

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 263-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



**Adequate Sites Alternative Checklist**  
**Housing Element Annual Progress Report Version**  
**Government Code Section 65583.1(c)**

As provided for in Government Code Section 65400(a)(2)(B)(iii), local governments can count existing housing units to address up to 25 percent of their housing need for low and very low income by counting existing units substantially rehabilitate, converted to affordable from market rate, or preserved through the provision of “committed assistance” if those units also meet the requirements of Government Code Section 65583.1(c). However, for the purposes of crediting units committed assistance may be executed throughout the planning period, and a program in the housing element is not required. The following is a checklist intended to provide guidance in determining whether the provisions of Government Code Section 65400(a)(2)(B)(iii) can be used to credit these units.

<p><b>65583.1(c)(4)</b> Did the local government provide “committed assistance” to the units being credited? See the definition of “committed assistance” at the end of the checklist.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>65583.1(c)(1)(A)</b> Has the local government identified the specific source of “committed assistance” funds? If yes: specify the amount and date when funds were dedicated through a (legally enforceable agreement). \$: _____ Date: _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>65583.1(c)(3)</b> Has at least some portion of the regional share housing need for very low-income (VL) or low-income (L) households been met in the current or previous planning period?  Specify the number of affordable units permitted/constructed in the previous period. _____  Specify the number affordable units permitted/constructed in the current period and document how affordability was established. _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>65583.1(c)(1)(B)</b> Indicate the total number of units assisted with committed assistance funds and specify funding source. Number of units: _____ Funding source: _____</p>	
<p><b>65583.1(c)(1)(B)</b> Were the funds sufficient to develop the identified units at affordable costs or rents?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p><b>65583.1(c)(1)(C)</b> Do the identified units meet the substantial rehabilitation, conversion, preservation, hotel, motel, or hostel conversion, or mobilehome acquisition requirements as defined? Which option? _____</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

**SUBSTANTIAL REHABILITATION (65583.1(c)(2)(A))**

<b>65583.1(c)(2)(A)</b> Did the rehabilitation result in a net increase in the number of housing units available and affordable to very low- and lower-income households?  If so, how many units? # of VLI units: _____ # of LI units: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(A)(i) (I)</b> Were the units at imminent risk of loss to affordable housing stock? <i>For example, are the units at-risk of being demolished or removed from the housing stock without the necessary rehabilitation?</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(A)(i) (II)</b> Did the local government providing relocation assistance consistent with Government code 7260 or Health and Safety Code Section 17975, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(A)(i) (III)</b> Did the tenants have the right to reoccupy units?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(A)(i) (IV)</b> Have the units been determined to be unfit for human habitation due the at least four (4) of the following violations (as listed in Health & Safety Code Section 17995.3 (a) through (g))? <input type="checkbox"/> Termination, extended interruption or serious defects of gas, water or electric utility systems provided such interruptions or termination is not caused by the tenant's failure to pay such gas, water, or electric bills. <input type="checkbox"/> Serious defects or lack of adequate space and water heating. <input type="checkbox"/> Serious rodent, vermin, or insect infestation. <input type="checkbox"/> Severe deterioration, rendering significant portions of the structure unsafe or unsanitary. <input type="checkbox"/> Inadequate numbers of garbage receptacles or service. <input type="checkbox"/> Unsanitary conditions affecting a significant portion of the structure as a result of faulty plumbing or sewage disposal. <input type="checkbox"/> Inoperable hallway lighting.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(A)(ii)</b> Will affordability and occupancy restrictions be maintained for at least 55 years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>CONVERSION OF MARKET RATE TO AFFORDABLE (65583.1(C)(2)(B))</b>	
<b>65583.1(c)(2)(B)</b> Specify the number of multifamily rental (3 or more units) to be converted.  Specify the number multifamily ownership units to be converted.  Specify the number of foreclosed properties acquired.  Date Acquired?  Will these units be for rent?	

<p><b>65583.1(c)(2)(B)(i)</b> Are the acquired units be made affordable to low- or very low-income households?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(B)(ii)</b> For units converted to very-low income, were those units affordable to very low-income households at the time they were identified for acquisition?  For units converted to low-income, were those units affordable to low-income households at the time they were identified for acquisition?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(B)(iii)</b> If the acquisition results in the displacement of very low- or low-income households, is the local government providing relocation assistance consistent with Government Code Section 7260, including rent and moving expenses equivalent to four (4) months, to those occupants permanently or temporary displaced?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(B)(iv)</b> Will units be decent, safe, and sanitary upon occupancy?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(B)(v)</b> Will affordability and occupancy restrictions be maintained at least 55 years?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(B)(vi)</b> <b>For conversion of multifamily ownership units:</b> Has at least an equal share of newly constructed multifamily rental units affordable to lower-income households been constructed within the current planning period or will be constructed by the of program completion as the number of ownership units to be converted? (Note: this could be demonstrated by providing certificates of occupancy)  Specify the number of affordable multifamily rental units constructed in the planning period. # of lower-income units: _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b><i>PRESERVATION OF AFFORDABLE UNITS (65583.1(c)(2)(C))</i></b>	
<p><b>65583.1(c)(2)(C)(i)</b> Will affordability and occupancy restrictions be maintained for at least 55 years?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(C)(ii)</b> Are the units located within an “assisted housing development” as defined in Government Code Section 65863.10(a)(3)? See definition below.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(C)(iii)</b> Did the local government hold a public hearing and make a finding that the units are eligible and are reasonably expected to convert to market rate during the next 8 years, due to termination of subsidies, prepayment, or expiration of use?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(C)(iv)</b> Will units be decent, safe, and sanitary upon occupancy?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>65583.1(c)(2)(C)(v)</b> Were the units affordable to very low- and low-income households at the time the units were identified for preservation?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>HOTEL, MOTEL, OR HOSTEL CONVERSION (65583.1(c)(2)(D))</b>	
<b>65583.1(c)(2)(D)(i)</b> Are the units a part of a long-term recovery response to COVID-19?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(D)(ii)</b> Are the units available for people experiencing homelessness as defined in Section 578.3 of Title 24 of the Code of Federal Regulations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(D)(iii)</b> Are the units available for rent at a cost affordable to low- or very low-income households?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(D)(iv)</b> Will the units be decent, safe, and sanitary upon occupancy?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(D)(v)</b> Will the affordability covenants and restrictions be maintained for at least 55 years?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>MOBILEHOME ACQUISITION 65583.1(c)(2)(E)</b>	
<b>65583.1(c)(2)(E)(i)</b> Was the mobilehome park to be acquired with financing that includes a loan from the department pursuant to Section 50783 or 50784.5 of the Health and Safety Code?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>65583.1(c)(2)(E)(ii)</b> Are at least 50% of the current residents in the mobilehome park lower-income households and the entity acquiring the park agrees to enter into a regulatory agreement for a minimum of 55 years that requires the following: (I) All vacant spaces shall be rented at a space rent that does not exceed 50% of maximum rent limits established by the California Tax Credit Allocation Committee at 60% of the area median income. (II) The space to rent for existing residents, both during the 12 months preceding the acquisition and during the term of the regulatory agreement, shall not increase more than 5% in any 12-month period.	<input type="checkbox"/> Yes <input type="checkbox"/> No

**DEFINITIONS:**

**Committed Assistance:** When a local government (City or County) has entered into a legally enforceable agreement obligating funds or other in-kind services for affordable units available for occupancy.

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

- (A) New construction, substantial rehabilitation, moderate rehabilitation, property disposition, and loan management set-aside programs, or any other program providing project-based assistance, under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. Sec. 1437f).
- (B) The following federal programs:
  - (i) The Below-Market-Interest-Rate Program under Section 221(d)(3) of the National Housing Act (12 U.S.C. Sec. 1715l(d)(3) and (5)).
  - (ii) Section 236 of the National Housing Act (12 U.S.C. Sec. 1715z-1).
  - (iii) Section 202 of the Housing Act of 1959 (12 U.S.C. Sec. 1701q).

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

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