

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Housing Policy Development

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Adequate Sites Program Alternative Checklist
Government Code Section 65583.1(c)
(Chapter 796, Statutes of 1998 [AB 438])

As provided for in Government Code Section 65583.1(c), local governments can rely on existing housing units to address up to 25 percent of their adequate sites requirement by counting existing units made available or preserved through the provision of "committed assistance" to low- and

- ✓ very low-income households at affordable housing costs or affordable rents. The following is a checklist intended to provide guidance in determining whether the provisions of Government Code

Section 65583.1(c) can be used to address the adequate sites program requirement. A "yes" answer to the questions below means the alternative site program option(s) may be applicable to your community.

		HE Page #
65583.1(c)(4) Is the local government providing, or will it provide "committed assistance" within the first 2 years of the planning period? See the definition of "committed assistance" on page 4.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Tech Report IV-9
65583.1(c)(1)(A) Has the local government identified the specific source of "committed assistance" funds? <u>Redevelopment Housing Set-Aside Funds</u> Specify the amount and date when funds will be dedicated through a (legally enforceable agreement). \$ <u>6,800,000</u> date: <u>August 2008</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Tech Report IV-9
65583.1(c)(3) Has at least some portion of the regional share housing need for very low-income (VL) or low-income (L) households been met in the current or previous planning period? Specify the number of affordable units permitted/constructed in the previous period. Specify the number affordable units permitted/constructed in the current period and document how affordability was established.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>2</u> <u>7</u>	HOU- 19 HOU- 13
65583.1(c)(1)(B) Indicate the total number of units to be assisted with committed assistance funds and specify funding source.	<u>14</u> RDA Set- Aside	Tech Report IV-9-10
65583.1(c)(1)(B) Will the funds be sufficient to develop the identified units at affordable costs or rents?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Tech Report IV-9-10
65583.1(c)(1)(C) Do the identified units meet the substantial rehabilitation, conversion, or preservation requirements as defined? Which option? <u>Conversion</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Tech Report IV-9
Note: If you cannot answer "yes" to all of the general requirements questions listed above, your jurisdiction is not eligible to utilize the alternate adequate sites program provisions set forth in Government Code Section 65583.1(c).		

<i>SUBSTANTIAL REHABILITATION (65583.1(c)(2)(A))</i>		
Include reference to specific program action in the housing element.	Program	
65583.1(c)(2)(A) Will the rehabilitation result in a net increase in the number of housing units available and affordable to very low- and lower-income households? If so, how many units?	<input type="checkbox"/> Yes <input type="checkbox"/> No # of VLI units __ # of LI units __	
65583.1(c)(2)(A)(i) (I) Are units at imminent risk of loss to affordable housing stock?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
65583.1(c)(2)(A)(i) (II) Is the local government providing relocation assistance consistent with Health and Safety Code Section 17975, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
65583.1(c)(2)(A)(i) (III) Will tenants will have the right to reoccupy units?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
65583.1(c)(2)(A)(i) (IV) Have the units been determined to be unfit for human habitation due the <u>at least four</u> (4) of the following violations? (a) Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water or electric bills. (b) Serious defects or lack of adequate space and water heating. (c) Serious rodent, vermin or insect infestation. (d) Severe deterioration, rendering significant portions of the structure unsafe or unsanitary. (e) Inadequate numbers of garbage receptacles or service. (f) Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal. (g) Inoperable hallway lighting.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
65583.1(c)(2)(A)(ii) Will affordability and occupancy restrictions be maintained for at least 20 years?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
65583.1(c)(2)(A)(iii) Note: Prior to occupancy of the rehabilitated units, the local government must issue a certificate that finds the units comply with all local and State building and health and safety requirements.		
<i>CONVERSION OF MULTIFAMILY RENTAL UNITS OF 4 OR MORE FROM NON-AFFORDABLE TO AFFORDABLE (65583.1(c)(2)(B))</i>		
Include reference to specific program description in the housing element.	Program 14	HOU-26
65583.1(c)(2)(B)(i) Will the acquired units be made affordable to low- or very low-income households?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	HOU-26

<p>65583.1(c)(2)(B)(ii) Were the units affordable to very low- or low-income households at the time they were identified for acquisition? 14 units currently affordable to low-income households will convert to being affordable to very-low income households.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>HOU-26; Tech Report IV-9</p>
<p>65583.1(c)(2)(B)(iii) If the acquisition results in the displacement of very low- or low-income households, is the local government providing relocation assistance consistent with Health and Safety Code Section 17975, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced? No Displacement Anticipated</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Tech Report IV-9</p>
<p>65583.1(c)(2)(B)(iv) Will units be decent, safe, and sanitary upon occupancy?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Tech Report IV-10</p>
<p>65583.1(c)(2)(B)(v) Will affordability and occupancy restrictions be maintained at least 55 years?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>HOU-26; Tech Report IV-9</p>
PRESERVATION OF AFFORDABLE UNITS (65583.1(c)(2)(C))		
<p>Include reference to specific program action in housing element.</p>	<p>Program</p>	
<p>65583.1(c)(2)(C)(i) Will affordability and occupancy restrictions be maintained for at least 40 years?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>65583.1(c)(2)(C)(ii) Are the units located within an “assisted housing development” as defined in Government Code Section 65863.10(a)(3)? See definition on page 4.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>65583.1(c)(2)(C)(iii) Did the city/county, via the public hearing process, find that the units are eligible and are reasonably expected to convert to market rate during the next 5 years, due to termination of subsidies, prepayment, or expiration of use?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>65583.1(c)(2)(C)(iv) Will units be decent, safe, and sanitary upon occupancy?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>65583.1(c)(2)(C)(v) Were the units affordable to very low- and low-income households at the time the units were identified for preservation?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

NOTE:

- By no later than July 1st of the third year of the planning period, local governments must report on the status of its program implementation for substantial rehabilitation, conversion, and/or preservation (of affordability) as described above (Government Code 65583.1(c)(7)).
- The report must specify and identify those units for which committed assistance has been provided or which have been made available to low- and very low-income households and document how each unit complies with the substantial rehabilitation, conversion, and/or preservation provisions.
- If the local government has not entered into an enforceable agreement of committed assistance for all units specified in the identified program(s), by the July 1st due date, it must amend its element to identify additional appropriately zoned and suitable sites, sufficient to accommodate the number of units for which committed assistance was not provided. This follow-up action must be taken no later than July 1st of the fourth year of the planning period.

- If a local government fails to amend its element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, the local government cannot use the alternate adequate sites program provisions of Government Code Section 65583.1(c)(1) in its next housing element update, beyond the number of units actually provided or preserved due to committed assistance.

DEFINITIONS:

Committed Assistance: When a local government has entered into a legally enforceable agreement during the first two years of the housing element planning period obligating funds for affordable units available for occupancy within two years of the agreement.

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

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

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