a maximum award of up to $3 million per Tribal entity for a three-year grant term.**

1.4 Timeline

The timeline and milestones of the Fund are detailed below:

Dates	Milestones
April 2025	$30 million in funds approved for two new, Tribal-specific grant programs: The Tribal Housing Pre-Development Fund and the Tribal Capacity Building Program.
Spring 2025 – Fall 2025	Tribal Workshop Series, Interviews, and Findings Report

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Winter 2026	Draft Grant Guidelines and 90-day Public Comment and Tribal Consultation Period Opens
Winter 2026 – Spring 2026	9 in-person and virtual workshops all over the State of California in partnership with Tribes and Tribal Entities 9 Tribal Consultations
April 29, 2026	Final Grant Guidelines Approved
Spring 2026	First NOFA released, application period opens.
October 28, 2026	SGC approved amendments to NOFAs for the Tribal Housing Pre-Development Fund and the Tribal Capacity Building Program to make additional funding available
Approximately 3 years after award	Final Invoices and Outcome Reporting due three years after award

1.5 Program Contact

Tribal Housing Pre-Development Fund
California Strategic Growth Council
Tribalinfo@sgc.ca.gov

2. Program Requirements

2.1. Eligible Applicants

- California Native American Tribes listed on the Native American Heritage Commission (NAHC) Contact List dated February 2026, which includes both federally recognized and non-federally recognized Tribes.
    - Non-federally recognized Tribes are eligible if registered as a legal entity (nonprofit, for-profit, LLC) under California law and in good standing.
- Tribally Designated Housing Entities (TDHE) under 25 USC 4103 (22) which are listed in the U.S. Department of Housing and Urban Development's National Directory of Tribes and TDHEs

All applicants are required to provide a Letter of Authorization or Tribal Council Resolution on behalf of the Tribe they represent that authorizes the Tribe or entity to apply for and receive program funds and execute all documents and activities related to the grant, if awarded. The Letter of Authorization or Resolution must be approved by Tribal Council and provided as a part of the application.

Tribes may contract or subcontract with other entities, including non-Tribal entities, to develop and/or implement their projects as long as the Tribe is the Lead Applicant.

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Tribal entities that are participating in the Tribal Capacity Building Program are strongly encouraged to apply. Technical assistance providers are encouraged to work with participants to seek support from the Fund. Tribal entities must provide appropriate documentation confirming eligibility to apply for and receive funds, if awarded.

2.2. Eligible Activities

The SGC is relying on Tribal communities to utilize their local knowledge and expertise to design and implement culturally responsive solutions that meet the needs of their communities. The Fund supports Tribal self-determination to flexibly use a variety of interventions to meet each Tribe's unique needs. The Fund is intended to support the readiness of a Tribe to access state affordable housing funds through pre-development activities. This list of project types is not exclusive, and similar work that encourages housing development may be proposed by the applicant.

Eligible Activities of the Fund include but are not limited to:

Planning Activities

- Community and partner engagement and outreach
- Community needs assessment
- Feasibility studies
- Market analyses
- Environmental assessments
- Similar activities to determine housing needs and develop a project plan that is responsive to the needs of the community.

Infrastructure Investments

- Sewage and drainage infrastructure
- Road and safety infrastructure that does not increase vehicle capacity
- Waste management
- Sustainable transportation investments
- Electric utility, broadband, and renewable energy infrastructure

Site Acquisition & Preparation

- Site appraisal and acquisition
- Site preparation, including surveying, grading, and mitigation
- Architectural and engineering costs
- Ecological and wildlife restoration
- Disaster preparation

Other Associated Costs

- Legal fees

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- Consultant fees
- Staff development and training
- Staff salaries

Applicants must demonstrate how the work will achieve the goals as described in California Public Resources Code Section 75210 and Section 75211. The project is not required to meet all goals listed in Section 75210 but should attempt to demonstrate how the project would achieve as many goals as possible. Projects must also demonstrate that the work will achieve all three requirements described in Section 75211. Application materials will be designed to guide the applicant to document how the proposed project will achieve these requirements.

2.3. Eligible Project Area

Program activities must be located within the boundaries of the State of California and may apply funds towards activities involving, but not limited to, the following:

- Tribally owned lands, buildings, or facilities
- Lands over which a tribe exercises jurisdiction, or lands that the Bureau of Indian Affairs holds in trust for tribes
- Public domain allotments
- Lands managed for the benefit of tribes through conservation easements, lease agreements, co-management agreements, or partnership agreements
- Lands that hold cultural relevance or are used for culturally relevant activities (e.g., lands used for prescribed or ceremonial burning)

Any proposed construction work must take place on land which the Tribal applicant can demonstrate they have jurisdiction over with a Site Control Letter at the time of application.

2.4. Documentation & Reporting Requirements

Grantees must be able to demonstrate that Tribal Housing Pre-Development Fund awards are expended for eligible activities to benefit members of the target population. Grantees are required to submit quarterly and annual reports that outline:

1. Fiscal expenses, including invoices
2. Narrative information about Project Progress
3. SGC will work with the Awardees to quantify, and report estimated greenhouse gas (GHG) reductions and other economic, environmental, and public health benefits as a direct result of the Project Activities.

Applicable project reporting requirements of the California Air Resources Board's (CARB) *Funding Guidelines for Agencies that Administer California Climate Investments* must also be met. SGC will collaborate with CARB to develop refined metrics and consistent methodologies for quantifying estimated greenhouse gas (GHG) reductions and other economic, environmental, and public health benefits, as required by California Climate

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Investments. SGC will use these methodologies to report GHG emission reductions and other co-benefits to CARB. These may include but are not limited to: Project metrics; the duration over which the grantee will track Project metrics; frequency of reporting; the format grantee will use to report; Project profile information; Project benefit information; and information related to Priority Population benefits. SGC will work closely with grantees to minimize reporting burden and provide clear templates, timelines, and instructions to complete any necessary reporting while minimizing workload. Templates for quarterly and annual reports will be provided to the grantee.

Grantees must complete all project activities within the 3-year grant term. All awarded funds must be fully disbursed no later than four years after award. Therefore, final invoices for all completed work must be submitted no later than 36 months after award to allow adequate time for processing invoices.

2.5. Data Sovereignty/Confidentiality Requirement

All data, plans, drawings, specifications, surveys, studies, and other written or graphic work produced in the performance of this agreement (herein referred to as "materials") are subject to the rights of the state as set forth in this section. The state will work with each grantee to identify a culturally appropriate process to determine what parts of the funded work may be reproduced, published, and documented, in partnership with the funding partners.

The grantee shall inform the state if the grantee anticipates any culturally sensitive or other confidential information that may be included in the written or graphic work produced before sending the materials to the state. The state, at its discretion, may request the grantee remove any culturally sensitive or other confidential information from the materials provided in the application.

All submitted applications and materials may be disclosed under the California Public Records Act subject to any applicable exemptions.

Under California Government Code Section 8450, any record containing financial information submitted by Tribes to fulfill obligations as party to a grant agreement under this program will be confidential, will not be a public record, and will not be open to public inspection.

3. Application Process

3.1. Application Submission

Applicants must apply electronically using Submittable. Applications will be accepted on a rolling basis until the application deadline for each round or until all funds are expended. SGC will provide additional information about the application process when the NOFA is released.

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Each Tribal Entity may submit one application and may request funding for a variety of Eligible Activities within the maximum award amount. Applications may be fully or partially rejected and/or modified after submission. SGC staff will be available to meet with and assist applicants in the application process, including developing their Project Proposals and Eligible Activities and completing other components of the application.

Throughout the application process, it is the responsibility of the Applicant to provide clear, accurate, and complete descriptions to each question. Applicants should not avoid disclosing relevant information or details that may impact the success of the Project Proposal or application. The SGC reserves the right to disencumber awarded funds if the information provided in the application is inaccurate or inconsistent with the Program Objectives or the Fund's requirements.

3.2. Threshold Criteria

The following threshold criteria must be met for an application to be reviewed and scored.

- All application materials are submitted and complete.
- Requested funding amount falls within the funding award range.

Eligible Applicants

- California Native American Tribes listed on the Native American Heritage Commission (NAHC) Contact List dated February 2026, which includes both federally recognized and non-federally recognized Tribes.
    - *If the Tribe is not a federally recognized Tribe, the Tribe must be registered as a nonprofit, for-profit, or LLC under California law and be in good standing.*
- Tribally Designated Housing Entities (TDHE) under 25 USC 4103(22), which are listed in the U.S. Department of Housing and Urban Development's National Directory of Tribes and TDHEs

Eligible Project Area

- The program activities are located within the boundaries of the State of California and follow the requirements detailed in the *Eligible Project Area*.

3.3. Application Components

To be considered an eligible applicant, each applicant must complete and submit the following components before the application deadline.

- **Point of Contact:** Applicants should provide a primary point of contact for SGC staff to communicate with throughout the application process, and at the start of the grant term if awarded.

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- **Narrative Responses**: Applicants should respond to a series of questions that detail the project's components and goals, how the work will support the Tribe's readiness to fund or build affordable housing, and a description of how the work meets the goals of Public Resources Code Section 75200, including 75210 and 75211;
- **Budget & Timeline Worksheet**: Applicants should complete an Excel worksheet that outlines the proposed budget breakdown, timeline of Project Activities, and how the Tribe will use the funds to support eligible uses. A Budget Template will be provided and must be completed.
- **Resolution or Letter of Authorization**: Tribal Entities must verify their ability to accept and execute the grant if awarded through either an authorization in the form of a formal letter OR a resolution passed by the Tribe's governing body that includes authorization to apply for and accept a Tribal Housing Pre-Development Fund grant, and authority to execute all related documents if awarded.

3.4. Application Scoring Criteria

The Application Scoring Criteria were developed through extensive engagement with Tribes and Tribal-serving organizations, who requested an equitable scoring process. Therefore, the goals and objectives of the Fund are to be awarded to a diverse group of applicants based on factors including, but not limited to, housing needs, socioeconomic needs, project impact, project implementation experience, and project type. size of Tribe, capacity of Tribe, geographic location of Tribe, and state recognition status.

The following scoring criteria will be applied to each application. The table shows the maximum number of points each application component can earn, and the text below describes how each component will be evaluated.

Application Components	Total Points
Introduction and Background	10
Housing Needs	25
Project Proposal	20
Project Impact	20
Project Implementation	15
Budget and Timeline	10
Application Total	**100 points**

Introduction and Background: 10 points

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This section should introduce the Tribe, the Tribe's ancestral lands, and history. Tribes can include information about state recognition status, size of the Tribe, relative capacity of the Tribe, ability to access State funding, geographic location, and any other relevant information. The Fund aims to award a diverse group of applicants based on Tribal size, state recognition status, capacity, and geography. Reviewers will evaluate the extent to which the Project Proposal reflects the Tribal Housing Pre-Development Fund's objectives. This application component will be evaluated by the following criteria:

1. Applicant provides a clear introduction to the tribe, the Tribe's ancestral lands, and history, including any relevant background information that will familiarize the reviewer with the Tribe.

Housing Needs: 25 points

While the SGC acknowledges the profound housing and socioeconomic burdens Tribes face, realities shaped by systemic inequities and historical harm, displacement, and disinvestment, this section must be completed to provide the specific documentation required for applicants to meet the programmatic requirements.

This section should describe the Tribe's housing and socioeconomic needs, which could include information about populations experiencing homelessness, overcrowding, housing shortage, and/or housing affordability. The Tribe should also describe barriers they've faced in building affordable housing in their community. This application component will be evaluated by the following criteria:

1. Applicants provide a clear description of barriers or challenges to building affordable housing in their community.
2. Applicant provides a clear description of the severity of the Tribe's housing needs.
3. Applicants provide a clear description of the socioeconomic barriers the Tribe faces in their community.

Project Proposal: 20 points

This section should describe the Project Proposal, which should include descriptions of Proposed Project Activities and desired outcomes for the Tribe's work to further affordable housing development and greenhouse gas reduction goals while respecting indigenous knowledge and sovereignty. The applicant should describe the impact the proposed Project Activities will have on the community, and how the proposed work will help address the housing needs described in the previous section. Reviewers will evaluate the extent to which this project's vision reflects the Tribal Housing Pre-Development Fund's Program Objectives. This application component will be evaluated by the following criteria:

1. Applicant provides a clear description of the Proposed Activities that will be completed in the three-year grant-term.

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2. Applicant provides a clear description of how the Proposed Activities will address the need for affordable housing in their community.
3. Applicant provides a clear description of how the Proposed Activities will facilitate the reduction of greenhouse gas emissions in their community.

Project Impact: 20 Points

This section should describe the impact that the Proposed Activities would have on the Tribe's community. This can include the number of people who could benefit and the number of housing units that could be built as a direct result of the Project Proposal. Reviewers will evaluate the extent to which this vision reflects the Tribal Housing Pre-Development Fund's Program Objectives. This application component will be evaluated by the following criteria:

1. The applicant clearly describes how the Project Proposal would impact the Tribe's community and describes the potential impacts if the Project Proposal is not awarded.
2. The applicant clearly indicates the number of people, housing units, or other benefits to the environment or community as a direct result of the Project Proposal.

Project Implementation: 15 points

This section should describe the applicant's experience, capacity, and plan to implement the Project Activities described in the Project Proposal. If the applicant lacks experience, the applicant should describe the partnership(s) or plan(s) required to successfully implement the Project Proposal. This application component will be evaluated by the following criteria:

1. Applicant provides a clear description of the team's experience and capacity in implementing the Project Type(s) included in the Project Proposal.
2. The applicant provides a thorough plan that demonstrates how the Proposed Activities will be implemented in a reasonable timeframe. If the Tribe does not have experience or capacity implementing the Project Type(s), the applicant clearly describes the partnerships, contractors, or other methods of implementation.
3. Applicant provides a thorough description of the potential challenges or barriers that may impact on the success of the Project and a plan to overcome those challenges.

Budget and Timeline: 10 points

This section requires applicants to upload a completed template that will provide reviewers with a clear understanding of how the applicant will allocate time and funding resources. The budget should meet program requirements and present a clear

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vision for how the Tribal Applicant(s) will complete the activities in the Project Proposal. This application component will be evaluated by the following criteria:

1. Applicant provides a completed Budget Excel worksheet that thoroughly outlines the activities necessary to ensure successful completion of the Project Proposal. Activities can include hiring staff, training staff, or contracting with outside agencies.
2. Applicant provides a reasonable timeframe to complete each activity in the proposed budget to support the successful completion of the Project Proposal.

3.5. Confirmation of Application Submission

After an application is submitted, staff will conduct a completeness check of the application materials. Applicants missing application information will be notified by Tribal Housing Pre-Development Fund staff. A participating applicant may request to change or withdraw an application before the deadline by emailing Tribal Housing Pre-Development Fund staff. More details about this will be provided in the NOFA.

3.6. Application Review Process

After each application deadline, SGC will coordinate a review panel to score submitted applications that may include interagency reviewers. It is the goal of the SGC to collaborate with applicants to create strong applications, and, as a result, staff may request clarifications, revisions, or modifications to application responses or Project Proposals at any time during the application process. Applicants should respond to these requests as soon as possible to meet critical deadlines for award. All changes needed to be completed by the application deadline to be considered for award at the subsequent SGC Council Meeting.

Staff may also choose to hold mandatory interviews with applicants prior to making award determinations. Details of the interview process will be shared with applicants at that time. The SGC staff will recommend awards to the top-scoring applications.

3.7. Unselected Applicants

Applicants who are not selected in the first round of funding will be eligible to apply in the second round of funding, if funds are not expended. If your application is not selected in either round of funding, Tribal Housing Pre-Development Fund staff will be available to provide post-application meetings. If another grant program may be a better fit for your Tribe, the SGC staff will try to direct applicants accordingly.

3.8. Awarded Applicants

Once an application is selected for award, SGC staff will collect each round of projects and present the recommended projects for approval to the SGC Council at least twice a year, or until funds are expended. SGC reserves the right to increase available funds and approve additional awards during a funding round.

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If the total request for funds does not exceed the amount of funding available, SGC reserves the right to solicit additional applicants. Additionally, SGC also reserves the right to move funds to the Tribal Capacity Building Program or return any unused funds to the primary AHSC fund.

Appeals are governed by the Notice of Funding Availability.

4. Post-Award Process

The requirements and processes described below apply to all awards made under this program.

4.1. Grant Agreement

Upon awarding an applicant, SGC shall enter into one or more agreements with the applicant, including a State of California Standard Agreement (Grant Agreement), which shall commit funds from the Tribal Housing Pre-Development Fund in an amount sufficient to cover the approved grant amount. Grants will be executed only between SGC and the lead applicant. The SGC will not enter into any contractual relationship with any co-applicants or subcontractors. The Grant Agreement will clearly identify all required deliverables, reporting schedules, invoicing requirements, and the project completion timeline. Grantees are responsible for complying with all reporting and financial requirements outlined in the Grant Agreement.

The Grant Agreement's scope of work, schedule, and budget will be based on the finalized application materials, as approved by both SGC and the lead applicant. Once applications have been reviewed and approved, the Grant Agreement will be prepared and sent to the applicant. Work may commence and be eligible for reimbursement once the Grant Agreement is signed by all parties.

4.2. Limited Waiver of Sovereign Immunity

The SGC will not require a limited waiver of sovereign immunity solely as a condition for receiving grant funds to reimburse for completed work. However, requests for advance pay or funding for long-term loans and operations may require the awardee to sign a limited waiver of sovereign immunity.

Additionally, projects may require limited waivers of sovereign immunity and post-project monitoring and reporting, which will be determined on a case-by-case basis and dependent on the type and scope of the project. The Grant Agreement will identify these important terms and conditions, including a potential limited waiver of sovereign immunity, to ensure deed restrictions and other agreements may be enforced in case of default.

The SGC will avoid seeking a limited waiver of sovereign immunity when possible and will strive to notify applicants early in the grant application review process if it is anticipated a limited waiver of sovereign immunity will be necessary. The SGC is

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committed to working collaboratively with California Native American Tribes to tailor limited waivers of sovereign immunity and deed restrictions to support Tribal priorities while also meeting the state's legal obligations.

4.3. Invoicing and Reporting

Grantees will be required to submit regular progress reports and invoices, a midterm report, and a final report. The SGC will provide forms, templates, and instructions for invoices, reimbursement request forms, regular progress reports, midterm reports, and the final report.

4.4. Regular Invoices and Progress Reports

All grantees will submit invoices and reimbursement request forms in accordance with the invoicing and reimbursement schedule outlined in the Grant Agreement. All invoices must include a progress report that describes the activities undertaken, milestones met, and deliverables completed during the reporting period.

4.5. Regular Check-In Meetings

All grantees can expect to participate in regular check-in meetings with SGC staff. During these meetings, grantees and SGC staff will review project invoices and progress reports to date, discuss any challenges, and identify solutions and/or necessary amendments to the work plan or budget. Program staff will provide feedback and guidance on project activities and deliverables, and grantees will have the opportunity to ask questions and request technical assistance or other support.

4.6. Midterm Report

Approximately halfway through the grant term, grantees will submit a midterm report to:

- Provide a comprehensive assessment of project progress and status to date (including milestones and objectives met and remaining, expenditures, and any other information outlined in the Grant Agreement).
- Present deliverables, output, and project impact to date.
- Demonstrate compliance with all reporting and compliance requirements set forth in the Grant Agreement; and
- Identify any barriers or challenges that have or may significantly alter the project timeline, deliverables, or scope.

The midterm report deadline will be specified in the Grant Agreement, based on the agreed-upon work plan and project timeline.

4.7. Final Report

In the final phase of the project, grantees will submit a final report to:

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- Provide a comprehensive assessment of project progress and status to date (including milestones and objectives met and remaining, expenditures, and any other information outlined in the Grant Agreement);
- Present deliverables, output, and project impact to date;
- Demonstrate compliance with all reporting and compliance requirements set forth in the Grant Agreement;
- Identify any barriers to the timely completion of the project scope and grant requirements; and
- Evaluate overall project progress, impact, successes, challenges, and lessons learned during the project period. Grantees will use the work plan and budget submitted at the beginning of the grant term, as well as their midterm report, to gauge progress and outcomes. The deadline for the final report will be identified in the Grant Agreement and will be based on the agreed-upon workplan and project timeline.

The SGC staff and technical assistance providers will work closely with the awardees in creating these materials and ensuring a successful submission of final reports for all projects.

4.8. Reimbursement of Eligible Costs

Eligible costs incurred after the award date are eligible for reimbursement, provided they are specified in the Grant Agreement and approved by SGC upon execution of the Grant Agreement. ~~Eligible costs incurred after the execution of the Grant Agreement are eligible for reimbursement.~~

All reimbursement requests for eligible costs must include a detailed invoice accompanied by supporting documentation, including evidence of expenditures and a progress report that describes the activities completed, milestones achieved, and deliverables produced during the reporting period.

The Fund will provide a grantee invoice template and instructions for use. Invoices may be submitted monthly or in accordance with the schedule specified in the Grant Agreement. Program staff will review submitted invoices to verify that costs are eligible and consistent with the approved workplan and budget. Once verified, funds will be disbursed to the grantee.

The grantee is allowed to structure the contracts and payment process with co-applicants or subcontractors as they wish, including instituting a “pay-when-paid" policy.

The SGC will retain 5% of the total grant award until the successful completion of the project and fulfillment of all grant requirements, as documented in the final report and verified by the state.

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Grantees are expected to maintain complete, organized, and auditable records of all financial transactions throughout the project term to support both routine monitoring and potential post-grant audits.

4.9. Advance Pay Option

In accordance with Assembly Bill 590, eligible grantees may receive up to 25% of their total grant award as an advance. In accordance with AB 3017, existing law authorizes state departments to provide advanced pay to community-based nonprofit agency and/or a federally recognized Indian tribe. State departments can advance up to 25% of the annual allocation to be made to the agency during the fiscal year.

Advance payment is available only to grantees that are registered 501(c)(3) nonprofit organizations in good standing, and advance pay disbursements must be deposited into a federally insured account. Eligible grantees must demonstrate current status in good standing as an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

Please note that SGC will not require a waiver of sovereign immunity from Tribes who are receiving funds on a reimbursement basis. However, requests for advance pay will necessitate federally recognized Tribal awardees to sign a limited waiver of sovereign immunity

4.10. Disbursements and Accounting of Funds

Disbursement of grant funds requires verification of eligible costs. The grantee will be responsible for compiling and submitting all invoices, supporting documentation, and reporting materials in accordance with invoicing and reporting requirements and schedules. Once the package has been approved for payment, funds will be disbursed to the lead grantee.

- Grantees may request reimbursement from SGC on a monthly basis.
- Program funds must be disbursed in accordance with deadlines specified in the Grant Agreement, and in no event later than the disbursement deadlines outlined in the NOFA.
- The SGC will retain the last 5% of the overall grant budget, to be paid once the state has determined that the grant terms have been fulfilled.

4.11. Non-Performance and Non-Compliance

The SGC has sole discretion to determine if the grantee is performing in accordance with the Grant Agreement. Non-performance issues can include, but are not limited to:

- Misuse of funding for ineligible expenses;
- Inability to meet performance requirements or scheduled milestones;
- Failure to complete or failure to make a good faith effort to complete the proposal as a whole or any proposal components; and/or

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- Failure to comply with the Guidelines or terms and conditions of the Grant Agreement.

The SGC will notify the grantee in writing if non-performance is determined and will provide instructions and a timeline to rectify all cases of non-performance. Grantee must respond to a determination of non-performance within 30 days either by a) acting on corrective actions and notifying SGC of actions taken, or b) disputing SGC's findings in writing. The SGC, without waiver of other rights or remedies, may require the grantee to re-perform any actions defined in the Grant Agreement if determined not to have been performed in accordance with the Grant Agreement.

The SGC may withhold any reimbursements due to the grantee until the grantee brings the project back into full compliance. Costs and expenses for these actions shall be borne by the applicable grantee or subcontractor. The SGC has the right to issue a Stop Work Order and suspend payments to the grantee. The SGC reserves the right to issue a Stop Work Order if there is a breach of the leveraged funding commitments that puts components of the project at risk of non-completion.

Both SGC and the grantee have the right to terminate the Grant Agreement prior to the end of the grant term upon 30 calendar days of written notice. The written notice shall specify the reason for early termination and may permit SGC or the grantee to rectify any deficiencies prior to the termination date.

4.12. Audits and Record Retention

At any time during the term of the Grant Agreement, SGC may perform or cause to be performed a financial audit of any and all phases of the grantee's project. At SGC's request, the grantee 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 throughout the project's life.

All records, physical and electronic, must be adequately protected from loss, damage, or destruction for possible audit(s). The grantee agrees that the state or designated representative will have the right during normal business hours to review and to copy any records and supporting documentation pertaining to the performance of the Grant Agreement and interview any employees who might reasonably have information related to such records.

Further, grantee agrees to include a similar right for the state to audit records and interview staff of any subcontractors involved in the performance of the Grant Agreement.

- Grantee and subcontractors must maintain copies of project records for four (4) years after all terms of the Grant Agreement are fulfilled, unless a longer period of records retention is stipulated.

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- The state retains the right to conduct an audit each year during the grant term and up to four (4) years after all terms under the Grant Agreement are fulfilled.
- The state may require recovery of payment from the grantee, issue a Stop Work Order, or terminate the Grant Agreement, as warranted, based on an audit finding, or any other remedies available in law or equity.

5. Additional Information

Please be sure you are reviewing the most recent version of this document by visiting the grant program's webpage. In the event of any conflict between the terms of this NOFA and either applicable state or federal law or regulation, the terms of the applicable state or federal law or regulation shall control. In the event of any conflict between the terms of this NOFA and the final program Guidelines, the Guidelines shall control.

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