

Month-YY	CDLAC/CTCAC	Organization	Submitted By	Email	Category	Stakeholder Comment
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Accessibility	Adoption of the correct accessibility standards across the board, along with good definitions. Comply with all federal, state physical accessibility, and construction standards, including CBC Chapters 11A and 11B; the ADA, and the federal Fair Housing Act. (MHP 7314(b))
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Accessibility	State and federal minimum accessibility requirements are met under MHP guidelines; limitations on waivers of accessibility requirements; distribution of accessible units across program types; Occupancy preferences for people with disabilities who need the features for accessible unit; marketing plans that include targeted marketing to people with disabilities; definition of key accessibility terms.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Accessibility	Requirements to maintain accessible features (i.e. elevators etc.) (MHP Section 7325(b))
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Accessibility	Construction Requirements that include compliance with both accessibility provisions. (MHP Section 7316(f))
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Accessibility	CDLAC should revise Section 5205 to either require compliance with Section 7314(b) of the MHP 2022 Final Guidelines or add a new subsection (b) that explicitly lists, and requires compliance with, all applicable state and federal accessibility laws. This will bring CDLAC's regulations into alignment with HCD's MHP Program Guidelines and Affirmatively Further Fair Housing by reducing barriers to accessible, affordable housing for people with disabilities.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Accessibility	CDLAC should revise Section 5205 to either require compliance with Section 7314(b)(1)-(3) of the MHP 2022 Final Guidelines or add a new subsection (c) to Section 5205 that clearly lists, and requires compliance with, the required minimum accessibility percentages based on housing type. This will bring CDLAC's regulations into alignment with HCD's MHP Program Guidelines and affirmatively further fair housing by reducing barriers to accessible, affordable housing for people with disabilities.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Accessibility	CDLAC should revise Section 5205 to either require compliance with Section 7314(b)(2) of the MHP 2022 Final Guidelines or add a new subsection (d) to Section 5205 that sets clear guardrails for waivers of minimum accessibility percentages. This will bring CDLAC's regulations into alignment with HCD and Affirmatively Further Fair Housing by reducing barriers to accessible, affordable housing for people with disabilities.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Accessibility	CDLAC should revise Section 5205 to either require compliance with Section 7314(b)(7) of the MHP 2022 Final Guidelines or add a new subsection (e) to Section 5205 that explains, and requires compliance with, HUD's requirements on distribution of Accessible Housing Units at 24 C.F.R. 8.26. This will bring CDLAC's regulations into alignment with HCD and Affirmatively Further Fair Housing by reducing barriers to accessible, affordable housing for people with disabilities.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Accessibility	CDLAC should revise Section 5205 to either require compliance with Section 7314(b)(9) of the MHP 2022 Final Guidelines or add a new subsection (f) to Section 5205 that clearly explains, and requires compliance with, the marketing, matching, and occupancy of Accessible Housing Units required by HUD under 24 C.F.R. 8.27. This will bring CDLAC's regulations into alignment with HCD and Affirmatively Further Fair Housing by reducing barriers to accessible, affordable housing for people with disabilities.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Accessibility	CDLAC should revise Section 5205 to either require compliance with Section 7316(g) of the MHP 2022 Final Guidelines or add a new subsection (g) to Section 5205 that clearly lists additional accessibility requirements for senior housing projects. This will bring CDLAC's regulations into alignment with HCD and Affirmatively Further Fair Housing by reducing barriers to accessible, affordable housing for seniors with disabilities.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Accessibility	CDLAC should revise Section 5205 to align with the accessibility requirements for senior projects required by CTCAC at 4 C.C.R. 10325(g)(2). This will Affirmatively Further Fair Housing by reducing barriers to accessible, affordable housing for seniors/elders with disabilities.
May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	AFFH Scoring	We strongly urge CDLAC to reconsider the overall framework for Affirmatively Furthering Fair Housing (AFFH) in the scoring process. Although the intention to encourage more affordable housing in affluent areas is laudable, such efforts should be focused through mandatory state duties such as the Housing Element process. As it stands, the proposed AFFH framework fails to consider the impact of historical disinvestment on communities like Oakland. Considering the intense competitiveness of recent CDLAC funding rounds, the AFFH framework risks rewarding historically exclusionary communities at the expense of historically redlined communities.
May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	AFFH Scoring	The regs provide only vague language and do not make it clear how this goal will be implemented. MidPen recommends that the cap apply only to the 120th point, rather than to all 20 of the available AFFH points. MidPen recommends that CDLAC rank projects on score and tie-breaker, regardless of the pool or set-aside, and then turn off the 20th AFFH point once 50% of bonds have been awarded to 20-point AFFH applications. This will better ensure that 120 point projects are more evenly distributed throughout the pools and set asides. In addition, ranking applications in this order will also establish a fair order of award for state tax credits when they are insufficient for all eligible developments.

May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	AFFH Scoring	Requested changes for Section 5030 (j): 1) The site amenity scoring should be separated from the AFFH scoring by creating two separate 10 point categories. This would make this section much clearer to understand and as written there is no real reason to keep them combined. 2) Site amenity scoring for projects in High/Highest resource areas should be required to earn at least seven site amenity points separate from those available for simply being located in the resource areas. 3) The 9 point AFFH category should be simplified to apply to any project with public funds of at least \$1 million. If this simplification is not done, at a minimum, CDLAC should eliminate the various requirements under (j)(C)(a) including for the 40% AMI spread between the lowest restricted unit (now lower than 30% AMI) and the highest. This requirement isn't consistent with requirements within HCD programs for deeper targeting and in addition, requires that projects choose the "income averaging" method for TCAC purposes. Given current IRS guidance on income averaging, most investors are not currently funding income-averaged projects.
May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprofithousing.org	AFFH Scoring	While we appreciate the intent of simplifying the 50% soft cap language, the "target" articulated in Section 5231(f) does not effectively create a soft cap on points for projects in High and Highest Resource areas. We note that as revised, the proposed language is not consistent with the language discussed at the November 2021 CDLAC meeting. NPH recommends that the cap apply only to the 120th point, rather than to all 20 of the available AFFH points. NPH recommends that CDLAC rank projects on score and tiebreaker, regardless of the pool or set-aside, and then turn off the 20th AFFH point once 50% of bonds have been awarded to 20-point AFFH applications. Ranking applications in this order will also establish a fair order of award for state tax credits when they are insufficient for all eligible developments.

May-22	CDLAC	California Community- Based Development Collective	Rémy De La Peza, Esq. remy@morenastrategies.com	AFFH Scoring	The current Draft regulations at Section 5320(j)(1)(C)(a) requires a 40% AMI spread between highest and lowest income units for a Large Family project in a Low Resource or High Segregation and Poverty Area. It also restricts projects in these areas to no lower than 30% AMI. Under these provisions, a Large Family project in a Low Resource or High Segregation and Poverty Area with 30% AMI units would be required to include units at 70% AMI to score full points under this section (40% spread + 30% AMI = 70% AMI). We know from our experience that there are markets that will not support rents at these levels. Furthermore, this requirement does not align with other affordable housing finance and investment practices. For example, HCD does not subsidize units above 60% AMI and investors are unwilling to bid on projects using an income averaging structure. Therefore, we strongly recommend that the 40% AMI spread be removed, and instead require at least 10% of tax credit units be restricted at 30% AMI and an additional 10% of tax credits units must be restricted at 50% AMI.
May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox william.wilcox@sfgov.org	AFFH Scoring	Section 5230(j) relating to AFFH points and Section 5231(g)(1)(F) of the tiebreaker use the term Permanent Supportive Housing. The term is not currently defined and CDLAC should define the term in Section 5170 to read, "A QRRP project receiving points pursuant to Section 5230(g) as a Special Needs Project for which the special needs units are 'supportive housing' as defined by Section 50675.14 of the Health and Safety Code."

May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	AFFH Scoring	We agree with the implementation of a 50% soft cap on the 120th point for highest- and high-resources area developments but the specific language in Section 5231(f) fails to adequately achieve this goal. The cap needs only to apply to the 120th point – as written it applies to all 20 AFFH points. In order to avoid concentrating AFFH projects in a few pools CDLAC instead should rank projects according to score and tiebreaker, regardless of pool or set-aside, and then turn off the 20th AFFH point once 50% of bonds have been awarded to 20-point AFFH applications. Then the remaining projects would all be ranked as if they had received 119 points. This process would also provide a framework to more fairly allocate state credits.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	AFFH Scoring	EAH agrees with BCSH's recommendation for a lower threshold of 7 site amenity points for high and highest resource area sites.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	AFFH Scoring	We agree with BCSH to require that all projects earning points under the AFFH point category provide 10% units at or below 30% AMI and an additional 10% at or below 50% AMI.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	AFFH Scoring	EAH agrees with BCSH's recommendation to ensure the 50% cap is allocated in a manner that achieves approximately 50% distribution within each pool and set-aside. We also agree it should be a 50% "soft" cap, allowing projects in high/highest opportunity areas to compete on equal footing with other locations once the 50% cap is reached.
Jun-22	CDLAC	Bridge Housing	Jim Mather	jdmather@bridgehousing.com	Allocation Limits	We agree with current the section and support CDLAC's intention not to impose allocation limits. HCD has already imposed per-round-per-developer maximums, which will create huge delays for developers with highly competitive projects. We do not see the rationale for imposing yet more limits on active developers that are able to create well-designed projects that are highly aligned with the State's Housing Priorities.

May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Applicant process	(g)(1)(C & D) are places where questions about rounding will arise. What if there are an odd number of tax-credit units?
May-22	Both	California Bankers Association	Jason Lane	jlane@calbankers.com	Application/ award schedule	A more consistent process for the CDLAC application/award schedule, which is staggered from the CTCAC application/award schedule, set at the beginning of each calendar year. This could include placeholders for the later calendar year months (based on cap availability).
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Assisted Units Definition	For consistency with the terms used in HCD's MHP Guidelines, CDLAC should add the term "Assisted Units" to refer to bond-financed units.
May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	Award Limit	Similar to the TCAC regulations relating to the 9% tax credit system, MidPen recommends that CDLAC add a section to limit the number of awards received by individuals, entities, affiliates, and related entities to no more than 15% of the annual total QRRP bonds available. This limit will ensure that no single developer monopolizes the competition. Enforcing the limit on an annual basis provides applicants greater flexibility to submit projects when ready.
May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprofithousing.org	Award Limit	Like the TCAC regulations relating to the 9% tax credit system, NPH recommends that CDLAC add a section to limit the number of awards received by individuals, entities, affiliates, and related entities to 15% of available QRRP bonds. This limit will ensure that no single developer monopolizes the competition. Enforcing the limit on an annual basis provides applicants greater flexibility to submit projects when ready.

Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Award Limit	Similar to Section 10325(c) of the TCAC regulations relating to the 9% tax credit system, CDLAC should add a subdivision (c) to this section to limit the number of awards received by individuals, entities, affiliates, and related entities, including joint ventures, to no more than eight per year (the 9% program allows four per round in each of its two rounds). This will ensure that no single developer monopolizes the competition and allows more developers to participate. Enforcing the limit on an annual basis provides applicants greater flexibility to submit projects when ready.
May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	Carry-forward	CDLAC should clarify that, when an issuer informs CDLAC that carry-forward will be applied to a particular application likely to receive an award within a given round, CDLAC will reduce the allocation to that project and make the “savings” available to other applicants within the same pool, set-aside, or region within that same round. If for some reason, carryforward is applied to a project after allocations for a round are complete, CDLAC should apply the “savings” to the same pool, set-aside, or region in the subsequent round. This will help direct bond allocations to meet CDLAC’s original goals in creating and allocating to specific pools and set-asides, each of which meets particular policy priorities.
May-22	CDLAC	San Francisco Mayor’s Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	Carry-forward	CDLAC should clarify that, when an issuer informs CDLAC that carry-forward will be applied to a particular application likely to receive an award within a given round, CDLAC will reduce the allocation to that project and make the “savings” available to other applicants within the same pool, set-aside, or region within that same round. If for some reason, carryforward is applied to a project after allocations for a round are complete, CDLAC should apply the “savings” to the same pool, set-aside, or region in the subsequent round. This will help direct bond allocations to meet CDLAC’s original goals in creating and allocating to specific pools and set-asides, each of which meets particular policy priorities.

Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Carry-forward	As suggested in the Working Group draft, CDLAC should clarify that, when an issuer informs CDLAC that carry-forward will be applied to a particular application likely to receive an award within a given round, CDLAC will reduce the allocation to that project and make the “savings” available to other applicants within the same pool, set-aside, or region within that same round. If for some reason, carryforward is applied to a project after allocations for a round are complete, CDLAC should apply the “savings” to the same pool, set-aside, or region in the subsequent round.
Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Community Revitalization Area Definition	We strongly support the tiebreaker incentives for community revitalization projects. However, the current definition of a community revitalization area does not ensure that the development is part of a comprehensive strategy and effort for community improvement. CDLAC should adopt the definition changes suggested by HCD and included in the Working Group draft that requires all projects seeking the tiebreaker community revitalization benefit be located in a Distressed Area for which a Community Revitalization Plan has been adopted and meaningful progress specific to the plan, including other financial investments, has occurred.

Jun-22	CDLAC	City of Santa Rosa	Maraskeshia Smith	cmoffice@srcity.org	Community Revitalization Area Definition	On behalf of the City of Santa Rosa, I am responding to the public comment period on draft regulations proposed amendments to the Low-Income Housing Tax Credit Qualified Allocation Plan (within the meaning of Section 42(m)(1)(B) of the Internal Revenue Code) and to California Code of Regulations, Title 4, Division 17, Chapter 1. Specifically, I would ask that the definition of “Community Revitalization Area” on page 37 of the draft regulations be expanded to include “sites declared as surplus or exempt-surplus land by formal action of the local agency’s governing body in accordance with the Surplus Land Act.” Since 2019, the City of Santa Rosa has been working with a developer to redevelop the former senior center site into an affordable housing complex. The City of Santa Rosa declared this site as surplus land and has entered into a Development and Disposition Agreement with the developer. The project, South Park Commons (aka Bennett Valley Apartments), will provide 62 units of dedicated affordable housing, including 50 percent of units for residents that were formerly homeless. In addition to the surplus City property, the City of Santa Rosa has committed \$5.9 million and 30 Project Based Housing Vouchers to this project to contribute to its success.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Community Revitalization Area Definition	EAH agrees with BCSH’s suggested change to include community infrastructure expenditures within the past five years rather than three years.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightscalifornia.org	Compliance	Applicants should periodically certify their compliance with 24 C.F.R. 8.27 by confirming that their Accessible Housing Units are occupied by people with disabilities who need the accessibility features of those units, that they are marketing to people with disabilities, and that they are following required leasing priorities for Accessible Housing Units. Compliance with these requirements is necessary to Affirmatively Further Fair Housing for people with disabilities.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Compliance	CDLAC should require Applicants to confirm their compliance with 24 C.F.R. 8.27 during the initial and subsequent periodic review of management files required under Section 5144(d). Ongoing compliance with 24 C.F.R. 8.27 is necessary to Affirmatively Further Fair Housing for people with disabilities.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Compliance	CDLAC should revise Section 5205 to either require compliance with Section 7314(a) of the MHP 2022 Final Guidelines or to adopt identical language that requires compliance with, state and federal fair housing and non-discrimination laws. This will help Affirmatively Further Fair Housing and bring CDLAC's regulations into alignment with HCD's MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Compliance	CDLAC should revise Section 5205 to either require compliance with Section 7314(a) of the MHP 2022 Final Guidelines or add a new subsection (h) that requires Applicants to adopt a broad nondiscrimination policy. This will Affirmatively Further Fair Housing and bring CDLAC's regulations into alignment with HCD.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Compliance	CDLAC should revise Section 5205 to either require compliance with Section 7314(a) of the MHP 2022 Final Guidelines or to adopt a new subsection (i) that expressly lists, and requires compliance with, all state and federal anti-discrimination laws. This will Affirmatively Further Fair Housing and will also bring CDLAC's regulations into alignment with HCD's MHP 2022 Program Guidelines.
Jun-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Compliance	CDLAC should revise Section 5205 to either require compliance with HCD Guidelines Section 7314, or to expressly list, and require compliance with, all applicable accessibility, fair housing, and anti-discrimination laws. This will bring CDLAC's regulations into alignment with HCD's MHP 2022 Final Guidelines and will also Affirmatively Further Fair Housing by removing barriers to housing for people with disabilities.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Compliance	CDLAC should require Applicants to certify their compliance with 24 C.F.R. 8.27 as part of the annual self-certification process described in Section 5144(b). Ongoing compliance with 24 C.F.R. 8.27 is necessary to Affirmatively Further Fair Housing for people with disabilities.
May-22	CDLAC	California Bankers Association	Jason Lane	jlane@calbankers.com	Deadline	Amend the expiration of allocation (Section 5100(b)(3)(i)) to allow a third deadline of 208 days if CDLAC allocates more than 50% of the QRRP allocation in any one round to help alleviate pressure on closing deadlines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Deadline	CDLAC can reduce barriers to the development of affordable, accessible housing by aligning its application deadlines with those of the state's other housing agencies. Reducing barriers to the development of affordable, accessible housing is critical for Affirmatively Furthering Fair Housing.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Disqualification	We support CDLAC's decision to add "documented history of violating state or federal fair housing laws" in subsection 5146(d) as a basis for disqualification of an Application. Ending discriminatory housing practices is at the heart of CDLAC's legal obligation to Affirmatively Further Fair Housing.
May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	ELI/VLI Pool	Requested changes for Section 5020: 1) simplify the language by removing subsections (ii) aa), (bb) and (cc) as these are redundant to the scoring; 2) add a requirement in (i) that the HCD award be at least \$1 Million.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	ELI/VLI Priority for Unused Bonds	Discussion on the allocation of award reversions, including reversions from non-housing uses, and remainders should be done annually, at the end of the final round/calendar year. We understand it is time consuming, but it would help elevate the state's prioritization in any given year and provide a chance of allocation to applicants such as BIPOC, Other Affordable, as well as ELI/VLI on a waiting list ranking.

Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	ELI/VLI Set-Aside Public Funds Requirement	We agree with BCSH recommendation that public funds do not include private soft financing and updating the TCAC citation reference to Section 10325(c)(9)(A)(i).
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Evaluation Criteria	CDLAC's Evaluation Criteria excludes projects that receive Section 811 funding. Section 811 is a HUD program that serves people with disabilities. Not including it here constitutes discrimination against people with disabilities, as it provides fewer opportunities for housing for them than for others. CDLAC should revise Section 5230(b)(3) to include Section 811, with a cap of 25% restricted units to comply with HUD's integration mandate for people with disabilities.
May-22	CDLAC	California Community-Based Development Collective	Rémy De La Peza, Esq.	remy@morenastrategies.com	Exceeding Minimum Income Restrictions	The current Draft regulations at Section 5230(d)(2) provides "20 points if the average affordability of tax credit units is less than or equal to 60% area median income." We strongly recommend that the minimum income restrictions be lowered to incentivize deeper affordability targeting. Additionally, this language should be revised to allow for the average AMI of all units, not solely tax credit units, to include projects with other potential subsidy programs.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Fair housing and disability rights laws	A strong nondiscrimination requirement and expanded requirements to comply with all applicable state and federal fair housing laws and disability rights laws. (MHP Section 7314(a))
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	FEHA Regulations	Requirements to comply with the criminal history limitations in the FEHA regulations. (MHP Section 7302)

May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	Geographic Apportionments	We are concerned that the proposed Coastal Region is too geographically disparate, and combines together counties from very different areas of the state and construction markets. We recommend that the geographic regions stay as currently configured, in particular that Sonoma and Napa Counties not be moved to the Coastal region. If the Committee considers other possibilities, we would strongly advise against those counties being moved into the Bay Area region, as they have lower AMLs and FMRs than the rest of that region and would be at a competitive disadvantage.
May-22	CDLAC	California Community-Based Development Collective	Rémy De La Peza, Esq.	remy@morenastrategies.com	High/Highest Resource Areas	At CDLAC's November 29, 2021 meeting, the Committee reviewed this policy framework and reached agreement on a soft cap of 50% for bonds allocated to High/Highest Resource Areas. The language currently in the Draft Regulations and Section 5231(f) does not accurately reflect what was agreed to at that November meeting. Therefore, the regulations should be revised to include a 50% soft cap for funding Large Family or Special Needs projects in High/Highest Resource Areas. Once this 50% soft cap is reached, projects cannot achieve the one additional point advantage under the AFFH scoring category. In other words, once 50% of bonds have been awarded to projects scoring 120 points, all the remaining projects would be ranked as if they had received 119 points.

Jun-22	CDLAC	Alliant Strategic Development	Scott Nakaatari	Scott.N@AlliantStrategicDev.com	High/Highest Resource Areas	If it is being contemplated to reduce the High and Highest opportunity extra 1 point scoring criteria for Large Family and Special Needs projects to be limited to only 50% of available bond allocation per each pool and geographic region, I would suggest just limiting it to 50% in the following pools: 1.BIPOC 2.Preservation 3.Other Rehab 4.Rural 5.Homeless 6.ELI/VLI 7.MIP However, I would suggest not limiting it in the it in the geographic regions. The High and Highest opportunity extra point for Large Family and Special Needs projects has been a relatively balanced and effective tool to find affordable projects in neighborhoods that need affordable housing while offering a positive environment for those tenants and their families that are able to live in the High and Highest opportunity areas.
Jul-22	Both	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Homeless Definition	We agree that regulations should align the definition of Homeless projects with other state agencies. The definition of Homeless include the entirety of TCAC's definition, including categories "2", "3" and "4", which encompass the Federal definition of Homelessness. Otherwise, youth experiencing homelessness, individuals and families fleeing domestic violence, and individuals imminently losing their nighttime residence will be excluded from access to Homeless units.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Management	Required Management plans in all projects include provision and maintenance of accessibility features provided as a reasonable modification to a resident with a disability, requirements to maintain accessible features, marketing plan for units, and basic tenants' rights.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Minimum Requirements	We support CDLAC's decision to add subsection (d)(4) to include proceedings involving alleged fair housing violations into its disclosure requirements. This information will help CDLAC meet its legal obligation to Affirmatively Further Fair Housing by preventing government-supported housing discrimination.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Other Rehabilitation Project Points	EAH does not agree with BCSH's recommendation that points criteria should restrict related party seller equity take-outs. Many Non-Profit organizations use these funds to fund predevelopment of new pipeline projects, pay for resident services, and fund needed capital improvements at older affordable properties where refinancing or access to bonds/credits for substantial rehab is not feasible. In some cases, such funds may be needed to pay an unfriendly Limited Partner to exit the original Partnership. We must also remember, that even though we may be a Non-Profit, we still have staff and overhead costs, and must run like a business to keep our lights on and continue our mission.
Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Permanent Supportive Housing Definition	Section 5230(j) relating to AFFH points and Section 5231(g)(1)(F) of the tiebreaker use the term Permanent Supportive Housing. However, this term is not defined. As suggested in the Working Group draft, CDLAC should define the term in Section 5170 to read, "A QRRP project receiving points pursuant to Section 5230(g) as a Special Needs Project for which the special needs units are 'supportive housing' as defined by Section 50675.14 of the Health and Safety Code."
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Permanent Supportive Housing Definition	Section 5230(j) relating to AFFH points and Section 5231(g)(1)(F) of the tiebreaker use the term Permanent Supportive Housing. However, this term is not defined. As suggested in the Working Group draft, CDLAC should define the term in Section 5170 to read, "A QRRP project receiving points pursuant to Section 5230(g) as a Special Needs Project for which the special needs units are 'supportive housing' as defined by Section 50675.14 of the Health and Safety Code."

May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	Preservation Definition	We do not support the changes in Section 5170 to the definition of a preservation project. We would recommend that the definition be left unchanged so that scarce preservation dollars are targeted for projects in clearer need. The intent of this pool is to provide funds for projects at risk of converting to market. This regulation change would allow resyndications of Section 8 projects with existing TCAC regulatory agreements that are likely not at risk of conversion to market in comparison to the dire rehabilitation needs of our aging portfolio. These projects are already able to leverage debt for rehabilitations using rents from their Section 8 contract. Allowing these projects to compete in the preservation pool may take up funds that would otherwise go to projects that are actually at risk of converting to market.
May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	Preservation Definition	We do not support the changes in Section 5170 to the definition of a preservation project. We would recommend that the definition be left unchanged so that scarce preservation dollars are targeted for projects in clearer need. The intent of this pool is to provide funds for projects at risk of converting to market. This regulation change would allow resyndications of Section 8 projects with existing TCAC regulatory agreements that are likely not at risk of conversion to market in comparison to the dire rehabilitation needs of our aging portfolio. These projects are already able to leverage debt for rehabilitations using rents from their Section 8 contract. Allowing these projects to compete in the preservation pool may take up funds that would otherwise go to projects that are actually at risk of converting to market.

Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Preservation Pool Definition	EAH does not agree with BCSH's suggested change. There are projects with rental assistance contracts that may not be at-risk of losing their rental subsidy but are in dire physical condition and need access to rehabilitation over above what the property can do with their internal replacement reserves. If such properties are not given a path to rehabilitation they could be lost to deferred maintenance significantly impacting the long-term physical feasibility of the housing stock. Replacement of this vital affordable housing would be much more expensive than rehabilitation and its loss would be a blow to the low-income households that call these communities home.
Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Preservation Priority Points	The current language of paragraph (4) of this subdivision is misdrafted and erroneously provides preservation priority points to any resyndication when the intent was only to give six points to pre-2000 AB 1699 projects that already have tax credits and therefore are ineligible for twenty points under paragraph (2). As suggested in the Working Group draft, this paragraph should read, "A project with a pre-1999 HCD loan that is being restructured pursuant to Section 50560 of the Health and Safety Code (AB 1699) that has previously received an allocation of Low-Income Housing Tax Credits shall receive 6 points."
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Preservation Priority Points	The current language of paragraph (4) of this subdivision is misdrafted and erroneously provides preservation priority points to any resyndication when the intent was only to give six points to pre-2000 AB 1699 projects that already have tax credits and therefore are ineligible for twenty points under paragraph (2). As suggested in the Working Group draft, this paragraph should read, "A project with a pre-1999 HCD loan that is being restructured pursuant to Section 50560 of the Health and Safety Code (AB 1699) that has previously received an allocation of Low-Income Housing Tax Credits shall receive 6 points."

Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Preservation Project Definition	CDLAC should delete the entirety of category (5) from the Section 5170 Preservation Project definition, as well as Section 5230(b)(3), as requested by HCD and provided for in the Working Group's draft of regulation changes. Section 8 projects with more than five years remaining on their contracts are not at risk and, as such, are not appropriate for the Preservation Pool. Staff's proposed amendments to the Section 5170 definition create new problems by also allowing existing LIHTC resyndications into the Preservation Pool.
Jun-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Preservation Project Definition	EAH Housing agrees with the proposed change in option 5. Having this option allows for some properties that have significant capital/ infrastructure needs that can't be addressed on its own with replacement reserves, regardless of At-Risk status or age, to have a path to substantial rehabilitation. Often these properties serve populations of ELI households, and the loss of the housing to over-whelming physical needs would adversely impact those vulnerable residents and the community without the opportunity to preserve an important affordable housing asset.
Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Priority Points in the Other Rehabilitation Pool	Given the small allocations to the Other Rehabilitation Pool, it is imperative the CDLAC prioritize applications within this pool. As suggested by HCD and included in the Working Group draft regulations, CDLAC should prioritize projects within the Other Rehabilitation Pool that do not facilitate an equity take out, do not reduce soft financing, and do limit cash-out developer fees to 80% of the TCAC maximum. This will prioritize scarce resources in this pool on significant and necessary rehabilitation needs. In addition, in years when the committee allocates less than 5% of QRRP bonds to the Other Rehabilitation Pool, DLAC should make all bonds available in the Other Rehabilitation Pool available in the first round. Splitting a small allocation across two or three rounds makes it impossible for larger developments to obtain an allocation.

Jun-22	CDLAC	Bridge Housing	Jim Mather	jdmather@bridgehousing.com	Priority Points in the Other Rehabilitation Pool	CDLAC should prioritize projects within the Other Rehabilitation Pool that do not facilitate an equity take out or do not reduce soft financing. This will prioritize scarce resources in this pool on significant and necessary rehabilitation needs rather than developer profit. In addition, in years when the committee allocates less than 5% of QRRP bonds to the Other Rehabilitation Pool, CDLAC should make all bonds available in other Rehabilitation pool available in the first round. Splitting a small allocation across two or three rounds make it impossible for larger developments to obtain an allocation.
Jun-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Priority Points in the Other Rehabilitation Pool	In Years when the committee allocates less than 5% of QRRP bonds to the Other Rehabilitation Pool, CDLAC should make all bonds available in the Other Rehabilitation Pool available in the first round. Splitting a small allocation across two to three rounds would make it impossible for larger developments to obtain an allocation.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Project Description	To promote enforcement of state and federal accessibility requirements, CDLAC should require a description of a project's accessibility features in its minimum requirements.
May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	Ranking	The order of allocation described in this section remains unclear regarding the order of the geographic regions. As mentioned above, a system of allocating by score and tiebreaker rather than by set aside and region would both provide a simpler way to apply the 50% soft cap on high/highest resource areas and would also be a fairer way to ensure a distribution of both 120 points projects and state credits throughout the set asides and regions. We recommend CDLAC adopt the Working Group recommendation on allocation order.

Jul-22	Both	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Readiness deadlines	While we appreciate the intent behind applying consequences to a developer who misses a readiness deadline for which she or he received readiness points, CDLAC should maintain language which aligns with the TCAC language for 9% projects and allows committee discretion between rescission and negative points. If a project is within a few days of a closing deadline, negative points may be preferable to rescission to save the development, and levying both penalties may be too extreme. At a minimum, CDLAC should amend the language to say that failure to meet the deadline shall result in rescission “and/or” negative points, allowing for a single penalty in lesser cases and stricter penalties in greater cases. On a separate matter, it is not clear what type of “demonstration” of ability to close CDLAC desires at application.
May-22	CDLAC	California Bankers Association	Jason Lane	jlane@calbankers.com	Readiness points	Amend the CDLAC Readiness points (Section 5230(i)) to allow 180, 194, or 208 days to commence construction. The same changes would be necessary in the state credit statutes.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Reasonable Accommodations	Clearer and positive requirements in the sections on Supportive Housing Plans, including requirements for reasonable accommodations/modifications etc. (MHP Section 7310)
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Reasonable Accommodations	Requirements for projects to provide reasonable accommodations and modifications, and auxiliary aids and services for effective communication, to tenants and applicants. (MHP Sections 7310 and 7314)
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Format	(g)(1)(A) includes adjustment factors labeled (A) through (E) which breaks from the norm that subparagraphs of capital letters would be roman numerals. Consider changing the labels to (i) through (v) and indenting them one level deeper, with each on its own line.

May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Format	(g)(1)(B) could potentially read more plainly. Consider (g)(1)(B) removing “area median income” and “appropriate bedroom size” which are addressed by the requirement to use the tax credit methodology.
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Format	(g)(1)(B) sentence three: consider rewording for clarity. Consider stipulating the rental assistance must be committed: Units with committed federal project-based rental assistance shall use the monthly gross rent limit for a 30% AMI household regardless of the unit’s actual income targeting.
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Format	(g)(1)(F and G) are mutually exclusive and could be reorganized into a single subparagraph (F) that has four options.
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Format	(g)(1)(F) being directly attached to its subparagraph (i) leads to ambiguous paragraph hierarchy. Consider re-organizing subparagraph (F).
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Format	(g)(2)(B) is confusing. Consider re-organizing (g)(2).
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Format	CDLAC should revise Section 5220 to include a new subsection that includes information about Accessible Housing Units in its Bond Regulatory Agreement. This will facilitate the enforcement of state and federal accessibility laws and reduce barriers to housing for people with disabilities.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Format	CDLAC should revise Section 5220 to include a new subsection pertaining to the requirement to adopt a non-discrimination policy. This will Affirmatively Further Fair Housing by highlighting the importance of state and federal fair housing laws and by increasing CDLAC's ability to enforce those requirements through the bond regulatory agreement.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Format	CDLAC should revise Section 5220 to include a new subsection that expressly lists all applicable state and federal non-discrimination laws. This will Affirmatively Further Fair Housing by clarifying what laws CDLAC applies to QRRP properties and by increasing CDLAC's ability to require compliance with those laws through the bond regulatory agreement.
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language	End of 5231(g) is a bit vague and might be better located in 5231(g)(2). Consider (g)(2) reading: (2) The cost-adjusted Bond and State Credit Allocation shall be calculated as follows, with Supplemental Allocation applications including currently requested and previously allocated bonds and state credits.
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language	(g)(1)(A) uses both tax credit units and total units, which may be confusing to people. Particularly when total units is open to interpretation. Consider refraining from using "total units".
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language	(g)(1)(A) would be more readable if a carriage return was added before the second sentence, "To calculate a project's...".
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language	(g)(1)(B) sentence two does not need the word unit(s) to include the plural form to be clear. Consider removing the "(s)" in two places in that sentence.

May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language (g)(1)(B) last sentence: consider rewording for consistency: If the average affordability of all tax credit units, exclusive of units with rental assistance, is less than 40% AMI, the calculation shall use the gross rent limit for a 40% AMI household for all tax credit units without committed federal project-based rental assistance.
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language Consider replacing all uses of the term “tax credit units” with “Low-Income Units”. Alternatively you could add a sentence somewhere advising the applicant to exclude manager units from the rent savings calculations. This ambiguity about manager units arises in many locations. Consider switching to “Low-Income Units” in all these locations for clarity.
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language (g)(1)(C) reads like the unit must be “restricted” to veterans for veterans units to count. Many projects run into fair housing issues when they try to restrict a unit to veterans and so they settle for the unit having a veterans preference.
May-22	Both	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language (g)(1)(E)(i)(2) references 5320(m) which does not exist. Consider changing the reference to TCAC regulation 10325(c)(4)(A)(i)
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language (g)(1)(E)(i - iii) and (F)(i)(aa – cc) use a redundant sentence structure. Consider using either “The product of A, B, and C.” or “A multiplied by B multiplied by C.”
May-22	CDLAC	Kingdom Development, Inc.	William Leach	william@kingdomdevelopment.net	Regulation Language (g)(2)(A) presumes all project’s denominators will involve “reducing” the Bond and State Credit Allocation request, when in fact it is possible for a project to be located in a low-cost region thereby requiring it to “increase” the Bond and State Credit Allocation request.

May-22	CDLAC	Novogradac & Company LLP	Melissa Chung	melissa.chung@novoco.com	Regulation Language	Section 5240 of the proposed regulations refers to attachments and “pages” that are no longer applicable to the current application. Can you please update the parts of the application and attachments you would like to see? In addition, the new (8) should refer to “sub-section(b)(1) through (b)(7)” instead of “... (b)(8)”, which would refer to the very sub-section itself.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, CDLAC should add the term “Accessible Housing Unit(s)” to Section 5000 and use the same definition that HCD uses for that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, CDLAC should add the term “Housing Unit with Mobility Features” to Section 5000 and use the same definition that HCD uses for that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, CDLAC should add the term “Housing Unit with Hearing/Vision Features” to Section 5000 and define it using the same definition that HCD uses for that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, CDLAC should add the term “Alternative Accessibility Standard” to Section 5000 and define it using the same definition that HCD uses for that term in its MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, and to reduce barriers to housing for people with disabilities, CDLAC should add “Special Needs Population(s)” to its list of defined terms in Section 5170 and use the definition that HCD provides for that term in Appendix A of the MHP 2022 Final Guidelines.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, and to remove barriers to housing for people with disabilities, CDLAC should add the term “Supportive Services” to Section 5170 and use the same definition that HCD uses for that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, and to remove barriers to housing for people with disabilities, CDLAC should add the term “Disability” to Section 5170 using the definition that HCD provides in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, and to remove barriers to housing for people with disabilities, CDLAC should add the term “Intellectual/Developmental Disability” to Section 5170 and use the definition that HCD uses for that same term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, and to remove barriers to housing for people with disabilities, CDLAC should add the term “Older Adults in Need of Supportive Services” to Section 5170 and use the definition that HCD uses for that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, and to remove barriers to housing for people with disabilities, CDLAC should add the term “At Risk of Homelessness” to Section 5170 and use the same definition that HCD uses for that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For alignment and consistency, and to remove barriers to housing for people with disabilities, CDLAC should add the term “Homelessness” to Section 5170 and base its definition on the one used by HCD for that term in Appendix A of the MHP 2022 Final Guidelines.

May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency and alignment, and to reduce barriers to housing for people with disabilities, CDLAC should add the term “Chronic Homelessness” to Section 5170 and base its definition on the one used by HCD for the same term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For consistency, CDLAC should revise its regulations to align with HCD’s MHP Guidelines, which do not use the terms “BIPOC entity” or “BIPOC Project.”
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	CDLAC should revise its definition of “Area Median Income” or “AMI” to align with HCD’s definition of that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	CDLAC should not rely on CTCAC’s definition of “Special Needs projects” because it excludes certain populations of people with disabilities who should be included in the definition. CDLAC should score “Special Needs projects” based on its own definition of “Special Needs Population(s)” that aligns with HCD’s definition of that term in Appendix A of the MHP 2022 Final Guidelines.
Jun-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Regulation Language	For clarity and alignment across state housing programs, CDLAC should add “Affirmatively Further Fair Housing” to its list of defined terms in Section 5170 and use the same definition that HCD uses for that term in Appendix A of the MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Relocation	Requirements to comply with both federal and state relocation laws, and local relocation as applicable, and to provide relocation benefits to individuals temporarily displaced. (MHP Sections 7315(b)-(e))

May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	Rent Savings and Tiebreaker	Rental subsidy definition also include local or state rent and operating subsidy programs. We ask that the 40% AMI floor for units without rental subsidies be struck from the regulations. This floor was written to ensure projects do not propose rents that are infeasible for projects to stably operate in the long term. However, this policy effectively discounts and discourages the practice of cross subsidizing extremely low-income unit rents with very low- and low-income affordable rents without relying on scarce operating subsidy – an approach that CDLAC should be encouraging. Currently the rent savings in the tiebreaker is only accounting for 15 years of rent savings. This fails to value the full 55 years of rent savings guaranteed by the restrictions put in place by CDLAC. This ignores the true benefit of these investments in affordability in favor of funding less affordable projects, which is in direct opposition of the state’s commitment to house our lowest income residents. We would ask that the rent savings account for the full 55 years in the tiebreaker since that is the actual public benefit offered by this investment.
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May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	Rent Savings and Tiebreaker	Rental subsidy definition also include local or state rent and operating subsidy programs. We ask that the 40% AMI floor for units without rental subsidies be struck from the regulations. This floor was written to ensure projects do not propose rents that are infeasible for projects to stably operate in the long term. However, this policy effectively discounts and discourages the practice of cross subsidizing extremely low-income unit rents with very low- and low-income affordable rents without relying on scarce operating subsidy – an approach that CDLAC should be encouraging. Currently the rent savings in the tiebreaker is only accounting for 15 years of rent savings. This fails to value the full 55 years of rent savings guaranteed by the restrictions put in place by CDLAC. This ignores the true benefit of these investments in affordability in favor of funding less affordable projects, which is in direct opposition of the state's commitment to house our lowest income residents. We would ask that the rent savings account for the full 55 years in the tiebreaker since that is the actual public benefit offered by this investment.
May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprofithousing.org	Rent Savings Benefit	NPH recommends that CDLAC remove the 40% AMI rent floor for units subject to a COSR. While we understand that the intent of the rule is to ensure the feasibility of a project, in practice, the TCAC underwriting guidelines accomplish this goal and units with a COSR have sufficient income to protect a development's feasibility. The proposed rule serves to discourage deep rent targeting and serves to penalize projects that include homeless units with any project based operating subsidy other than Section 8 vouchers. As a result, developers are incentivized to replace non-Section 8 homeless units with units that serve households earning up to 40% AMI.

May-22	CDLAC	California Community-Based Development Collective	Rémy De La Peza, Esq. remy@morenastrategies.com	Rent Savings Benefit	We strongly recommend the following line edit to Section 5231 (g)(1)(B): “Units with federal project-based rental assistance or other local or state rental and operating subsidy programs shall be assigned targeted rent levels of 30% AMI regardless of their actual income targeting.” There are other rental assistance programs at local levels which help projects achieve deeper targeting such as San Francisco’s Local Operating Subsidy Program (LOSP) and Senior Operating Subsidy (SOS) program, Los Angeles County’s Flexible Housing Subsidy pool, and Capitalized Operating Subsidy Reserves (COSRs) from HCD’s NPLH program which help achieve extremely deep targeting.
May-22	CDLAC	Disability Rights California	Zeenat Hassan zeenat.hassan@disabilityrightsca.org	Restricted Rental Units Definition	For consistency across the State’s housing programs, CDLAC should revise its definition of “Restricted Rental Units” to align with HCD’s definition of “Restricted Unit” in Appendix A of the 2022 MHP Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan Zeenat.Hassan@disabilityrightsca.org	Restriction	Progress on integrating projects rather than producing highly segregated projects
May-22	CDLAC	Disability Rights California	Zeenat Hassan Zeenat.Hassan@disabilityrightsca.org	Scoring	Less emphasis on cost reduction in scoring, and simpler, more coherent scoring. (Super NOFA Scoring Criteria)
May-22	CDLAC	Disability Rights California	Zeenat Hassan Zeenat.Hassan@disabilityrightsca.org	Scoring	Increase in scoring points for Special Needs Projects. (Super NOFA Scoring Criteria)
May-22	CDLAC	Disability Rights California	Zeenat Hassan Zeenat.Hassan@disabilityrightsca.org	Scoring	Decreased emphasis on High Resource areas, and senior projects that don’t include at least 25% special needs can’t qualify for high resource area points
May-22	CDLAC	Disability Rights California	Zeenat Hassan zeenat.hassan@disabilityrightsca.org	Scoring	For alignment and to Affirmatively Further Fair Housing, CDLAC should revise its scoring criteria to award additional points to projects that meet CTCAC’s standards for “enhanced accessibility and visitability” under 4 C.C.R. 10325(c)(8).

May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprohousing.org	Skipping	NPH recommends that when allocating any remaining bonds, CDLAC removes the requirement that eligible projects have the same number of points as the skipped project. Developments with 19 AFFH points are otherwise equal to 20-AFFH developments.
May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	Skipping	Skipping to the next project for remaining bonds should be allowed for projects scored within one point of the skipped project, as opposed to the currently proposed requirement that it have the same score. Developments with 19 AFFH points are otherwise equal to 20-AFFH point developments for this purpose and should be treated as such. We otherwise support the other new skipping limitations and appreciate this thoughtful approach.
Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Skipping	The proposed language requires applicants to check a box if they are willing to accept bonds in the event they do not receive state credits. This should not be an option as applicants who can make a project work without scarce state credits should not be requesting them at all. CDLAC instead should simply skip over projects that do not receive requested state credits. If there is a risk that a round will run out of state credits, this will increase efficiency by ensuring that only those projects that require state credits ask for them. Separately, with respect to the skipping rule for developments that exceed the remaining bonds available in a pool, setaside, or region, the beneficiary development should be allowed to be within one point of the skipped project, as opposed to the requirement that it have the same score. Developments with 19 AFFH points are worthy of benefitting from a skip and should be treated the same as 20-AFFH point developments for this purpose.

Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Skipping	The proposed language requires applicants to check a box if they are willing to accept bonds in the event they do not receive state credits. EAH supports this option. Developers are not asking for state credits if they don't need them. However, if state credits are unavailable, developers should be given the opportunity to save their deal by deferring more fee or requesting additional funding from the locality. With respect to the skipping rule for developments that exceed the remaining bonds available in a pool, setaside, or region, the beneficiary development should be allowed to be within one point of the skipped project, as opposed to the requirement that it have the same score.
Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Soft cap for AFFH developments	While we appreciate the intent of simplifying the 50% soft cap on highest- and high-resources area developments, the target expressed in Section 5231(f) raises a number of concerns. First, almost all projects earn some AFFH points in Section 5230(j), so applying the target to projects that receive any points under that section is too broad. It should only apply to the 20th point. Second and much more importantly, even if the target concept included a tool to actually skip highest- or high-resource projects once the target is exceeded, this would completely preclude these over-the-target projects from receiving any award, as opposed to just losing the 20th AFFH point and still being competitive with 19 AFFH points. Third, the target looks only at overall bond allocations and not also within pools and setasides, which means that 20-AFFH point projects will dominate the earlier funded pools and regions, especially the BIPOC and Rural Pools. CDLAC should instead utilize the language provided by the Working Group to rank projects according to score and tiebreaker, regardless of pool or setaside, and then turn off the 20th AFFH point once 50% of bonds have been awarded to 20-point AFFH applications. Ranking applications in this order also will establish a fair order of award for state tax credits when they are insufficient for all eligible developments.

Jun-22	CDLAC	Bridge Housing	Jim Mather	jdmather@bridgehousing.com	Soft cap for AFFH developments	We would like the Committee to consider a number of concerns: First, in Section 5230(j) we are concerned that if once the 50% target is exceeded, this would completely prevent the next over-the-target project from receiving any award rather than just losing the 20th AFFH point and still be competitive with 19 AFFH points. Second, the target for AFFH only looks at overall bond allocations and not also within pools and set asides, CDLAC should instead rank projects according to score and tiebreaker, regardless of pool or set aside, and then turn off the 20th AFFH point once 50% of the bonds have been awarded to 20-point AFFH applications.
Jun-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Soft cap for AFFH developments	We appreciate the implementation of the 50% soft cap on highest- and high-resources area developments which will ensure at least 50% of the funds will go to higher resource area projects while still allowing developments in other resource areas to compete on an even footing for a portion of the funds. We recommend the soft cap only apply to the 20th point, rather than to all 20 of the available AFFH points. CDLAC should utilize the language provided by the Working Group to rank projects according to score and tiebreaker, regardless of pool or set-aside, and then turn off the 20th AFFH point once 50% of bonds have been awarded to 20-point AFFH applications. Ranking applications in this order also will establish a fair order of award for state tax credits when they are insufficient for all eligible developments.

May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprophousing.org	Special Needs Population Benefit	Section 5231(g)(C) cites TCAC Regulations Section 10325(g)(3) to define the “special needs” projects that qualify for the benefit. We would like clarification that Transitional Aged Youth (TAY) units in fact qualify as special needs for this purpose. In 2021, the state legislature passed SB 591 (Becker) – Intergenerational housing development, which allows affordable housing developers to build intergenerational housing serving seniors along with up to 20% foster youth (also known as transitional age youth or TAY). This new law provides financing opportunities that will allow seniors and youth to live in the same affordable housing complex which will also help reduce youth homelessness. It will let California create a space for seniors and youth to interact and pave the way towards having multiple generations learning together while providing vulnerable individuals a place to live. The benefits are mutual, and this living situation creates a community that traditional forms of age-restricted housing cannot match.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Special Needs Population Benefit	Section 5231(g)(C) cites TCAC Regulations Section 10325(g)(3) to define the “special needs” projects that qualify for the benefit. We would like clarification that Transitional Aged Youth (TAY) units in fact qualify as special needs for this purpose. In 2021, the state legislature passed SB 591 (Becker) – Intergenerational housing development, which allows affordable housing developers to build intergenerational housing serving seniors along with up to 20% foster youth (also known as transitional age youth or TAY). This new law provides financing opportunities that will allow seniors and youth to live in the same affordable housing complex which will also help reduce youth homelessness. It will let California create a space for seniors and youth to interact and pave the way towards having multiple generations learning together while providing vulnerable individuals a place to live. The benefits are mutual, and this living situation creates a community that traditional forms of age-restricted housing cannot match.

May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	State Credit	Projects should not be eligible for a bond allocation if they requested state credits that are no longer available. State credits are meant to be a gap financing resource, and the use of state credits should be limited to projects that need them for financial feasibility. Projects that request state credits and do not receive them due to oversubscription should not be eligible for a bond allocation. Allowing such projects to receive a bond allocation despite not receiving a state credit award is an inefficient use of CDLAC's scarce bond allocation.
May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprophousing.org	State Credits	Projects should not be eligible for a bond allocation if they requested state credits that are not available. State credits should be limited to projects that need them for financial feasibility. Allowing projects to request state credits and receive a bond allocation when they do not receive a state credit award will promote oversubscription of state credits by projects that otherwise do not need them for financial feasibility. If the Committee chooses to allocate bonds to projects that requested state credits that are no longer available, negative points should be assessed if a project receives bonds under this scenario, cannot replace the state credits, and fails to close.
May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	State Credits	Projects should not be eligible for a bond allocation if they requested state credits that are no longer available. State credits are meant to be a gap financing resource and the use of state credits should be limited to projects that need them for financial feasibility. Projects that request state credits and do not receive them due to oversubscription should not be eligible for a bond allocation. Allowing projects to request state credits and receive a bond allocation regardless of not receiving a state credit award, will promote oversubscription of state credits by projects that otherwise do not need state credits for financial feasibility. If the Committee chooses to allocate bonds to projects that requested state credits that are no longer available, negative points should be assessed if a project receives bonds under this scenario and then subsequently returns such an allocation of bonds.

May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	State Credits and Skipping	The proposed language requires applicants to check a box if they are willing to accept bonds in the event they do not receive state credits. This should not be an option as applicants who can make a project work without scarce state credits should not be requesting them at all. CDLAC instead should simply skip over projects and not award bonds for projects that do not receive requested state credits. The bonds should be allocated to projects that have already demonstrated financial feasibility without state credits. In addition, under the skipping rules of 5231(f), the beneficiary development should be allowed to be within one point of the skipped project, as opposed to the requirement that it have the same score. Developments with 19 AFFH points are worthy of benefitting from a skip and should be treated the same as 20-AFFH point developments for this purpose.
May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	Supplemental Allocation Process	The current system can incentivize developers, as a matter of strategy, to underestimate initial bond requests and then return for supplemental allocations at which point they can take advantage of the high tiebreaker that is easily achieved with smaller bond requests. This effectively penalizes project sponsors who make right-sized requests in their first application and thus receive worse tiebreaker scores. CDLAC should close this loophole by instead reserving a portion of bonds for an over-the-counter application process for supplemental bonds and capping the amount of supplemental allocations. Such a process will better meet the timing needs for projects and allow them to request a more exact amount closer to their construction closing date to meet the 50% test. In order to disincentivize using a supplemental allocation except in extraordinary cost overrun situations, negative points for a period of 1 year should be applied to any applicant who seeks a supplemental allocation. In order to not penalize projects due to extraordinary increases in construction and financing costs in 2022, these negative points should only be assessed for supplemental requests starting in 2023.

May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	Supplemental Allocation	We think the best balance for these conflicting issues is for CDLAC to take supplemental allocation requests out of the general competition, create an over-the-counter process with greater certainty that the supplement allocation will be granted, and then impose negative consequences (with a temporary exception for the current extraordinary inflationary situation) for those who received their allocation in a competitive round and seek a supplemental allocation. Those negative consequences could be scaled based on the size of the supplemental allocation as a percentage of the original. They could include 1) reduction of allowed cash paid developer fee from the project seeking the supplemental allocation and 2) negative points or reduction in tiebreaker for one year (or two rounds) for future applications.
May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	Supplemental Allocation Process	The supplemental allocation system needs to be updated to allow projects to deal with unforeseen and extraordinary costs. The current system can incentivize developers, as a matter of strategy, to underestimate initial bond requests and then return for supplemental allocations at which point they can take advantage of the high tiebreaker that is easily achieved with smaller bond requests. This effectively penalizes project sponsors who make right-sized requests in their first application and thus receive worse tiebreaker scores. CDLAC should close this loophole by instead reserving a portion of bonds for an over-the-counter application process for supplemental bonds and capping the amount of supplemental allocations. Such a process will better meet the timing needs for projects and allow them to request a more exact amount closer to their construction closing date to meet the 50% test. Projects should not be able to request more than 10% of their original bond request as a supplemental allocation and should be required to minimize developer fee (removing deferred fee and General Partner equity) in order to be eligible for a supplemental allocation.

May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprohousing.org	Supplemental Allocations	NPH recommends revisions to the supplemental allocation process, to better balance a recognition that projects can encounter significant, unavoidable, and unexpected cost overruns, while limiting overt gamesmanship in the application process. As currently structured, a developer is incentivized to deliberately request an insufficient bond allocation request in order to score well in the tiebreaker, and then turn around and seek a supplemental allocation with no penalty. The result is that project sponsors who make right-sized requests in their initial application are penalized. NPH recommends that CDLAC instead reserve a portion of bonds for an over-the-counter application process for supplemental bonds that provides certainty that the bonds will be granted, and then impose a penalty of negative points or other punitive measures for, those who receive a supplemental allocation. That said, we strongly recommend that no penalty be imposed in the current extraordinary inflation situation.
Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Supplemental Allocations	While staff's proposed method of reforming the supplemental allocation process is an improvement over the current system, it creates grave uncertainty for developments, possibly even those under construction, that truly need a supplemental allocation to pass the 50% test and receive 4% tax credits. Because the draft regulations treat these truly needy developments as a new project competing with all other applicants, with no guarantee that they will prevail and incompatible with their closing deadlines. As a result, some projects that have already received a bond allocation but need a supplement allocation will fail, with consequences not only for the project and its developer but also for the reputation of the program and for how lenders and investors evaluate risk on all other deals. CDLAC should instead adopt the language proposed in the Working Group draft with a few modifications: 1) move supplemental allocation requests out of the general competition and instead redirect 2% of the QRRP to the supplemental pool, 2) create an over-the-counter process with certainty that the supplemental allocation will be granted if the request is less than 10% of the original allocation and the developer fee is reduced, and 3) impose tie breaker penalties in future rounds for those who received their allocation in a competitive round and seek a supplemental allocation. In light of the current unpredicted cost increases and inflationary situation, penalties should not apply to projects that received an initial allocation prior to adoption of these regulations and should be delayed until the markets restabilize.

Jun-22	CDLAC	Bridge Housing	Jim Mather	jdmather@bridgehousing.com	Supplemental Allocations	We agree with other stakeholders that the supplemental allocation process should be taken out of general competition and instead, create an over-the-counter process with certainty that the supplement allocation will be granted. However, we do not agree with other stakeholders that suggests overly punitive measures such as negative points be imposed on supplemental allocation applicants, especially if the percentage requested is less than 5% of total allocation request. While there may be some concern re the dangers of gaming, we argue that if the percentage of total allocation is or less than 5% of the total allocation request, that this is part and due course of real estate development. For example, the cost of lumber has risen dramatically since 2018, prior to Covid and the current inflationary environment. Additionally, while some stakeholders have asked for a pause on punitive measures for projects that have already received allocation due to inflationary pressures, we argue that this 'pause' is arbitrary. Many economists predict that supply chain issues and inflationary pressures will persist through 2023 and beyond.
Jun-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Supplemental Allocations	The requirement for re-application for a supplemental allocation creates grave uncertainty for developments, possibly even those under construction, that truly need a supplemental allocation to pass the 50% test and earn the all important tax credits. Treating these needy developments as a new project competing with all other applicants from scratch is very risky. Affordable housing developers are not trying to not close, there are extenuating circumstances and would want a consistent ability to give back allocations without penalization. CDLAC should adopt language proposed in the Working Group draft with one exception: in light of the current unpredicted cost increases, negative points should not apply to projects that received an initial allocation prior to adoption of these regulations.

Jun-22	CDLAC	Excelerate Housing Group	Norma Dominguez	norma@ehghousing.com	Supplemental Bond Allocation Process	I'm writing to underscore the support and urgency of an over-the-counter supplemental bond allocation process. In addition to the tremendous amount of uncertainty in the market (i.e. supply chain problems and material cost escalation), projects occasionally face unknown conditions that put those projects at risk. CDLAC needs to create a viable path for projects that incur unforeseen or unanticipated construction costs that arise during construction and are beyond the project's underwriting. In addition, we have some material cost escalation. We are able to fill the budget gap by obtaining additional tax credit equity and contributing developer fee as general partner equity. However, without a supplemental allocation from CDLAC, we cannot meet our 50% test. The ability for projects in construction facing escalating and significant unforeseen costs to access additional bond allocation with an over-the-counter process efficiently uses staff and time, creates stability in our industry, and provides projects a way to overcome these uncertainties.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Sustainable Building Standards	CDLAC should revise Section 5205 to either require compliance with HCD Guidelines sections, or to expressly list, and require compliance with, all applicable accessibility, fair housing, and anti-discrimination laws. This will bring CDLAC's regulations into alignment with HCD's MHP 2022 Final Guidelines and will also affirmatively further fair housing by removing barriers to housing for people with disabilities.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	zeenat.hassan@disabilityrightsca.org	Tenants' Rights	CDLAC should add a new section to Article 3's Minimum Requirements that pertain to tenants' rights. This will Affirmatively Further Fair Housing by promoting housing stability for affordable housing residents. It will also align CDLAC's regulations with HCD's MHP 2022 Final Guidelines.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Term Definition	Greatly improved and comprehensive definitions of key terms in MHP Guidelines Appendix A

May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	Term Definition	Section 5230(j) relating to AFFH points and Section 5231(g)(1)(F) of the tiebreaker use the term Permanent Supportive Housing. The term is not currently defined and CDLAC should define the term in Section 5170 to read, “A QRRP project receiving points pursuant to Section 5230(g) as a Special Needs Project for which the special needs units are restricted to less than or equal to 30% AMI and receive intake from a Coordinated Entry process.” In Oakland’s experience, there is a range of service intensity needed for Permanent Supportive Housing, and a flexible definition such as the one provided will best fit the needs of special needs populations and people experiencing homelessness. As the City of Oakland has pursued to expand homeless housing options that reflect actual need through Homekey, other State programs, and our own local programs and policies, we have committed to linking our permanent units to referrals through Coordinated Entry.
May-22	CDLAC	Non-Profit Housing Association	Abram Diaz	abram@nonprophousing.org	Term Definition	NPH recommends that the definition of “Community Revitalization Area” be expanded to include more than locating a project in a defined geography to qualify. Rather, we recommend that in order to qualify, a project should be part of a revitalization strategy that includes projects beyond housing, regardless of its location.
May-22	CDLAC	California Community-Based Development Collective	Rémy De La Peza, Esq.	remy@morenastrategies.com	Term Definition	Per Section 5170, CDLAC is considering allowing resyndication of projects with expiring Section 8 contracts to be funded under the preservation category. We strongly oppose this change and propose the definition remain unchanged, as the preservation category should be limited to projects which have a severe need and are at a higher risk of converting to market. Section 8 projects with LIHTC commitments are not at risk of converting to market due to the long-term LIHTC regulatory restrictions.

Apr-22	CDLAC	Freebird Development Company	Robin Zimbler	robin@freebirddev.com	Term Definition	Expand definition of “Community Revitalization Area” to include “sites declared as surplus or exempt-surplus land by formal action of the local agency’s governing body in accordance with the Surplus Land Act.” The State is encouraging local governments to dispose of surplus property for affordable housing. In many cases, these properties are located in “Low Resource” and “High Segregation and Poverty” areas and have contributed, in part, to the disinvestment in those areas. The redevelopment of these properties, which may not meet the definition of “Community Revitalization Area” as currently proposed, are local priorities that would help spur revitalization. The State itself seems to recognize this as the majority of the State-owned sites it has issued RFQ/Ps for are in “Low Resource” and “High Segregation and Poverty” areas.
May-22	CDLAC	The Richman Group of California	Rick Westberg	westbergr@richmancapital.com	Term Definition	We would like to express concern over further altering the federal definition of Community Revitalization Area. We acknowledge the public policy intent behind the efforts to prioritize highest and high resource areas; however, we are concerned that such focus risks a more balanced approach that continues to address the on-going need and benefits of community revitalization in areas that are not highest and high resource areas. By further narrowing the federal definition of Community Revitalization Areas, the industry risks precluding areas in dire need of investment and affordable housing. Please keep definitions consistent across our affordable housing regulatory landscape.

May-22	CDLAC	Century Housing	Brian D'Andrea	bdandrea@century.org	Term Definition + Scoring	We are writing to address contemplated changes to CDLAC's definition of a Community Revitalization Area. In partnership with public agencies and other development partners, Century is actively working on multiple, master planned, regionally significant, high impact developments that, while not co-located in Highest or High Resource Areas, will be catalytic and result in new resources being generated in these communities. Changes that restrict the definition of Community Revitalization Area will adversely affect these regionally impactful developments. Further, developments like those described above that are located within a Community Revitalization Areas are deserving of the elusive 120th CDLAC point in an effort to further promote and accelerate much needed investment therein. Accordingly, we ask CDLAC to consider granting 10 points under Section 5230(C) to projects that are located in a Community Revitalization Areas, as presently defined.
May-22	CDLAC	Disability Rights California	Zeenat Hassan	Zeenat.Hassan@disabilityrightsca.org	Tiebreaker	Deep targeting to lowest income groups (highest number of points in scoring criteria and a significant factor in the tie breaker for project funding)
May-22	CDLAC	MidPen Housing	Matthew O. Franklin	mfranklin@midpen-housing.org	Tiebreaker	We do have two technical comments on the tiebreaker: first, the rent savings benefit in Section 5231(g)(1)(B) should be calculated as both a positive and a negative benefit, with rents in excess of the FMR counting as a negative benefit. In addition, the Community Revitalization Area definition should be modified to require more than merely locating a project in a defined geography. Rather, we recommend that in order to qualify, a project should be part of a revitalization strategy that includes public investment in projects beyond housing.

May-22	Both	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	Tiebreaker	The current proposed CDLAC regulations do not adequately value San Francisco's investment in our construction workforce or in construction training and apprenticeship opportunities, through affordable housing development. We would ask that an additional adjustment be added for projects subject to prevailing wages where the general contractor is also signatory to at least one union construction trade. This is in line with TCAC's existing threshold basis limit adjustments that account separately for both prevailing wages and union labor requirements. A recent report from the RAND corporation found that using union labor increased costs by 14.5% beyond the cost of paying prevailing wages. A bond request adjustment factor of 14.5% should thus be added in the CDLAC tiebreaker for projects subject to prevailing wages where the general contractor is also signatory to at least one union construction trade.
May-22	CDLAC	City of Oakland	Shola Olatoye	solatoye@oaklandca.gov	Tiebreaker and Scoring	The current “community revitalization plan” definition is should more closely align with actual local investments in community revitalization by creating a more precise CDLAC definition that corresponds to actual investments. We suggest that the Community Revitalization Area definition be expanded to include areas currently served by a Transformative Climate Communities (TCC) grant.

May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox william.wilcox@sfgov.org	Tiebreaker and Scoring	The current “community revitalization plan” definition is too open-ended and should instead assess actual investments in community revitalization. CDLAC should create a clear definition that corresponds to actual investments. We suggest that community revitalization plans eligible for the tiebreaker points be defined as a redevelopment plan or other local revitalization that includes commitments to construct affordable housing. Further the QRRP project applying for bonds should also meet one of the following: • Be part of a revitalization plan that includes public redevelopment investments (including master developer expenditures that are reimbursable from public funds) in infrastructure or community service facilities totaling over \$30 million in the prior 5 years or already committed funds for the upcoming 5 years. • Be providing replacement housing for public housing units disposed of under HUD’s Section 18 Demolition/Disposition or Rental Assistance Demonstration (RAD) program • Receive HUD Choice Neighborhoods grants We would also suggest that the Community Revitalization Area definition be expanded to include HUD Neighborhood Revitalization Strategy Areas (NRSA).
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Jun-22	CDLAC	California Housing Consortium	Ray Pearl	rpearl@calhsng.org	Tiebreaker rent savints benefit	The proposed language assigns a 30% AMI targeted rent level only to units with “federal” rental assistance, which leaves out legitimate and comparable rent subsidies offered by the City of Los Angeles Flexible Housing Subsidy Pool and the San Francisco Local Operating Subsidy Program. CDLAC should refer instead to units with “significant public project-based rental assistance with a term of at least 15 years.” Alternatively, it could refer to “federal project-based rental assistance and other project-based rental assistance approved by the Executive Director.” This will ensure legitimate rental assistance is treated fairly while minimizing gaming opportunities through the use of de minimis assistance. CDLAC should exclude from the 40% average AMI calculation units subject to a significant capitalized operating subsidy reserve (COSR) and assign to these units their actual AMI targeting not to exceed 30% AMI. The purpose of the 40% average AMI calculation is to ensure that deep targeting does not endanger the development’s feasibility. Units with a COSR have adequate income and do not endanger feasibility. They are more akin to units with rental assistance and should be treated in a similar manner provided they are in fact deeply targeted.
Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Tiebreaker rent savints benefit	EAH argues that an 80% unit does provide some benefit. It is an additional unit that didn’t exist before and will serve the missing middle households. We also note that the proposed language assigns a 30% AMI targeted rent level only to units with federal subsidies. Any comparable public rent subsidy, such as San Francisco’s Local Operating Subsidy Program (LOSP) and the Flexible Housing Pool available in the City of Los Angeles, provided to the project should make the units eligible. Regarding the 40% average AMI calculation units, many projects with HCD funding have acutely low income units (20% AMI). Such pipeline projects were incentivized by the state to deeply rent target units in exchange for funding and will no longer be getting credit for the deeper targeting. We suggest for pipeline projects which already committed to the deeper rent targeting before the rule change, CDLAC grandfathers them in so they can benefit from those units and have a path forward.

Jul-22	CDLAC	EAH Housing	Marianne Lim	marianne.lim@eahhousing.org	Tiebreaker Walkable Amenities	We agree with BCSH's suggestion that the walkable requirement is included in proposed language.
May-22	CDLAC	California Bankers Association	Jason Lane	jlane@calbankers.com	Waiting list	A more consistent communication and timing of selection process for waiting-list deals.
May-22	CDLAC	San Francisco Mayor's Office of Housing and Community Development	William Wilcox	william.wilcox@sfgov.org	Waitlist	The proposed regulations allow rural projects that do not receive allocations in their pool to compete for remaining bonds in the final round of the year and on project waitlist. The committee has recognized that rural projects are different and deserve to compete on their own. This pool has also had the highest proportion of 120-point projects. Rural projects have a separate allocation pool, which has been oversubscribed in each round leading to the full statewide rural project allocation going to rural projects. Since rural projects are already receiving their full state allotment of bonds, we do not believe it is fair to let rural projects compete for bonds from other pools or set-asides, which could then artificially inflate the allocation to rural projects beyond the amount outlined by the Committee. We would suggest leaving this section of the regulations as is and not deleting the prohibition against including rural projects in the remaining bonds and waitlist projects.