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Scattered Sites Project

Adequate Sites Program Alternative Checklist
Government Code Section 65583.1(c)

As provided for in Government Code Section 65583.1(c), local governments can rely on existing housing units to address up to 25 percent of their adequate sites requirement by counting existing units made available or preserved through the provision of "committed assistance" to low- and very low-income households at affordable housing costs or affordable rents. The following is a checklist intended to provide guidance in determining whether the provisions of Government Code Section 65583.1(c) can be used to address the adequate sites program requirement. Please be aware, all information must be provided in the housing element to demonstrate compliance.

		HE Page #
65583.1(c)(4) Is the local government providing, or will it provide "committed assistance" during the period of time from the beginning of the RHNA projection period to the end of the first 3 years of the housing element planning period? See the definition of "committed assistance" at the end of the checklist.	☒ Yes ☐ No	page 81
65583.1(c)(1)(A) Has the local government identified the specific source of "committed assistance" funds? If yes: specify the amount and date when funds will be dedicated through a (legally enforceable agreement). $: $ 4,200,000.00 Date: 3/15/2021	☒ Yes ☐ No	multiple rounds of funding; full funding history on pages 81 - 82
65583.1(c)(3) Has at least some portion of the regional share housing need for very low-income (VL) or low-income (L) households been met in the current or previous planning period? Specify the number of affordable units permitted/constructed in the previous period. Specify the number affordable units permitted/constructed in the current period and document how affordability was established.	☒ Yes ☐ No 40 Very Low and Low _____	page 82 and Appendix A
65583.1(c)(1)(B) Indicate the total number of units to be assisted with committed assistance funds and specify funding source. Number of units: 90.00 Funding source: LIHTC, HEAP, Local Measure S		page 82 (90 units assisted; 39 used to address 6th Cycle RHNA)
65583.1(c)(1)(B) Will the funds be sufficient to develop the identified units at affordable costs or rents?	☒ Yes ☐ No	page 82
65583.1(c)(1)(C) Do the identified units meet the substantial rehabilitation, conversion, or preservation requirements as defined? Which option? Conversion	☒ Yes ☐ No	page 82
Note: If you cannot answer "yes" to all of the general requirements questions listed above, your jurisdiction is not eligible to utilize the alternate adequate sites program provisions set forth in Government Code Section 65583.1(c).		

SUBSTANTIAL REHABILITATION (65583.1(c)(2)(A))		
Include reference to specific program action in housing element.	Program # _____	Page # _____
65583.1(c)(2)(A) Will the rehabilitation result in a net increase in the number of housing units available and affordable to very low- and lower-income households? If so, how many units? # of VLI units:____ # of LI units: _____	☐	
65583.1(c)(2)(A)(i) (I) Are units at imminent risk of loss to affordable housing stock? *For example, are the units at-risk of being demolished or removed from the housing stock without the necessary rehabilitation?*	☐ Yes ☐ No	
65583.1(c)(2)(A)(i) (II) Is the local government providing relocation assistance consistent with Government code 7260 or Health and Safety Code Section 17975, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced?	☐ Yes ☐ No	
65583.1(c)(2)(A)(i) (III) Will tenants have the right to reoccupy units?	☐ Yes ☐ No	
65583.1(c)(2)(A)(i) (IV) Have the units been determined to be unfit for human habitation due the at least four (4) of the following violations (as listed in Health & Safety Code Section 17995.3 (a) through (g))? ☐ Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water or electric bills. ☐ Serious defects or lack of adequate space and water heating. ☐ Serious rodent, vermin or insect infestation. ☐ Severe deterioration, rendering significant portions of the structure unsafe or unsanitary. ☐ Inadequate numbers of garbage receptacles or service. ☐ Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal. ☐ Inoperable hallway lighting.	☐ Yes ☐ No	
65583.1(c)(2)(A)(ii) Will affordability and occupancy restrictions be maintained for at least 55 years?	☐ Yes ☐ No	
65583.1(c)(2)(A)(iii) Note: Prior to occupancy of the rehabilitated units, the local government must issue a certificate that finds the units comply with all local and State building and health and safety requirements.		

CONVERSION OF MULTIFAMILY RENTAL AND OWNERSHIP UNITS OF 3 OR MORE OR FORECLOSED PROPERTIES FROM NON-AFFORDABLE TO AFFORDABLE (65583.1(c)(2)(B))		
Include reference to specific program action in housing element.	Program # 2.1 (page 47)	Page #
65583.1(c)(2)(B) Specify the number of multifamily rental (3 or more units) to be converted. Specify the number multifamily ownership units to be converted. Specify the number of foreclosed properties acquired. Date Acquired? Will these units be for rent?	39 0.00 0.00 5/20/2019 ☒ Yes ☐ No	page 82
65583.1(c)(2)(B)(i) Will the acquired units be made affordable to low- or very low-income households?	☒ Yes ☐ No	page 83
65583.1(c)(2)(B)(ii) For units to be converted to very-low income, were those units affordable to very low-income households at the time they were identified for acquisition? For units to be converted to low-income, were those units affordable to low-income households at the time they were identified for acquisition?	☐ Yes ☒ No ☐ Yes ☒ No	page 83
65583.1(c)(2)(B)(iii) If the acquisition results in the displacement of very low- or low-income households, is the local government providing relocation assistance consistent with Government Code Section 7260, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced?	☒ Yes ☐ No	page 83
65583.1(c)(2)(B)(iv) Will units be decent, safe, and sanitary upon occupancy?	☒ Yes ☐ No	page 83
65583.1(c)(2)(B)(v) Will affordability and occupancy restrictions be maintained at least 55 years?	☒ Yes ☐ No	page 83
65583.1(c)(2)(B)(vi) **For conversion of multifamily ownership units:** Has at least an equal share of newly constructed multifamily rental units affordable to lower-income households been constructed within the current planning period or will be constructed by the of program completion as the number of ownership units to be converted? (Note: this could be demonstrated by providing certificates of occupancy) Specify the number of affordable multifamily rental units constructed in the planning period.	☐ Yes ☐ No # of lower-income units: _____	N/A

PRESERVATION OF AFFORDABLE UNITS (65583.1(c)(2)(C))		
Include reference to specific program action in housing element.	Program # _____	Page # _____
65583.1(c)(2)(C)(i) Will affordability and occupancy restrictions be maintained for at least 55 years?	☐ Yes ☐ No	
65583.1(c)(2)(C)(ii) Are the units located within an "assisted housing development" as defined in Government Code Section 65863.10(a)(3)? See definition on page 4.	☐ Yes ☐ No	
65583.1(c)(2)(C)(iii) Did the local government hold a public hearing and make a finding that the units are eligible and are reasonably expected to convert to market rate during the next 8 years, due to termination of subsidies, prepayment, or expiration of use?	☐ Yes ☐ No	
65583.1(c)(2)(C)(iv) Will units be decent, safe, and sanitary upon occupancy?	☐ Yes ☐ No	
65583.1(c)(2)(C)(v) Were the units affordable to very low- and low-income households at the time the units were identified for preservation?	☐ Yes ☐ No	

HOTEL, MOTEL, OR HOSTEL CONVERSION (65583.1(c)(2)(D))*		
Include reference to specific program action in housing element.	Program # _____	Page # _____
65583.1(c)(2)(D)(i) Are the units a part of a long-term recovery response to COVID-19?	☐ Yes ☐ No	
65583.1(c)(2)(D)(ii) Will the units be made available for people experiencing homelessness as defined in Section 578.3 of Title 24 of the Code of Federal Regulations?	☐ Yes ☐ No	
65583.1(c)(2)(D)(iii) Will the units be made available for rent at a cost affordable to low- or very low-income households?	☐ Yes ☐ No	
65583.1(c)(2)(D)(iv) Will the units be decent, safe, and sanitary upon occupancy?	☐ Yes ☐ No	
65583.1(c)(2)(D)(v) Will the affordability covenants and restrictions be maintained for at least 55 years?	☐ Yes ☐ No	
*NOTE: 65583.1(c)(2)(D) will remain in effect for only the 6th Cycle Housing Element pursuant to Section 6588		

MOBILEHOME ACQUISITION WITH COMMITTED ASSISTANCE FROM THE CITY OR COUNTY ***(65583.1(c)(2)(E))***		
Include reference to specific program action in housing element.	Program # _____	Page # _____
65583.1(c)(2)(E)(i) Will the mobilehome park be acquired with financing that includes a loan from the department pursuant to Section 50783 or 50784.5 of the Health and Safety Code?	☐ Yes ☐ No	
65583.1(c)(2)(E)(ii) Are at least 50% of the current residents in the mobilehome park lower-income households and the entity acquiring the park agrees to enter into a regulatory agreement for a minimum of 55 years that requires the following: (I) All vacant spaces shall be rented at a space rent that does not exceed 50% of maximum rent limits established by the California Tax Credit Allocation Committee at 60% of the area median income. (II) The space to rent for existing residents, both during the 12 months preceding the acquisition and during the term of the regulatory agreement, shall not increase more than 5% in any 12-month period.	☐ Yes ☐ No	

NOTE:

- By the end of the fourth year of the planning period, local governments must report on the status of its program implementation for substantial rehabilitation, conversion, and/or preservation (of affordability) as described above (Government Code 65583.1(c)(7)).
- The report must specify and identify those units for which committed assistance has been provided or which have been made available to low- and very low-income households and document how each unit complies with the substantial rehabilitation, conversion, and/or preservation provisions.
- If the local government has not entered into an enforceable agreement of committed assistance for all units specified in the identified program(s), it must amend its element to identify additional appropriately zoned and suitable sites, sufficient to accommodate the number of units for which committed assistance was not provided. This follow-up action must be taken by the end of the fourth year of the planning period.
- If a local government fails to amend its element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within three years after committed assistance was provided to that unit, the local government cannot use the alternate adequate sites program provisions of Government Code Section 65583.1(c)(1) in it next housing element update, beyond the number of units actually provided or preserved due to committed assistance.

DEFINITIONS:

Committed Assistance: When a local government (City or County) has entered into a legally enforceable agreement within a specific timeframe spanning from the beginning of the RHNA projection period through the end of the third year of the housing element planning period, obligating funds or other in-kind services for affordable units available for occupancy within two years of the agreement.

Assisted Housing Development: A multifamily rental housing development that receives governmental assistance under any of the following programs:

(A) New construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance, under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f).
(B) The following federal programs:
(i) The Below-Market-Interest-Rate Program under Section 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3) and (5)).
(ii) Section 236 of the National Housing Act (12 U.S.C. Sec.1715z-1).
(iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec. 1701q).
(C) Programs for rent supplement assistance under Section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. Sec. 1701s).
(D) Programs under Sections 514, 515, 516, 533, and 538 of the Housing Act of 1949, as amended (42 U.S.C. Sec. 1485).
(E) Section 42 of the Internal Revenue Code.
(F) Section 142(d) of the Internal Revenue Code (tax-exempt private activity mortgage revenue bonds).
(G) Section 147 of the Internal Revenue Code (Section 501(c)(3) bonds).
(H) Title I of the Housing and Community Development Act of 1974, as amended (Community Development Block Grant Program).
(I) Title II of the Cranston-Gonzales National Affordable Housing Act of 1990, as amended (HOME Investment Partnership Program).
(J) Titles IV and V of the McKinney-Vento Homeless Assistance Act of 1987, as amended, including the Department of Housing and Urban Development's Supportive Housing Program, Shelter Plus Care program, and surplus federal property disposition program.
(K) Grants and loans made by the Department of Housing and Community Development, including the Rental Housing Construction Program, CHRP-R, and other rental housing finance programs.
(L) Chapter 1138 of the Statutes of 1987.
(M) The following assistance provided by counties or cities in exchange for restrictions on the maximum rents that may be charged for units within a multifamily rental housing development and on the maximum tenant income as a condition of eligibility for occupancy of the unit subject to the rent restriction, as reflected by a recorded agreement with a county or city:
    (i) Loans or grants provided using tax increment financing pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
    (ii) Local housing trust funds, as referred to in paragraph (3) of subdivision (a) of Section 50843 of the Health and Safety Code.
    (iii) The sale or lease of public property at or below market rates.
    (iv) The granting of density bonuses, or concessions or incentives, including fee waivers, parking variances, or amendments to general plans, zoning, or redevelopment project area plans, pursuant to Chapter 4.3 (commencing with Section 65915).

    Assistance pursuant to this subparagraph shall not include the use of tenant-based Housing Choice Vouchers (Section 8(o)) of the United States Housing Act of 1937, 42 U.S.C. Sec. 1437f(o), excluding subparagraph (13) relating to project-based assistance). Restrictions shall not include any rent control or rent stabilization ordinance imposed by a county, city, or city and county.