

CDLAC Committee Regulations - Proposed Changes

Section 5000. 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 division are defined as follows:.....

~~“Mixed Income Project” means a Qualified Residential Rental Project having 50% or fewer of its total units designated as Restricted Rental Units or are part of the California Housing Finance Agency Mixed Income Program.~~

“Mixed Income Project” means a Qualified Residential Rental Project which either (1) is not utilizing the Average Income test of Internal Revenue Code Section 42 (g)(1)(C) and which has 50% or fewer of its total units designated as Restricted Rental Units or; (2) is part of the California Housing Finance Agency Mixed-Income Program.

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

Section 5033. Minimum Application Requirements.....

~~(5) For all Applications other than those relating to a Mortgage Credit Certificate Program pursuant to chapter 3, or a Recovery Zone Economic Development Bond Project, the following shall be provided to the Committee no less than four (4) calendar days prior to the first public posting of Committee recommendations as provided in section 5035 of the CDLAC Regulations: (A) proof of public notice of the TEFRA hearing; and (B) a copy of the fully executed TEFRA Resolution adopted by the governing body of the jurisdiction in which the proposed project or program will be located or, in the case of a Student Loan Program, a resolution adopted by the sponsor of the Student Loan Program emorIALIZING the public approval process as required by 26 U.S.C. section 147(f). The resolution shall clearly indicate that a public hearing was properly noticed and held with respect to the proposed issuance of Bonds. Such resolutions shall be accompanied by the approval of the Bonds for the specific project or program by the applicable elected representative as such term is defined in 26 U.S.C. section 147(f)(2)(E). (C) In the event that a fully executed copy of an adopted TEFRA Resolution cannot be provided within the timeframe set forth in subdivision (b)(5) of this section, the Applicant shall provide: 1. within the timeframe set forth in subdivision (b)(5) of this section, written certification of the date, time, location, and outcome of the public hearing, the approval of the issuance of Bonds by the applicable elected representative, and that the actions comply with the provisions of 26 U.S.C. section 147(f); and 2. no less than twenty-four (24) hours prior to the scheduled commencement of the Committee meeting at which the project is seeking an allocation, a copy of the fully executed adopted TEFRA Resolution. If the Applicant is a JPA, the jurisdiction issuing the TEFRA Resolution must be a member of the Applicant at the at the time the Resolution is adopted or must have approved becoming a member of the Applicant at or prior to the time the Resolution is adopted.~~

~~(D) In the event that a TEFRA Resolution for a proposed project or program is to be signed by a member of the Committee, the Applicant may submit: 1. no less than four (4) calendar days prior to the first public posting of Committee recommendations as provided in section 5035 of the CDLAC Regulations, the minutes of the required public hearing and proof of publication of the notice announcing the public TEFRA hearing; and 2. no later than the date on which a Report of Action Taken must be submitted, as required by section 5142 of the CDLAC Regulations, a fully executed copy of the adopted TEFRA Resolution.~~

Note: Authority cited: Section 8869.94, Government Code. Reference: Sections 8869.84(c), 8869.84(e), 8869.85(a), 8869.85(b) and 8869.90, Government Code.

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:.....

“New Construction Pool” - QRRP projects applying for an allocation of tax-exempt private activity bonds who meet at least one of the following: (1) the definition of New Construction in Section 5170, (2) projects that involve the demolition or rehabilitation of existing residential units that increase the unit count by (i) 25 or (ii) 50% of the existing units, whichever is greater or (3) 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 the HUD-RAD Program, HUD Section 18 projects and pre-FY2000 AB 1699 projects funded on former IRS code guidelines, projects meeting the definition of an At-Risk project as defined in TCAC regulation 10325(g).~~

“Preservation Pool” – QRRP projects applying for an allocation of tax-exempt bonds that meet at least one of the following: (1) have a pre-1999 HCD loan that is being restructured pursuant to Section 50560 of the Health and Safety Code (AB 1699 projects); or (2) any replacement or rehabilitation project approved by HUD pursuant to a Section 18 Demolition/Disposition authorization; (3) a Federally-Assisted At-Risk project; 4) any project being rehabilitated under the HUD Rental Assistance Demonstration (RAD) Program, or (5), a project that meets all of the following: (a) the project (or projects, if more than one) is not currently encumbered with an existing CDLAC (via bond issuer), CTCAC, or other affordability regulatory agreement, with the exception of a regulatory agreement associated with a HUD Project-Based Section 8 or USDA Rental Assistance contract; and (b) the project (or projects, if more than one) is subject to an existing project-based contract under Section 8 of the United States Housing Act of 1937 or any comparable rental assistance program that provides rental assistance to at least 50% of the units; and (c) the project shall be required to complete rehabilitation work at a minimum of \$60,000 in hard construction costs per unit, as defined in TCAC Regulation Section 10302(u), subject to the provisions of IRC Section 42(e)(3)(A)(ii)(I).

~~“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 limited to acquisition/rehabilitation projects, projects that involve both acquisition/rehabilitation and new construction.~~

“Other Affordable Pool”: QRRP Projects applying for an allocation of tax-exempt private activity bonds from the General pool that are not eligible for treatment as New Construction or Preservation projects. This would include but not be limited to acquisition/rehabilitation projects and projects that involve both acquisition/rehabilitation and new construction. A rehabilitation or acquisition and rehabilitation project must meet all of the following criteria:

1. Will complete at least \$60,000 in hard construction costs per unit, as defined in TCAC Regulation Section 10320(u); and,
2. At least 60% of hard construction costs shall be expended only on immediate health and safety improvements, seismic and accessibility improvements and/or the replacement of major systems with a remaining useful life of less than ten years, as evidenced by a Capital Needs Assessment.

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