



CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE

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FIONA MA, CPA, CHAIR
State Treasurer

GAVIN NEWSOM
Governor

BETTY T. YEE
State Controller

EXECUTIVE DIRECTOR

JUDITH BLACKWELL

A G E N D A

Friday, April 3, 2020

TIME:
11:00AM

801 Capitol Mall
Room 150
Sacramento, CA 95814

Public Participation Call-In Number***
(888) 557-8511
Participant Code: 5651115

OPEN SESSION

1. Call to Order and Roll Call
2. Approval of the Minutes of the February 12, 2020 meeting (Action Item)
3. Executive Director's Report (Informational Item)
4. Emergency Regulations: Clarification of General Sub-Pool Definitions, Correction of TCAC References, Clarification of Scattered Site Project Types, Revision of Allocation Limits per Unit, and Treatment for Joint Applications with a Tax Credit Financing Gap. (Action Item)
5. Policy Discussion of Priorities for the Preservation Pool (Discussion Item)
6. Discuss Possible Re-Appportionment of QRRP Pools (Action Item)
7. Meeting Schedule Items (Action Item)
8. Public Comment
9. Adjournment

*The Committee may take action on any item. Items may be taken out of order.

FOR ADDITIONAL INFORMATION:

Judith Blackwell, Executive Director
California Debt Limit Allocation Committee
915 Capitol Mall, Room 311
Sacramento, CA 95814
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The Agenda is also available on our website: <http://www.treasurer.ca.gov/cdlac>

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California Debt Limit Allocation Committee

Jesse Unruh Building
Room 587
915 Capitol Mall
Sacramento, CA 95814

February 12, 2020

Meeting Minutes

OPEN SESSION

1. Call to Order and Roll Call.

State Treasurer Fiona Ma chaired the meeting of the California Debt Limit Allocation Committee (CDLAC). Mr. Agee called the meeting to order at 11:00 a.m.

Members Present: Fiona Ma, CPA, State Treasurer; Gayle Miller for Governor Gavin Newsom and Anthony Sertich for State Controller Betty Yee

Advisory Members Present: California Housing Finance Agency (CalHFA) Executive Director Tia Boatman Patterson and Zachary Olmstead for California Department of Housing and Community Development (HCD) Acting Director Doug McCauley.

2. Approval of the Minutes of the December 11, 2019, December 23, 2019, and January 15, 2020 meetings.

Ms. Boatman-Patterson pointed out a correction on the December 11, 2019 Meeting Minutes change the statement about the allocation of state tax credits from 500 billion to 500 million.

MOTION: Mr. Sertich moved to approve the three sets of Meeting Minutes. Ms. Boatman-Patterson seconded and the motion passed unanimously by a roll call vote.

3. Executive Director's Report.

Executive Director, Judith Blackwell spoke about aligning both CDLACs and CTCACs regulations to the extent possible as it relates to housing in order to get the new funding out as quickly and efficiently as possible. Ms. Blackwell also spoke to efficiencies made

in the application review process and to the hiring of new staff in order to eliminate wasteful time and alleviate the administrative burden placed on staff.

Mr. Sertich asked if there was any updates to the CTCAC/CDLAC strategic planning

Ms. Blackwell stated their primary objective is to get the funding out for the new state tax credit program and will address the alignment issues with their strategic planning consultant at a later date.

The Board agreed that there needs to be a complete overhaul of the CDLAC regulations beginning with emergency regulations that address at-risk preservation projects, CDLAC scoring metrics to address current priorities, refining allocation under multifamily projects and a possible set-aside for CalVet bond cap.

Mr. Sertich raised issues with regard to the allocation deadline to I-Bank for the Virgin Train project.

Ms. Blackwell stated that the \$300 million allocation to I-Bank is still protected for the Virgin Train project. In case the project does not go through, the money will not be lost and will be allocated elsewhere.

Ms. Boatman-Patterson called for CDLAC to issue a more recent demand survey to better understand the State's priorities and to get a better handle on the State's needs for bond allocations.

Ms. Blackwell stated she would direct CDLAC staff to issue another survey focused on the demand for multifamily housing.

Mr. Olmstead stated the demand survey needs to be better detailed with quantifiable metrics in order to better align CDLAC's housing pools with the administration's goals and priorities.

Ms. Ma referred to disaster credits and but this in regarding CTCAC's 9% program which was not a part of today's discussion.

Ben Barker with the California Municipal Finance Authority stated that a carry forward needs to be filed with a specific issuer in a specific category and filed to the IRS by Friday of this week. The Board discussed the issue of being able to use the funding toward affordable housing if it is not put to use by the Virgin Trains project. Jovan made a call to I-Bank to clarify how the tax form was filed.

Jeree Glasser-Hedrick with Jamboree Housing clarified the issue of carrying the Virgin Trains funds forward and explained how it has worked in the past. She also echoed Ms. Boatman-Patterson's request to further define CDLAC's allocation pools.

Eric Tiche with CalVet stated they are continuing to issue mortgage revenue bonds despite whether or not having received a bond allocation from CDLAC. If an allocation is not received, the funding will come directly from CalVet's funds but at the cost of future funding. CalVet will start re-issuing mortgage revenue bonds once CDLAC has made a decision on its funding sources. The Board discussed the demand for mortgage revenue bonds issued to veterans by CalVet in years prior and noted that an allocation will be made accordingly, roughly \$100 million in general obligation bonds and \$80 million in revenue bonds.

Caleb Roope with the Pacific Companies stated he has convened a working group of 25 developers to go review CTCAC and CDLAC regulatory changes and develop a set of consensus recommendations on California's affordable housing delivery system. He plans to update the Committee at each Board Meeting with their work.

Ms. Boatman-Patterson stated that CDLAC should utilize the working group to flush out inconsistencies with their demand survey.

Agenda item number four was stricken from the agenda and moved to later meeting date with a 10-day notice. The Board discussed how best to proceed on this item as it concerns CalHFA funding.

5. Meeting Dates Revision (Action Item)

The Board discussed the meeting dates, emergency regulations and application deadlines for the CDLAC program. The Board decided to move the Meeting date to Friday April 3 at 11am; this meeting will be concerning CDLAC's emergency regulations. The Board also set April 14 as another meeting date. The Board also kept the option open for having a May or June meeting.

Ms. Boatman-Patterson asked a procedural question surrounding the CDLAC regulation change process. Mr. Walker clarified that if the regulation changes were voted on April 3, the Office of Administrative Law would have five days to review them before they become effective and filed with the Secretary of State, so April 8 is when the changes would become effective, in time for the April 17 application deadline.

Renee Webster-Hawkins with the Pollution Control Finance Authority asked for clarification on the meeting calendar for CDLAC and requested that it stay the same for exempt facilities. The Board agreed to keep the date the same at May 20 for exempt facilities financing.

MOTION: Ms. Miller moved the approval of the new meeting dates and deadlines, Mr. Sertich seconded and the motion passed unanimously via a roll call vote.

6. Consideration of Appeals and Applications for an Allocation of the State Ceiling on Qualified Private Activity Bonds for Qualified Residential Rental Projects and Awards of Allocation.

Program Manager, Muri Bartkovsky presented agenda item number six and stated that there were 4 MIP projects, and 24 general pool projects seeking bond allocations. The Executive Director accepted two waivers for projects over \$50 million. She also mentioned there were four appeals and explained the various scenarios if the appeals were granted by the Board. Staff recommends that the Board approve the projects on the list as presented in the final staff recommendations.

The Board discussed the various appeals on the agenda and the scenarios that would result if they were approved.

Ms. Blackwell reviewed the actions that staff took in analyzing the applications and stated that staff started with the CTCAC list to incentivize production. Although this was a short-term solution, she knows that this created longer lasting issues, which are evident due to today's appeals. The Executive Director's worked together in determining the best route in scoring the applications and this is what they had come up with.

The Board members stated that this was a major concern due to the lack of policy direction and communication between CDLAC and CTCAC. The rules of the application process have not been clear to the development community and this was a major issue.

Ms. Miller stated that CDLAC needs to clear up their scoring process for the March meeting in terms of who is leading for the January applications so that the Board does not find themselves in a similar situation. She emphasized that conversations need to be held surrounding a full rework of CDLACs regulations.

Ms. Blackwell stated there were three options the Board has at their disposal, 1. To deny the appeals 2. Approve the appeals and bump other projects or 3. Approve the appeals and take allocation from the next round of funding. The third option would be contingent upon decisions that must be made at the CTCAC Board to also reallocate funding.

The Board discussed the appeals and asked staff for greater clarity on the CTCAC and CDLAC lists. The most significant decision the board needs to make is to determine whether CTCAC and CDLAC will be leading in terms of the scoring ahead of the regulation change deadline. The Board wants to see statistics in regards to dollars per unit produced and total units produced. The Board is currently being presented with the number of units per state tax credits, which is not sufficient in determining which agency should lead.

The Board discussed which projects were on both the CDLAC and CTCAC lists. Ms. Boatman-Patterson stated that at a fundamental level, if a project was not awarded the bond then they could not use their tax credits. Staff stated that all the applicants on CDLAC's list met minimum threshold requirements. The Board asked staff questions

regarding the total number of applicants on CDLAC's lists and how the numbers changed with different variations of the list.

Mr. Kass stated that he did not have the numbers readily available but that he would follow up with the Board on this topic.

Matt Franklin with MidPen Housing presented the appeal for the Fire House Square development in Belmont California. He noted that his project scored 125 points on the CDLAC scoring lists but staff subsequently decided to pull the project from the final recommendation list. He noted there is nothing in the CDLAC regulations that states projects can be skipped in this way. He referenced section 5321 from the CDLAC regulations and section 42 from the federal IRS code. Mr. Franklin mentioned the various partners involved in the project and emphasized that staff cannot make up the rules at the last minute.

Charles Stone with the City of Belmont stated the importance of the Fire House Square project to the City and emphasized the dire need for affordable housing in the area. He delivered a sincere story of why the project is so important to him and asked the Board to approve the project.

Hugh Bowe with the Office of Assembly Member Kevin Mullin stated that the Assembly Member was in strong support of the project and referenced the letter that was sent to CDLAC staff. He noted that the project is not a cure for San Mateo's housing shortage but that it is a step in the right direction.

Caitlin Armstrong with the Office of Senator Jerry Hill mentioned the problematic nature of using a metric that looks at units per tax credit dollar. The project is shovel ready and needs the state as a partner. She strongly asked the Board to reconsider their decision.

Ms. Boatman-Patterson asked how much of a gap the project would have if they did not receive the bond allocation today.

Mr. Franklin stated that he does not have the answer to that question.

Ms. Boatman-Patterson asked if the Board could add more bond authority, \$87 million to be exact, to the current application cycle, go further down the CDLAC list, and award more projects. The Board weighed this option and discussed the potential outcomes. The Board emphasized that this change does not guarantee that projects who receive a bond allocation today, will also receive a state tax credit.

Mr. Franklin stated that the Board should let the CTCAC list govern the awards if they want reach further down the CDLAC list and award more projects. He emphasized the rules surrounding the joint application process.

Ms. Miller echoed Mr. Franklin's statement and stated that the Board should respect all of the program's rules but all developers will be held to the six-month performance period

to secure their funding sources or return the bond allocations. Ms. Miller mentioned she would like to make two separate motions at the appropriate time.

Mary Stompe with PEP Housing stated that their project was on both the CDLAC and CTCAC lists and gave a brief summary of the project, which was located in Petaluma, California. She noted that the area was hit hard by the recent wildfires, which resulted in the destruction of 6000 units. Her project will provide permanent supportive housing for 19 senior veterans. Unfortunately, her project did not make it on CDLAC's final recommendation list. She recited CDLAC's regulations and noted that the program rules must be followed. The project is shovel ready but they need both federal and state tax credits to secure financing. Ms. Stompe asked the Board to review the projects once again and allocate bonds based on CDLAC rankings, not CTCAC rankings. She noted that projects must have a bond allocation in order to use their tax credits.

Jim Carney with the City of Petaluma spoke in support of PEP Housing's project and supported that it will provide much needed affordable housing to an area that was recently devastated by wildfires. He added that the Board's goal should be to produce as much housing in the area as possible.

Mr. Barker spoke in regards to the bond issuance process and stated that bonds always come before tax credits. He also stated that he was attending the meeting today in support of projects that were appealing to the Board.

Ms. Miller asked if the applicant would be willing to resubmit their application if given the opportunity to do so.

Ms. Stompe stated that she would be willing to resubmit her application for the federal four percent program as long as they Board follows CDLAC's program requirements.

Mr. Olmstead state that there is a new pool of money available for disaster credits but re-applying to the pool would delay their application by up to a year.

Ms. Stompe stated the re-application process would add significant delays and development costs.

Mr. Carney urged the Board to move forward with approving the project and since projects will continue to incur additional costs the longer, they are delayed.

Marie Allen with Affirmed Housing presented the appeal for Windsor Point, a 50 unit, shovel ready affordable housing project that will be serving low-income veterans and others facing homelessness and mental illness. She gave a brief history on the project and stated that she was under the impression the CDLAC list was going to govern the awards process. Her second statement was concerning the issue of scattered sites and that all scattered sites projects must be acquisition/rehab. She referenced 19 projects that were scattered sites and awarded bonds in years prior and noted that there have been no changes in CDLAC's regulations that change how projects are scored.

Mr. Spencer stated that CDLAC regulations only speak to acquisition/rehab projects under the scattered sites term. It is up to the committee whether to approve scattered Sites projects.

Mr. Sertich referenced Section 5250 of the CDLAC regulations and stated it does not preclude new construction projects.

Mr. Spencer sympathized with the appellant since the regulations in Section 5250 can easily be miss interpreted.

Ms. Allen stated that her request today was for the Board to approve scattered sites as a minimum threshold requirement for the Windsor Point project.

Mr. Sertich stated he would be willing to make a motion to approve scattered sites as a minimum threshold requirement for the Windsor Point project. He also stated that Section 5250 of the CDLAC regulations should be amended to include new construction projects.

Ms. Miller stated that she wanted to hear the rest of the appeals before making a decision on the appeals before them today.

Kursat spoke on behalf of the appeal for the Encanto Gateway project, a 65 unit large family project in San Diego, in partnership with Mr. Barker. He stated they submitted an appeal for points but their appeal was denied. He noted that since the project did not receive state credits, they decided not the appeal to the Board in regards the bonds portion. He added that their project is currently on the CTCAC waitlist. Kursat stated that he was respectful of the Board's decision.

Luke Watkins with Neighborhood Partners, LLC stated he is a smaller developer from Davis who is trying to get a project of eight units built by June for the elderly living in nursing homes in Dixon. He stated his project was on the CDLAC list but that it will likely die since he will not be able to close the project in time. The Board made the decision to award bonds on a competitive basis based on the efficient use of credits per unit built. He stated this criteria was arbitrary to the goals of the state, which aim to maximize housing projection. If the goals are to maximize production and house more people, then the total cost of the project should be the underlying tiebreaker. He does not understand why CDLAC decided to go competitive even though program regulations do not require them to. As a result, the program will produce 300 less units overall. Mr. Watkin stated that the solution would be to allocate more state tax credits. A process was created by the Board, which completely ignored the statutory process in place.

Mr. Sertich stated there would always be winners and losers in a competitive program and it is the Board's responsibility to come up with the best approach to award the funds.

The Board discussed the idea of reaching further down the CDLAC list and awarding an additional six projects that were appealing today in an effort to be fair due to the

inconsistencies with the program. Those projects were Fire House Square, Boyd Street Apartments, The Plateau, Emani Apartments, Madera Village, Windsor Point and River City Senior Apartments. All totaling to about \$118.5 million more in allocations, which will be taken out of the next round of awards.

Ms. Blackwell stated that she does not have an objection to this approach; she had actually supported the idea when the funding was being allocated in order to not choke the program.

Daniel Falcon with McCormick Baron Salazar spoke on behalf of the Twin Rivers project and stated that he was in support of the idea of expanding the bond allocation but emphasized that the Board cannot make a decision in regards to CTCAC at this meeting. He recommended that the Board award the additional bond cap for the projects that did not receive the tax credits and allow a six-month period to secure other means of financing but require the developers to return the bonds if they cannot secure financing.

Marina Wiant with the California Housing Consortium stated she is working on staffing and coordinating the working group that Mr. Roope had mentioned. She referenced a letter that the Consortium had sent to CDLAC and echoed Mr. Franklin's comments. She noted that reaching deeper into the CDLAC list and awarding more bond cap will have tradeoffs and emphasized that these are reasons why good public policy decisions must be made at the Board level. She also stated that they worked very closely on AB 101 for many months and the statute does not direct the credit efficiency requirements, which a policy decision was done through the regulations.

Patrick Sabelhaus with the California Coalition for Affordable Housing stated that these are all tough policy decisions for the Board but that he is confident and optimistic that the Board is heading in the right direction for prioritizing projects that are the most cost efficient with utilizing the state credits per unit. He applauded CalHFA for prioritizing Mixed Income Projects that are requesting the least amount of gap financing on a per unit basis, following it up with a cost efficacy metric to guide the winners and losers of the program. He also added that the Governor's message in the budget document was clear in asking the Board to examine cost efficiency and implement it in some manner that will provide better unit production numbers overall. Mr. Sabelhaus agrees with most of the people who provided public input today and stated that these were all great projects. He recommended that the Board reach further down into the CDLAC list and approve the appeals that were compelling and address the issue when the Board reconvenes for the CTCAC meeting.

William Leach with Kingdom Development stated he is a huge proponent of the efficient allocation of scarce state resources. He was supportive of going deeper into the CDLAC list to award more projects and stated that state tax credits are meant to serve as a gap-funding source and should be treated as such. The Board could decide to be more lenient to developers and not issue fines or negative points for returning their bond allocation in a timely manner if they cannot secure financing, as long as staff can re-allocate the bonds in a timely manner.

Sarah Lester, Program Analyst with CDLAC gave the Board some historical context in regards to why new construction projects were excluded from Section 5250 of the CDLAC regulations pertaining to scattered sites.

Ms. Blackwell stated she would like to reserve the chance to come back to the Board to ask for another schedule change to if they are going to move forward with letting applicants re-apply to the January 15 round.

The Board requested to recess the meeting so that CDLAC staff can have an opportunity to draft a new revised list with a scoring cut off 115 points with the corresponding bond volume cap

While staff worked on revising the list, John Wang with Orrick and bond council to I Bank was present to answer and questions surrounding the carry forward associated with the Virgin Train's project. He mentioned a looming deadline of February 15 by which a tax form needs to be filed with the IRS to carry forward the \$300 million. The tax form has already been filed but can be amended prior to the deadline. CDLAC's government code sections requires an action of this Board in the form of a Resolution in order for bond volume cap to be transferred from one entity to another one entity. I Bank would also have to take an action (either before the February 14 deadline in the form of a resolution or after in the form of a ratification) to transfer the bond volume cap to CMFA, the beneficiary of the reversion of 2019 bond cap. He stated that they could file an amended form to IRS noting that they are carrying forward zero bond cap from 2019 along with a filing from CMFA carrying forward the \$300 million that was transferred to it for the purposes of affordable housing. Both forms would have to be postmarked by no later than February 15 in order to meet the tax law requirements.

The Board will reach out to I-Bank to request a resolution to be postmarked before the February 15 deadline and ratified at a later Board meeting after the fact. Ms. Miller will reach out to Lenny Mendonca with the Governor's Office of Business and Economic Development on how best to proceed.

After her phone call with Mr. Mendonca, Ms. Miller stated that she would like to make a comment pursuant to a Board action item from a previous CDLAC Committee Meeting for informational purposes only. She stated that pursuant to the CDLAC Board action and minutes on December 11, if CDLAC funding were not completed by February 15, pursuant to the IRS deadline, the \$300 million was reverted back to CMFA but since that did not happen, she wanted to very her understand that the funds will revert back to CMFA, and pursuant to her conversation with Mr. Mendonca, the I-Bank Board will ratify the changes at their next Board meeting on February 26, with the \$600 million allocation coming out of the 2020. The revision back to CMFA will specifically be used for affordable housing.

The Board discussed the new list of projects in rank order produced by CDLAC staff using CDLAC program rules. The Board was still unclear in regards to the list and the

information presented by staff. Due to the uncertainty surrounding how the scoring was going to work, the Board was concerned that if they allocated the bonds today, projects may have not fully reviewed their scores since it was not originally a part of the awarding mechanism. Mr. Sertich was concerned that there may have been projects that were not focused on their CDLAC scores.

Mr. Kass stated that staff received a few appeals for additional points. The Board discussed the rankings and scores of the projects on the revised CDLAC list.

Ms. Boatman-Patterson stated she wanted the applicants to know that just because you get a bond award does not mean that you will also receive a tax credit allocation.

Ms. Miller made four motions but only one passed by a roll call vote.

MOTION: Ms. Miller moved that moving forward; CDLAC should lead the discussion surrounding bond allocations and then move on to the state tax credit discussions at the CTCAC Board Meeting.

MOTION: Ms. Miller moved to allow letting applicants re-apply in the January 15 round, allowing staff more time to re-review the applications.

MOTION: Ms. Miller moved to approve that all projects that scored above the 115 CDLAC point threshold be eligible for a CDLAC bond allocation, those applications included the current CDLAC list plus the following projects: Willow Glen Apartments Fire House Square, Boyd Street Family Apartments, Emani Apartments and River City Senior Apartments.

MOTION: Ms. Miller moved to allow scattered sites projects to fall under new construction, which qualified the Windsor Points project at 115 points under the CDLAC score, with \$15.2 million in bond allocation. Mr. Sertich seconded and the motion passed unanimously by a roll call vote

Mr. Olmstead stated that the new list presented by staff does not encompass projects that were on the previous list and have now fallen off. He recommend that staff notify the public regarding the change.

Mr. Kass explained the revisions that were made to the list with the existing appeals, which caused the scores of the projects to change.

Ms. Miller echoed the policy issues the revised CDLAC list speaks to, that CDLAC should lead the discussion surrounding bond allocations. She recommended that the Board reconvene in 10 days with a new list that has been distributed to the public so that everyone is fully informed of the changes and are on the same page in terms of policy direction.

Ms. Blackwell stated that postponing Board action for 10 days would delay the entire application calendar.

Ms. Blackwell stated the other option would be to recess and reconvene at a later date so that they do not have to give a 10-day notice for a new Board Meeting.

Mr. Walker stated that this would work but that the Board would have to specify the date and time for the next meeting, as well as the location.

The Board gave staff additional instructions with regard to drafting the revised CDLAC list and made sure that staff would post it on their website for everyone to see. Staff acknowledged the instructions given.

The intent of the Board is to go deeper into the CDLAC list and exceed the \$650 million bond cap. The Board also intends to have a conversation about resolving this issue going forward for purposes of clarity. The Board also gave CTCAC a heads up that depending on the actions taken, it may have an effect on projects that are receiving tax credit allocations. The original CDLAC scoring will be posted, which is different from what is currently posted on the CDLAC website.

There were public comments from the audience in regards to questions and the expectations surrounding the new CDLAC list, which will maintain staff's recommendation.

Ms. Ma stated that the Board will recess the meeting and will reconvene in Room 587 at 9:00am on Tuesday February 18. The Board recessed on agenda item number 6 at 4:15pm with no action taken.

Tuesday February 18, 2020

The Board reconvened from recess at 9:07am in Room 587.

Ms. Blackwell referred to changing the at-risk definition and asked the Board for clarification.

The Board clarified that the January 15 applications will be held to the at-risk definition.

Senior Attorney, Spencer Walker raised concerns in regards to the at-risk definition as an underground regulation but was comfortable with it passing as a limited waiver.

Ms. Boatman-Patterson asked if CDLAC could move forward with a self-scoring system to save staff time.

Ms. Blackwell stated CDLAC is moving forward with using self-scoring as a tool, which is moving through CDLAC's regulation change process.

Mr. Kass noted the changes on the new list of projects and explained how the projects were ranked according to the Board's request.

Mr. Olmstead and Ms. Miller raised concerns with regard to existing appeals on the CDLAC list that was published on February 12th and raised serious concerns about a much larger conversation to be had surrounding policy.

Ms. Boatman-Patterson clarified the information that was missing from the revised CDLAC list and asked Mr. Kass to name the projects.

Mr. Kass noted the six projects that were missing from the list for purposes of informing the public.

The Board discussed the best route forward in order to identify which projects are being awarded a bond but did not receive a tax credit allocation in order to provide the projects with time to secure financing. Everyone agreed that the CDLAC regulations are overdue for an update and that the Board cannot make policy decisions without following the regulation change process.

Ms. Ma asked if there would be an impact on the CDLAC list with regard to the \$300 million that was rolled over from 2019.

Mr. Walker stated that he is not sure if there will be an impact if the \$300 million is rolled over.

Mr. Barker stated his agency will be able to use the funds immediately and that there are projects waiting in line to receive funding. With the caveat that the \$300 million will be used now compared to later.

The Board and Mr. Barker hashed out additional details surrounding the funding of the \$300 million for the Virgin Trains project and other multifamily housing development projects using 2019 and 2020 funds.

Mary Stomp with PEP Housing asked the Board to respectfully reconsider their decision on issuing bond allocations because it was done not according to CDLAC regulations. She referenced that if this route is taken, their project will not receive federal and state tax credits. She mentioned that the project is shovel ready and that their project should not be penalized for a mistake made by staff. The Board informed Ms. Stomp that a bond allocation from CDLAC does not necessarily mean that their project will automatically qualify for tax credits.

Marisol Prieto Valle from Senator Bill Dodd's Office spoke to the Board in support of the project.

The Board explored whether the project would qualify to receive an allocation from a State pool of TCAC funding coming from a disaster pool but it would require a new TCAC application and a delay to the project and, therefore, the project would incur additional costs.

Ms. Miller stated the applicant has one of three options, 1. To re-submit their application for the January 15 deadline, 2. To appeal to CTCAC, and 3. The Board approves to fund up to \$650 million at this meeting.

Jim Walin, Director at PEP Housing stated they were looking to break ground within the next few weeks rather than 18 months out and noted that the residents that will be living in the property are voting taxpayers.

Daniel Falcon with McCormick Baron Salazar asked if his project would be funded with the Board's current decision.

The Board clarified that Mr. Falcon's project would be the seventh project to be funded on the list.

Marina Wiant with the California Housing Consortium raised significant concerns with the direction the Board was moving in citing the poor use of policy and penalizing projects at the expense of other projects. She urged the Board to allocate at the \$650 million per Mr. Sertich's recommendation.

Doug Shoemaker, President of Mercy Housing echoed Mr. Wiant's comments and stated that the Board should make their decision based on program regulations. He warned the Board to not make political decisions, which undermined the integrity of the program.

Matthew Franklin with MidPen Housing stated that although the Board is trying to pursue a policy where no project is penalized, since these are joint applications, there will be a group of penalized projects regardless of the fact. He emphasized that the regulations must be followed. He referenced a conversation he had with the Mayor of the City of Belmont and the Speaker Pro Tem's Office regarding the confusion surrounding the CDLAC process. He emphasized that the list needs to be cleaned up to ensure accountability. He also referenced the Governor's agenda surrounding poverty and stated that this process does not align with the Governor's goals. The list that was produced by staff did not comply with CDLAC regulations.

Ms. Miller stated that staff would not be in this position today if CTCAC and CDLAC had the policy discussions that the Board had asked for back in September.

Mr. Franklin stated the majority of the discussion has been surrounding how to not penalize the seven projects at the bottom of the CDLAC list at the expense of other projects vs framing the conversation about how to clean up the policy moving forward.

Mr. Sertich stated that the Board had previous conversations emphasizing that they wanted the CDLAC scoring system to dictate the CDLAC awards, with projects on the CTCAC waiting list being conditional upon receiving a bond allocation. He emphasized that the policy needs to be cleaned up so that staff has a clear direction to follow.

Pedro Galvao with the Non-Profit Housing Association of Northern California spoke in support of their developer members who build affordable housing in the Bay Area. He stressed there needs to be transparency and clarity in the program so that the development community has clear direction and stability moving forward. CDLAC regulations need to be followed and staff needs to stick to the \$650 million pool.

Todd Cottle with C and C development spoke on behalf of the Groves Project in Orange County. He noted that their project was below the point threshold on the new CDLAC list. He spoke to the various efficacies of the Groves Project and explained how the project would best utilize the bonds. He requested that staff fund the full \$650 million pool and include the seven additional projects below the point threshold.

William Leach with Kingdom Development stated he is the general partner on two of the projects on the CDLAC list, which are going to be funded regardless. He noted issues with the policy direction that was given months ago, which are now conflicting with CDLAC regulations. In order to protect the Board from legal ramifications, he recommended that the Board raise the bond cap to \$871 million and fund every single applicant but ask that projects do not take the reservation if they cannot use it. This will eliminate the issue of skipping applicants. He also noted that staff provide a penalty waiver if bonds are not used within 6 months.

Ms. Miller stressed that this is the reason why she wanted the Board to have the policy conversation ahead of the award date. The Board needs to clarify what it means to win both parts of the joint application.

Mr. Sertich stated that CDLAC should award to the amount allocated to each of CTCAC's pools and offered his recommendation for how to administer the awards going forward.

Ms. Miller agreed with Mr. Sertich and stated that announcements to the general public need to be made well in advance of the meeting date to ensure clarity and that the Board needs to have set direction ahead of each Board meeting.

The Board discussed in greater depth the procedures surrounding any future awards and pool allocations for CDLAC moving forward.

Ms. Ma asked if there were any public comments surrounds Mr. Leach's proposal to raise the bond cap to \$871 million.

Various developers from the community stated that Mr. Leach's recommendation would still disadvantage certain developments at the expense of other projects so regardless of the outcome, there are going to be winners and losers. The CDLAC rules must be followed. Raising the bond cap to \$871 million will not set a public policy but instead be considered as taking the easy way out of the issue at hand. In addition, the community does not support going below the \$650 million.

Ms. Boatman-Patterson proposed the opposite of what Mr. Leach proposed and stated that projects must have both bonds and tax credits.

Ms. Wiant stated that this method would in fact underutilize the recourses available which is not good public policy.

Mr. Sertich stated this method would go against what CTCAC approved at their last meeting.

Caleb Roope with the Pacific Companies stated that competing directions have created the issue at hand and stated that is the Board decides to raise the bond cap to \$871 million; a conversation needs to be had at the CTCAC Committee regarding the state tax credit awards in order to make projects that were otherwise on the waiting list whole again. A decision on this issue today would raise policy implications for CTCAC at a future date. He emphasized that developers relied upon the direction of unit efficacy, which was given to them at an earlier date prior to submitting applications. He closed his comment by stating that staff needs to provide clear direction moving forward and anticipate the issues that going to arise from allocating above the \$650 million limit.

Mr. Olmstead stated that he recommends not going above the \$650 million limit because it will create more issues for the Board down the road.

Ms. Blackwell stated that the Board might consider allowing staff to waive a penalty if an applicant returns their bond allocation.

Mr. Kass went over in detail regarding the various steps involved with the CDLAC appeals process. The Board asked Mr. Kass some clarifying questions regarding the appeals process in various housing pools.

Ms. Ma asked the Board if they would be comfortable on voting to approve increasing the pool to \$871 million. Ms. Blackwell explained how the projects would be funded off the CTCAC list.

Mr. Roope suggested a motion allocating up to the \$650 million using the CDLAC scoring system and affirm that the state credit awards are pursuant to a bond allocation.

Mr. Leach offered a suggestive motion stating that CDLAC will not be burdened with other scoring systems outside of CDLAC.

Mr. Miller stated that the Board is recalling the announcement made on January 25 in regards to the direction that was provided to the community as well. CDLAC Board will not give deference to any other scoring system in future rounds. Tax credit awards are contingent on a bond allocation. She stated that CDLAC emergency regulations would be discussed immediately.

Mr. Agee stated that staff should consider the OAL timeframe for the CDLAC Board to coordinate the rulemaking process.

Ms. Miller stated that since the application process has been so confusing, that applicants be given an opportunity to amend their allocation if need be, only for applications that were submitted for the January 17 deadline.

Mr. Falcon asked for clarification on the status of his application with the new direction being provided by the Board. The Board discussed the issues surrounding the new implications with the direction being provided to staff moving forward. There was public comment from Mr. Shoemaker surrounding the unfairness that this would create since applicants would be able to amend their applications while other applicants would not be able to. He stressed that the rules need to be fair for all applicants.

MOTION: Ms. Miller moved to stick to the \$650 million allocation today and subscribe only to the CDLAC list, understanding that folks will be able to appeal in future rounds. Mr. Sertich seconded and the motion passed unanimously by a roll call vote.

MOTION: Mr. Sertich moved to approve the four Mixed Income Pool projects, which were not subject to the controversy. Ms. Miller seconded and the motion passed unanimously by a roll call vote.

MOTION: Ms. Miller moved to waive the penalty of a fine, including negative points as long as a project returns any unused bond allocation within 90 days of the award date. Mr. Sertich seconded and the motion passed unanimously by a roll call vote.

The Board reviewed a total of six different issue items in CDLAC's regulations that are up for regulatory changes. These included changes to the preservation and new construction pools. The Board verified that the new construction pool refers to net-new construction projects only. They wanted to make sure re-syndication projects do not make their way into the new construction pool.

Mr. Walker was concerned that the agenda item got off topic too much and drifted away from the issue of appeals. He advised that the Board should agendaize an item for regulation discussion for the future Board meeting.

7. Public Comment.

There were no public comments.

8. Adjournment.

Treasurer Ma adjourned the meeting at 11:37 a.m.

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Section 5170 definitions

“New Construction Pool” – QRRP projects applying for an allocation of tax-exempt private activity bonds who meet at least one of the following: (1) fall under the definition of New Construction in section 5170 of CDLAC regulations, or (2) demolition of a residential building with fewer than 100 units that will produce at least 100% more units than the original, or (3) demolition of a residential building with 100 or more units that will produce at least 50% more units than the original, or (4) adaptive re-use of non-residential structures.

“Preservation Pool” – QRRP Projects applying for an allocation of tax-exempt private activity bonds preserving affordability through items such as but not limited to an existing HAP or other local, state, or federal rental or operating assistance contract. These projects shall meet the definition of a Federally Assisted At-Risk project as defined in section 5170 of CDLAC regulations.

“Other Affordable Pool” – QRRP Projects applying for an allocation of tax-exempt private activity bonds from the General pool that are not eligible for New Construction or Preservation projects. This would include but not be limited to acquisition/rehabilitation projects, projects that involve both acquisition/rehabilitation and new construction, and projects approved by HUD pursuant to Section 18 demolition/disposition authorization.

REASON: *On January 15th, 2020, the CDLAC board approved breaking out the Multifamily General pool into 3 sub-pools: New Construction, Preservation, and Other Affordable. Given the competitive nature of CDLAC rounds in the drive to build new units, it was decided, in order to preserve allocation, new construction projects compete in its own pool. It was also discussed, that while there is a need to preserve affordability for acquisition/rehabilitation projects, these projects should be considered and compete but with an at-risk status.*

As recommended by the board on February 18, 2020, add to Section 5052...

(f) If the awarded project is from a joint CDLAC/TCAC application and not awarded State Tax Credits and unable to fill the financing gap, the issuer may return the allocation to committee within 90 days without forfeiture of the performance deposit or assessment of negative points.

REASON: *Since, on February 18, 2020 it was decided that CDLAC would follow its regs and rank order projects using CDLAC score and approve up to the allocation limit for the round, it was understood that there may be some joint applications on the TCAC waiting list that may be unable to obtain state tax credits. This provision allows the issuer to fill the financing gap or can return the allocation within 90 days to the committee without penalty.*

TCAC references requiring updates (due to TCAC regulation changes and general corrections):

Section 5230 (k) 6, 7, 8, 9 should reference just TCAC Section 10325 (c).

Section 5170 - The “Federally Assisted At-Risk” definition should now just refer to 10325 (g). Also, the within (2) years of application should be (5) years to be consistent with TCAC and the federal LIHTC regs.

Section 5144 (c) should refer to Section IV (not VI) of the TCAC Compliance Manual.

Section 5190 (c) strike the sentence “The Project Sponsor’s CTCAC Certificate of Previous Participation and a CTCAC Schedule A form may be submitted as COLLECTIVE EXPERIENCE OF PROJECT SPONSOR AND ALL PARTNERS in lieu of the CDLAC form” (not applicable anymore and is there twice in the paragraph.

REASON: CDLAC and TCAC went through the references to various TCAC regulations within CDLAC regulations and found sections that required an update so the reference to the current TCAC regulation would be valid.

Scattered Site – Clarification language allowing for New Construction (to be in line with TCAC)

Section 5250 (1) – add “For acquisition and rehabilitation projects,” in front of the sentence.

Section 5250 (2) – add “For new construction projects or acquisition / rehabilitation projects,” in front of the sentence.

REASON: TCAC has been allowing new construction scattered site projects as well as acquisition/rehabilitation scattered site projects. There is a need for clarification in CDLAC regulations as it does not explicitly exclude new construction scattered site projects. For clarification, consistency, and joint application alignment with TCAC, clarification language is suggested to include both types of scattered site projects.

Revise allocation limits in Section 5233(a):

<u>Allocation Limits</u>	<u>Recommendation</u>	<u>Current</u>
Studio/SRO	\$522,000	\$402,500
One Bedroom	\$544,000	\$420,000
Two Bedrooms	\$580,000	\$447,500
Three Bedrooms	\$638,000	\$492,500
Four+ Bedrooms	\$671,000	\$517,500

REASON: The current allocation limits in CDLAC regulations were developed in 2016. Construction costs have increased in the past couple of years. The adjustment is based on the change in total development costs between December 2016 applications and December 2019 projects (typically a high volume month for CDLAC).

adding to Section 5052 (f)

CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS (Adopted February 19, 2020)

(c) In the case of Mortgage Credit Certificates, the full release or refund of a deposit will not be authorized unless the Allocation has been converted to Mortgage Credit Certificate authority by the date specified in the Committee Resolution.

(d) Nothing in this section shall be construed to address the forfeiture of deposit relative to utilization of carry-forward Allocations pursuant to section 5132.

Note: Authority cited: Section 8869.94, Government Code. Reference: Section 8869.84(c), 8869.84(e) and 8869.90, Government Code.

Section 5052. Forfeiture of Performance Deposit. (a) For Projects receiving an allocation award on or after March 16, 2016, an extension of the expiration date for Qualified Residential Rental Bonds granted pursuant to Section 5101 or 5132 will result in forfeiture of the Project's performance deposit to the extent that the performance deposit has not previously been forfeited.

(b) If less than 80% of the Allocation is used to issue Bonds, a pro-rata portion of the deposit will be forfeited equal to the same percentage ratio as the amount of unused Allocation bears to the amount of awarded Allocation. If at least one (1) Mortgage Credit Certificate is not issued prior to the applicable expiration date, the entire performance deposit will be forfeited. If 80% or more of the Allocation is used to issue bonds prior to the expiration date, or at least one (1) Mortgage Credit Certificate is issued prior to the applicable expiration date, a full refund of the performance deposit will be authorized.

(c) Applicants bear the risk of forfeiting all or part of their performance deposit if the Allocation is not used in accordance with the conditions and/or timeframes set forth in the Committee Resolution.

(d) The Applicant shall remit all forfeited performance deposits to the Committee within thirty (30) days of receipt of an invoice issued by the Committee.

(e) An Applicant may request waiver of a performance deposit forfeiture by submitting a written request to the Executive Director within 30 days of the date of the Committee's Forfeiture Fee Invoice. The Committee shall grant a forfeiture waiver upon a showing that the circumstances prompting the forfeiture were unforeseen and entirely beyond the control of the Project's sponsor and development team. The granting of a waiver pursuant to this subsection will not preclude performance deposit forfeiture for subsequent extensions of the expiration date for Qualified Residential Rental Bonds granted pursuant to Section 5101 or 5132.

(f) If the awarded project is from a joint CDLAC/TCAC application and not awarded State Tax Credit and unable to fill the financing gap, the issuer may return the allocation to committee within 90 days without forfeiture of the performance deposit or assessment of negative points.

Note: Authority cited: Section 8869.94, Government Code. Reference: Section 8869.84(c), 8869.84(e), and 8869.86(c)(3) Government Code.

Section 5053. Withdrawn or Denied Applications. If the Applicant withdraws an Application prior to consideration by the Committee or if a Project fails to receive an award of Allocation, the performance deposit shall be automatically refunded or released with and no written authorization from the Committee shall be necessary.

Note: Authority cited: Section 8869.94, Government Code. Reference: Sections 8869.84(c) and 8869.84(e), Government Code.

Section 5054. Filing Fees. Each Applicant shall submit a filing fee in an amount equal to the product of the amount of Allocation actually used to issue Bonds, or Mortgage Credit Certificates multiplied by .00035. The payment of the fee shall be in two installments as follows:

(a) Initial filing fee. A check in the amount of \$1,200 payable to the California Debt Limit Allocation Committee shall accompany the filing of an Application to cover the Committee's costs associated with

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correcting Section 5144 (c)

CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS (Adopted February 19, 2020)

thereafter or sooner upon a termination of the Regulatory Period and/or Compliance Period.

(c) For all QRRP projects receiving allocations after December 31, 2016, Sponsors will be required to utilize TCAC's Compliance Manual specifically Section ~~VIII~~^{VIIV}: Qualify Tenants for Low Income Housing Tax Credit Units, to verify tenant income in conjunction with initial occupancy. No less than every three years after the project is completed, the Sponsor must collect and retain the following income and verification documentation related to all the Federally Bond-Restricted units identified in the Committee Resolution or Restricted Rental Units as defined in Section 5000: TCAC Tax Income Calculation (TIC) or equivalent documentation, all associated source income documentation, and evidence of the verifying income computation. Additionally Project Sponsors will be required to prepare and forward a TCAC Project Status Report (PSR) or equivalent documentation to the Applicant annually in conjunction with the Annual Applicant Public Benefits and On-going Compliance Self Certification. Sponsors must retain information pertaining to the income verification process for 10 years.

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(d) For all QRRP projects receiving allocation after December 31, 2016, compliance with the income and rental requirements of the Federally Bond-Restricted Units identified in the Committee Resolution and the Bond Regulatory Agreement must be demonstrated by the Applicants initial review of 20% of all management files associated with the Federally Bond-Restricted units and subsequent review every three years of 20% of all management files associated with the Federally Bond-Restricted units. Federally Bond-Restricted units will include a distribution of unit locations, sizes and income levels (if applicable) and must be identified in the PSR. For this 20% of files, Applicants must review each initial or subsequent occupant/s and their associated TIC in conjunction with the supporting income verification documentation of each occupant's initial occupancy and make a determination if the project is complying with the income and affordability standards. Additionally, Applicants must ensure a lease is in place and executed. This review may be performed on-site or may be performed through an electronic file audit. Completion of this task in addition to a valid Certification of Compliance II or equivalent form will provide Issuers with the ability to report annually to CDLAC regarding compliance with the Federally Bond-Restricted unit restrictions. Information pertaining to the income verification process will be kept on file for 10 years. Applicants must retain documentation memorializing review and determination of income eligibility for 10 years. Source income documentation must be retained for 1 year. These guidelines rely on the compliance monitoring process and procedures in place for TCAC. To the extent TCAC is to alter their compliance policies and procedures, these guidelines shall be reviewed by CDLAC for consistency and changes made where appropriate.

(e) For all QRRP projects receiving allocation after December 31, 2016, Sponsors requesting an allocation of bonds absent the receipt of a TCAC reservation will be identified at the time of application and will have the following compliance options which will be represented in the Committee Resolution:

(1) Applicants that can demonstrate to the Executive Director's satisfaction experience and current capacity to conduct on-site physical and file inspections through their Compliance Policies will be required to conduct the 20% review of the Federally Bond-Restricted units files on-site and perform a site inspection consistent with their Bond Compliance Policy every 3 years after the Qualified Project Period has commenced.

(2) Applicants that cannot demonstrate to the Executive Director's satisfaction capacity to conduct on-site physical and file inspections through their Compliance Policies will be required to enter into an agreement with a private third party compliance firm, approved by CDLAC, who must conduct the 20% review of Federally Bond-Restricted units files on-site and perform a site inspection consistent with their current policies and procedures every 3 years after the Qualified Project Period has commenced.

correcting Section 5170

CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS (Adopted February 19, 2020)

Section 5154. Discovery of Erroneous Information. It is the responsibility of each Applicant and each Project Sponsor to provide the Committee with complete and accurate information at the time the Application is filed. If the Applicant/Project Sponsor (or their attorneys, agents, employees, or other representatives) provides material that is incomplete, erroneous, inaccurate, misleading or false as to a fact to the Executive Director's decision-making process, the Application may be rejected. If incomplete, erroneous, inaccurate, misleading or false information is discovered by Committee staff after an Allocation has been made, the Allocation may be rescinded if Bonds have not been sold or an election to convert Bond authority to Mortgage Credit Certificates has not been filed with the Internal Revenue Service. If Bonds have been sold or converted to Mortgage Credit Certificates, the Committee may take other action as it deems appropriate.

Note: Authority cited: Section 8869.94, Government Code. Reference: Section 8869.84(c), 8869.85(a), and 8869.85(b), Government Code.

Chapter 2. Qualified Residential Rental Projects

Article 1. Definitions.

Section 5170. Definitions. In addition to the definitions set forth in Government Code section 8869.82 and unless otherwise required by the context, the following terms as used in this chapter are defined as follows:

"Adaptive Reuse" means the retrofitting and repurposing of existing buildings that create new Qualified Residential Rental Project units for the market, and expressly excludes any Project that involves rehabilitation or any construction affecting existing residential rental units.

"AMI" or "Area Median Income" means the median family income of a county as set by the U.S. Department of Housing and Urban Development

"Capital Needs Assessment" means a document containing the information defined in section 5212.

"Community Revitalization Area" means a Distressed Community for which a comprehensive Community Revitalization Plan has been adopted and efforts specific to the plan have occurred.

"Community Revitalization Plan" means a comprehensive plan that details specific efforts being undertaken in a neighborhood or a community, that will result in the improvement of the economic conditions and the quality of life in that area.

"Energy Star" means the certification satisfying the requirements of 42 U.S.C. section 6294(a).

"Federal Promise Zone" means any area with a continuous boundary and a population of not more than 200,000 that is nominated by a local government or Indian tribe and designated by the U.S. Department of Housing and Urban Development to receive priority for Federal funding on the basis of its unemployment, poverty, vacancy, and crime rates.

"Federally Assisted At Risk Project" means a property that is at risk of conversion as defined by Revenue and Taxation Code section 17058(c)(4) and by section 10325(g)(5)(B)(i)-(v) of Title 4 of the California Code of Regulations; or a property that otherwise meets all requirements of Revenue and Taxation Code section 17058(c)(4) and section 10325(g)(5)(B)(i) of Title 4 of the California Code of Regulations, except that the federal assistance due to expire within two-five (25) calendar years of application to the Committee may include a tax-exempt private activity Bond regulatory agreement.

"FHA" means Federal Housing Administration.

"FHA Financed Project" means a project financed under 221(d)3, 221(d)4, 223(f) Federal Housing Administration insurance program, or the Section 202 or 811 Capital Advance program, or any HUD-sponsored capital financing pilot program.

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Adding to Section 5170

CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS (Adopted February 19, 2020)

"Final and Conclusive Determination Letter" means a written confirmation from the Department of Finance (DOF) that its determination of an enforceable obligation as approved in a recognized obligation payment schedule is final and conclusive, and reflects DOF's approval of subsequent payments made pursuant to the enforceable obligation.

"Gross Rent" means gross rent as defined by 26 U.S.C. 42(g)(2)(B). Utility allowances, as provided by 26 U.S.C. section 42(g)(2)(B)(ii), will be included for purposes of this calculation. Projects that are Federally Assisted At Risk Projects or Projects that request low income housing tax credits are required to use Gross Rents for the calculation of restricted rents.

"Hard Costs" means the cost of the work specified in a construction contract, including site work, excluding contractor profit, general requirements and contractor overhead.

"High Quality Transit" means a transit line with service seven days per week that operates on a railway, dedicated right-of-way or contains at least one of the following characteristics for at least a portion of its route: use of a High Occupancy Vehicle (HOV) or High Occupancy Toll (HOT) lane, middle of the road boarding alignment, signal prioritization, or use of limited stop service, including express service and skip-stopping.

"HUD" means the United States Department of Housing and Urban Development.

"HUD Development Acknowledgement Letter" means HUD correspondence outlining that a project has submitted an application for FHA financing, that the application has been deemed complete, and that HUD is committed to providing the project with a Firm Commitment Letter prior to the issuance expiration date of the project's Allocation.

"HUD Firm Commitment Letter" means a HUD loan commitment for FHA financing.

"MAP Lender" means a HUD-qualified lender that prepares FHA forms and performs preliminary underwriting for certain FHA loan applications.

"Native American Lands" means real property located within the State of California that meets both the following criteria:

(a) is trust land for which the United States holds title to the tract or interest in trust for the benefit of one or more tribes or individual Indians, or is restricted Indian land for which one or more tribes or individual Indians holds fee title to the tract or interest but can alienate or encumber it only with the approval of the United States.

the land may be leased for housing development and residential purposes under federal law.

"New Construction Pool" – QRRP projects applying for an allocation of tax-exempt private activity bonds who meet at least one of the following: (1) fall under the definition of New Construction in section 5170 of CDLAC regulations, or (2) demolition of a residential building with fewer than 100 units that will produce at least 100% more units than the original, or (3) demolition of a residential building with 100 or more units that will produce at least 50% more units than the original, or (4) adaptive re-use of non-residential structures.

"Preservation Pool" – QRRP Projects applying for an allocation of tax-exempt private activity bonds preserving affordability through items such as but not limited to an existing HAP or other local, state, or federal rental or operating assistance contract. These projects shall meet the definition of a Federally Assisted At-Risk project as defined in section 5170 of CDLAC regulations.

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CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS (Adopted February 19, 2020)

"Other Affordable Pool" – QRRP Projects applying for an allocation of tax-exempt private activity bonds from the General pool that are not eligible for New Construction or Preservation projects. This would include but not be limited to acquisition/rehabilitation projects, projects that involve both acquisition/rehabilitation and new construction, and projects approved by HUD pursuant to Section 18 demolition/disposition authorization.

(b) "New Construction" means a Qualified Residential Rental Project in which 100% of its units constitute

(c) new units to the market, and expressly excludes any Project that involves rehabilitation or any

(d) (b) construction-affecting-existing-residential-rental-units.

"Other Restricted Units" means units that are not Federally Bond-Restricted Units but are affordable and identified in the CDLAC resolution as being subject to the long-term rent and income restrictions

"Public Funds" means direct grants, below market rate or subsidized loans, loans where the repayment of the financing is deferred into the future or based on residual receipts from the Project's cash flow, direct funds from a public source including, but not limited to, waiver of fees or the value of land donated or leased by a public agency substantiated either by the actual purchase price of the land or by an appraisal whichever is lower, excluding a property tax exemption. Public Funds do not include any Allocation awarded by the Committee.

"Qualified Project Period" shall mean the same as defined in 26 U.S.C. section 142(d)(2)(A) and regulations promulgated thereunder, except that the minimum term shall be 30 years.

"Rent Comparability Matrix" means the form by which the third party that has completed the Market Study provides information comparing the Project to comparable properties in the Project's market area and evidences that each of the Project's unit types has met the requirements of Section 5191(b).

"Residential Rental Regulatory Agreement" means a covenant recorded against the title of a subject property by a government entity limiting the property's use to rental housing and restricting tenant incomes and rents to no more than 80% Area Median Income of the County in which the property is located.

"Scattered Site Project" means multiple location Projects that:

(a) except where a single existing project-based Section 8 contract is in effect that covers all locations, consist of no more than five (5) locations; and

(b) are not contiguous except for the interposition of a road, street, stream or similar property; and

(c) are proposed to be financed through a single pooled bond transaction; and

(d) all locations are:

(1) subject to a Residential Rental Regulatory Agreement or subject to a federal, state, or local rental or operating assistance agreement:

(A) within the boundaries of the same city, or

(B) within a 10-mile diameter circle within the same county, or

(C) within the same county if no location is within a city having a population of five-hundred thousand (500,000) or more; or

(2) All projects not described within (d)(1) must be within a one (1) mile diameter.

"Standard QRRP Application" means the Application for an Allocation of the Qualified Residential Rental Project Pool titled "Application for an Allocation of the State Ceiling on Qualified Private Activity Bonds

CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS

(Adopted February 19, 2020)

correcting Section 5190 (c)

to the discretion of local elected officials have been obtained. Additionally, if any land use approval is subject to public appeal, within no less than 5 calendar days prior to the first public posting of the Committee, the applicant must provide proof that either no appeals were received, or that any appeals received during that time period were resolved and the project is ready to proceed. Examples of such approvals include, but are not limited to, general plan amendments, re-zonings, and conditional use permits, but do not include design review approvals. The Applicant may include a completed Verification of Zoning and Local Approvals form signed by an appropriate local government planning official of the applicable local jurisdiction for the purpose of satisfying this requirement. Those Qualified Residential Rental Pool Projects with redevelopment-related project financing that is subject to the approval of the Department of Finance (DOF) are required to have obtained a Final and Conclusive Determination Letter, or other written communication from DOF stating that DOF does not issue, or concludes is unnecessary, a Final and Conclusive Determination for this form of redevelopment financing obligation, prior to submitting an application to the Committee.

(c) Applicant must submit CDLAC form, INFORMATION ON PROJECT SPONSOR, that provides information pertaining to the Project Sponsor identified in the Application. Applicant must submit CDLAC form, COLLECTIVE EXPERIENCE OF PROJECT SPONSOR AND ALL PARTNERS, that provides information pertaining to the experience of the Project Sponsor (if different than the Developer). The Project Sponsor's CTCAC Certificate of Previous Participation and a CTCAC Schedule A form may be submitted as COLLECTIVE EXPERIENCE OF PROJECT SPONSOR AND ALL PARTNERS in lieu of the CDLAC form. The Application must include CDLAC form, INFORMATION ON PROJECT DEVELOPER, that provides information pertaining to the Project Developer identified in the Application. The Application must include CDLAC form, EXPERIENCE OF PROJECT DEVELOPER, that provides information pertaining to the experience of the Project Developer. The Project Developer's CTCAC Certificate of Previous Participation and a CTCAC Schedule A form may be submitted as EXPERIENCE OF PROJECT DEVELOPER in lieu of the CDLAC form. Applicant must submit a list of California projects which the Developer and Project Sponsor (if different than the Developer) has developed or rehabilitated with tax-exempt bond financing. The list shall include the cities and counties in which the projects are located. The list shall be labeled as Attachment W-5. Applicant shall submit CDLAC form, INFORMATION ON PROPOSED MANAGEMENT COMPANY that provides information pertaining to the property management company that will manage the proposed Project.

(d) Legal Status of Project Sponsor and Developer. If a separate sheet is used to respond to the following questions, the sheet shall be labeled Attachment Y.

(1) Financial Viability. Disclose any legal or regulatory action or investigation that may have a material impact on the financial viability of the project or the Project Sponsor and Developer. The disclosure should be limited to actions or investigations in which the applicant or the applicant's parent, subsidiary, or affiliate involved in the management, operation, or development of the project has been named a party. Not Applicable is an unacceptable response.

(2) Fraud, Corruption, or Serious Harm. Disclose any legal or regulatory action or investigation involving fraud or corruption, or health and safety where there are allegations of serious harm to employees, the public, or the environment. The disclosure should be limited to actions or investigations in which the Project Sponsor and Developer or the Project Sponsor's and Developer's current board member (except for volunteer board members of non-profit entities), partner, limited liability corporation member, senior officer, or senior management personnel has been named a defendant within the past ten years. Not Applicable is an unacceptable response.

3) Disclosures should include civil or criminal cases filed in state or federal court; civil or criminal investigations by local, state, or federal law enforcement authorities; and enforcement proceedings or investigations by local, state or federal regulatory agencies. The information provided must include

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CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS (Adopted February 19, 2020)

(5) Two (2) points will be awarded to Projects that commit to a parking ratio equivalent to or less than 1 parking stall per single room occupancy or one-bedroom restricted rental unit and 1.5 parking stalls per two-bedroom or larger restricted rental unit.

(6) New Construction and Adaptive Reuse Projects: Up to five (5) points will be awarded to projects that commit to developing the project in accordance with the California Tax Credit Allocation Committee's minimum requirements for energy efficient programs, Title 4, Division 17, Chapter 1, Section 10325 (c)(6)(A).

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(7) New Construction and Adaptive Reuse Projects: Points shall be awarded according to the California Tax Credit Allocation Committee's minimum requirements for energy efficiency programs, Title 4, Division 17, Chapter 1, Section 10325 (c)(6)(B).

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(8) Rehabilitation Projects: Points are awarded based on the energy efficiency criteria described for Rehabilitation Projects in The California Tax Credit Allocation Committee regulations, Title 4, Division 17, Chapter 1, Section 10325(c)(6)(C), (D) and (E).

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(9) Compliance and Verification. The form of evidence shall follow that described in Title 4, Division 17, Chapter 1, Section 10325(c)(6)(G). Projects that receive an award of low income housing tax credits (LIHTC) shall submit evidence of compliance to TCAC with the Placed in Service Application. Projects that receive a Qualified Residential Rental Bond allocation, and do not receive a LIHTC award, shall submit Evidence of Compliance to CDLAC.

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(I) Service Amenities (10 points maximum).

(1) Points will be awarded provided the Project Sponsor certifies the following:

(A) Service amenities must be appropriate to the tenant population served and committed to for a minimum of fifteen (15) years. Programs must be of a regular, ongoing nature and provided to tenants free of charge, except for day care services. Services must be designed to generate positive changes in the lives of tenants, such as increasing tenant knowledge of and access to available services, helping tenants maintain stability and prevent eviction, building life skills, increasing household income and assets, increasing health and well-being, or improving the educational success of children and youth.

(B) Services must be provided on-site except that Projects may use off-site services within a one-half (½) mile of the Project (one and one-half (1½) miles for Rural projects) provided that they have a written agreement with the service provider at the time of Application enabling the development's tenants to use the services free of charge (except for day care and any charges required by law) and that demonstrate that provision of on-site services would be duplicative. Projects may use off-site services located more than one-half (½) mile from the Project (one and one-half (1½) miles for Rural projects) provided that they have a written agreement with the service provider at the time of Application enabling the development's tenants to use the services free of charge (except for day care and any charges required by law) and that demonstrate that provision of on-site services would be duplicative, and a written agreement at the time of Application demonstrating that tenants will be provided with free of charge round-trip transportation between the development and the off-site services. Referral services will not be eligible for points.

(C) Contracts with service providers, service provider experience, and evidence that physical space will be provided on- or off-site must be documented within the Application. Documentation must be provided for each category of services for which the Applicant is claiming service amenity points and must state the name and address of the organization or entity that will provide the services; describe the services to be provided; state annual value of the services; commit that services will be provided for a period of at least one (1) year; and name the project to which the services are being committed. Evidence shall take the form of a contract for services, Memorandum of Understanding (MOU), or commitment letter on agency letterhead. Services delivered by the on-site Property Manager or other property management staff will not be eligible for points under any category. All organizations

increasing amounts in Section 5233 (a)

CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS
(Adopted February 19, 2020)

be ranked together. Applications receiving the greatest number of points shall be awarded an Allocation from the Qualified Residential Rental Project Pool.

(d) If two or more Applications are awarded the same total number of points, these Applications will be ranked according to the lowest amount of requested Allocation per Restricted Rental Unit (Allocation amount requested divided by number of Restricted Rental Units).

Note: Authority cited: Section 8869.94, Government Code. Reference: Sections 8869.84(c), 8869.85(a), and 8869.85(b), Government Code.

Section 5232. Competitive Application Process Maximum Allocation Amount. (a) For projects subject to the Competitive Application Process, the Committee will allocate no more than fifty million dollars (\$50,000,000) for any proposed Qualified Residential Rental Project. Where a proposed Qualified Residential Rental Project is located within one-fourth (1/4) mile of another Qualified Residential Rental Project involving the same Project Sponsor or a Related Party to the Project Sponsor, the Allocation amounts for the Qualified Residential Rental Projects cannot, in the aggregate, exceed fifty million dollars (\$50,000,000) within a calendar year.

(b) The Committee may waive this maximum allocation amount if the Committee determines that the demand for allocation for Qualified Residential Rental Projects is such that the maximum allocation amount is not warranted. An Applicant requesting an Allocation in excess of fifty million dollars (\$50,000,000) may seek a waiver from the Committee based on the following factors:

(1) The Qualified Residential Rental Project qualifies as a Federally Assisted At-Risk Project; or

(2) Documentation is provided in the Application indicating why a Qualified Residential Rental Project cannot be developed in phases at a fifty million dollars (\$50,000,000) level. The documentation must be specific and may include, but is not limited to, a site plan detailing the layout of the subject property, unit mix per stage of the phase, any unique features of the property which inhibits phasing, a description of infrastructure costs, and a cost breakdown by phases.

Note: Authority cited: Section 8869.94, Government Code. Reference: Sections 8869.84(c), 8869.85(a), and 8869.85(b), Government Code.

Section 5233. Allocation Limits. (a) Limit CDLAC bond allocation on a per unit basis (adjusted by the number of bedrooms) in the General and Rural Multifamily Pools as follows:

Studio and SRO:	\$522,000
One-bedroom:	\$544,000
Two-bedroom:	\$580,000
Three-bedroom:	\$638,000
Four or more bedroom:	\$671,000

(b) Private Activity Bond allocation awards cannot exceed 60% of the aggregate depreciable basis plus land basis.

Note: Authority cited: Section 8869.94, Government Code. Reference: Sections 8869.84(c), 8869.85(a) and 8869.85(b), Government Code.

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updating Section 5250 (1) and (2)

CALIFORNIA DEBT LIMIT ALLOCATION REGULATIONS (Adopted February 19, 2020)

Article 10. Scattered Site Applications

Section 5250. Application Requirements. (a) Applications for Scattered Site Projects shall provide all information required for each site. Additional stipulations are as follows:

(1) For acquisition and rehabilitation project aA Capital Needs Assessment report may combine information for all Project sites in one report.

(2) For new construction projects or acquisition/rehabilitation projects aA Market Study may combine information for all Project sites in one report; however the Market Study shall have separate Rent Comparability Matrices for each site.

(3) Acquisition/Rehabilitation Projects where each location is subject to an existing Residential Rental Regulatory Agreement or a federal, state, or local operating or rental assistance agreement may provide, as an alternative to providing a market study and affordability matrices consistent with Sections 5200(a) and 5250(a)(3), a comprehensive market study consistent with 26 U.S.C. Section 42(m)(1)(A)(iii). The study must be a written statement certified by a third party market analyst and the project must meet at least one of the following requirements:

(A) as certified by a third-party market analyst, the proposed tenant paid rents and income targeting will not exceed one hundred-five percent (105%) of the current rents and targeting and a vacancy rate of no more than five percent (5%); for single room occupancy and special needs housing a vacancy rate of no more than ten percent (10%); or

(B) as evidenced by copies of executed contracts, the project has been receiving federal, state, or local operating or rental assistance and will continue to receive such assistance for at least five (5) additional years. If a contract demonstrating operating or rental assistance for an additional five (5) years is not available, a letter signed by the contractor's senior official may be submitted that describes the efforts undertaken to effectuate an operating or rental assistance contract, the expected duration of the contract, and the expected contract execution date.

(4) Evidence of site control shall be required for each site.

(5) Any maps provided shall include each site.

(b) An Applicant may seek a waiver of the Scattered Site five (5) location limit. A written request describing how the project will benefit from waiver of the location limit must be submitted no later than the application due date for the allocation round in which the Project is seeking an allocation.

Note: Authority cited: Section 8869.94, Government Code. Reference: Sections 8869.84(c), 8869.85(a) and 8869.85(b), Government Code.

Section 5251. Evaluation Criteria. Each site within an Application for a Scattered Site shall be evaluated individually for points as provided in section 5230. The total points awarded to a Project in any category shall be based on the pro-rata share of total units each site represents. For instance, if only one site meets the threshold for an award of 5 points as provided in 5230(g), and the site represents 40% of total units, the Project shall be awarded two (2) points for this category (40% x 5 points).

Note: Authority cited: Section 8869.94, Government Code. Reference: Sections 8869.84(c), 8869.85(a), and 8869.85(b), Government Code.

Article 11. Application Process for projects assisted by the U.S. Department of Housing and Urban Development

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A Policy Discussion of Priorities for the Preservation Pool

Comparison to 2019 Demand Survey

	2019 Demand Survey Results	2020 Demand Survey Results	notes on 2020
General Affordable	\$ 3,428,103,849	\$ 6,154,131,432	\$0.9B for AB101 & \$.67B SB2
Mixed Income	\$ 324,000,000	\$ 1,681,975,000	\$1B for AB101
Rural	\$ 25,500,000	\$ 38,200,000	
Single Family Housing	\$ 360,000,000	\$ 488,000,000	
Industrial Development Bonds	\$ 10,000,000	\$ 12,000,000	
Exempt Facilities	\$ 400,000,000	\$ 1,310,500,000	
	\$ 4,547,603,849	\$ 9,684,806,432	

From Preliminary Recommendations

GENERAL POOL - OTHER AFFORDABLE PROJECTS									
APPL #	APPLICANT	PROJECT NAME	PROJECT COUNTY	MFH TYPE	TOTAL PTS EARNED	TIE-BRKR	REQUESTED AMOUNT	RECOMMEND AMOUNT	CUMULATIVE
20-557	Housing Authority of the City of Los Angeles	Pueblo del Sol Phase I	Los Angeles	Seniors	140.0	158,500	31,700,000	31,700,000	31,700,000
20-558	Housing Authority of the City of Anaheim	Hermosa Village Phase II	Orange	Family	140.0	182,973	20,310,000	20,310,000	52,010,000
20-485	California Municipal Finance Authority	Village Pointe	Los Angeles	Family	135.0	228,954	47,622,526	47,622,526	99,632,526
20-507	California Housing Finance Agency	Douglas Park Apartments	Los Angeles	Family	130.0	273,239	19,400,000	19,400,000	119,032,526
20-560	California Statewide Communities Development Authority	Vacaville Gables	Solano	Family	128.0	124,063	7,940,000	7,940,000	126,972,526
20-522	California Statewide Communities Development Authority	Steinbeck Commons (Supp.)	Monterey	Seniors	125.6	208,847	20,675,853	20,675,853	
20-494	Housing Authority of the City of San Diego	Park Crest Apartments	San Diego	Family	125.0	221,223	30,750,000	30,750,000	
20-513	California Housing Finance Agency	Light Tree Three Apartments	San Mateo	Family/SN	119.2	440,045	24,642,500	24,642,500	
20-543	California Municipal Finance Authority	Frank G Mar Apartments	Alameda	Family	119.0	398,773	38,680,982	38,680,982	
20-506	California Housing Finance Agency	Ridge View Commons	Alameda	Seniors	117.0	223,908	44,333,758	44,333,758	
20-528	Housing Authority of the City of San Diego	Grant Heights II	San Diego	Family	115.2	216,415	8,873,000	8,873,000	
20-448	California Municipal Finance Authority	San Martin de Porres Apartments	San Diego	Family	110.0	131,680	15,143,172	15,143,172	
20-502	California Municipal Finance Authority	The Hilarita	Marin	Family	106.1	414,352	37,706,000	37,706,000	
20-566	California Statewide Communities Development Authority	Pine View Apartments	San Diego	Family	104.8	131,962	13,196,168	13,196,168	
20-561	Housing Authority of the City of San Diego	Mercado Apartments	San Diego	Family	104.1	183,525	26,060,517	26,060,517	
20-458	California Municipal Finance Authority	St. Stephens Retirement Center, Inc.	San Diego	Seniors	102.5	146,202	8,625,924	8,625,924	
20-534	California Municipal Finance Authority	Villa Raymond Apartments	Los Angeles	Seniors	102.3	292,650	17,559,000	17,559,000	
20-571	California Public Finance Authority	Casa Del Rio and Santa Cruz Riverfront	Santa Cruz	Family	102.3	307,843	31,400,000	31,400,000	
20-568	City and County of San Francisco	Fillmore Marketplace	San Francisco	Family	102.0	198,551	23,429,069	23,429,069	
20-449	California Municipal Finance Authority	Adcock Joyner Apartments	Alameda	Family	92.0	259,184	12,700,000	12,700,000	
20-496	Golden State Finance Authority	Sungrove Senior Apartments	Orange	Seniors	91.2	150,000	12,000,000	12,000,000	Other Affordable
20-498	Golden State Finance Authority	Bay View Vista Apartments	Solano	Seniors	84.5	109,375	21,000,000	21,000,000	Round Allocation Limit
e Total General-Other Pool:							\$ 513,748,469	\$ 513,748,469	\$ 129,138,573 *

GENERAL POOL - PRESERVATION AT-RISK

APPL #	APPLICANT	PROJECT NAME	PROJECT	MFH TYPE	TOTAL PTS	TIE-BRKR	REQUESTED	RECOMMEND	Preservation At-Risk
20-447	California Municipal Finance Authority	Villa Lakeshore Apartments	San Diego	Family	112.0	215,472	7,110,591	7,110,591	Round Allocation Limit
							\$ 7,110,591	\$ 7,110,591	\$ 174,105,837 *

	Total Allocation Request	Count
Projects Intentionally Applied as "Other Affordable"	\$110,828,926	6
Projects Placed in "Other Affodable" after TCAC Criteria Applied	\$402,919,543	16
Projects Applying for Preservation	\$410,030,134	17
Projects Qualifying for At-Risk in Preliminary Recommendations	\$7,110,591	1

* The \$129,138,573 (Other Affordable) and \$174,105,837 (Preservation At-Risk) represent the allocations for this round only. Two more rounds are allocated in the rest of 2020 with the same amounts.

The information presented here is made available for informational purposes only. The information is not binding on the Committee or its staff. It does not represent any final decision of the Committee and should not be relied upon as such. Interested parties are cautioned that any action taken in reliance on the presented information is taken at the parties' own risk as the information presented is subject to change at any time.

CURRENT 2020 MEETING SCHEDULE

Schedule of CDLAC Committee Meetings and Application Deadlines*

MEETING DATE and PURPOSE	APPLICATION DEADLINE	CITY	LOCATION
January 15 State Ceiling / Non- Housing Allocations	November 15, 2019	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
February 12 <i>(continued on February 18)</i> Joint QRRP projects receiving January 2020 State Tax Credit awards	<i>COMPETITIVE</i> November 15, 2019	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
April 3 Emergency Regulations		Sacramento	11:00AM Room#150 (Auditorium) 801 Capitol Mall
April 14 Allocation Meeting	<i>COMPETITIVE</i> January 17, 2020	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
May 20 Non-QRRP Allocation Meeting	<i>COMPETITIVE</i> March 20, 2020	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
July 15 Allocation Meeting	<i>COMPETITIVE</i> April 17, 2020	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
September 16 Non-QRRP Allocation Meeting	<i>COMPETITIVE</i> July 21, 2020	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
October 21 Allocation Meeting	<i>COMPETITIVE</i> August 21, 2020	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587

*ALL MEETING DATES, APPLICATION DEADLINES, AND LOCATIONS ARE SUBJECT TO CHANGE

PROPOSED 2020 MEETING SCHEDULE

Schedule of CDLAC Committee Meetings and Application Deadlines*

MEETING DATE and PURPOSE	APPLICATION DEADLINE	CITY	LOCATION
January 15 State Ceiling / Non- Housing Allocations	November 15, 2019	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
February 12 <i>(continued on February 18)</i> Joint QRRP projects receiving January 2020 State Tax Credit awards	<i>COMPETITIVE</i> November 15, 2019	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
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August 19 Allocation Meeting	<i>COMPETITIVE</i> May 15, 2020	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
September 16 Non-QRRP Allocation Meeting	<i>COMPETITIVE</i> July 21, 2020	Sacramento	11:00AM Jesse Unruh Building 915 Capitol Mall Room 587
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*ALL MEETING DATES, APPLICATION DEADLINES, AND LOCATIONS ARE SUBJECT TO CHANGE