

Fresno COG
Housing Planning Grants Program
FINAL GUIDELINES AND APPLICATION
January 2021

PROGRAM GUIDELINES

I. Background

The 2019-20 Budget Act allocated \$125 million to regions through the Regional Early Action Planning Grant Program (REAP). REAP provides one-time grant funding to regional governments for planning activities that will accelerate housing production and facilitate compliance in implementing the sixth cycle of the Regional Housing Needs Allocation. Fresno Council of Governments (Fresno COG) received \$1,114,737.62, of which \$800,000 has been set aside for the Fresno COG Housing Planning Grants Program.

II. Program Purpose

Provide competitive grants to local governments for the preparation and adoption of planning documents and process improvements that:

1. Accelerate housing production
2. Facilitate compliance to implement the sixth-cycle Regional Housing Needs Assessment.

III. Available Funding

Approximately \$800,000 will be distributed through a competitive regional program to local governments for eligible projects. Funding distribution for the competitive program will depend on the quality and number of applications. However, depending on the number of applications received, it may be a goal of the program that 35 percent of the funds be awarded to small cities (<100,000 population) and the County. Local jurisdictions are limited to three application submissions for this round of funding.

IV. Schedule

Below is the anticipated timeline.

| Milestone | Date |
|--|---------------------------------------|
| Draft Guidelines Released for Review | October 30, 2020 to December 18, 2020 |
| Policy Board adopts guidelines and application packet | January 28, 2021 |
| Applications due | March 5, 2021 |
| Scoring Committee convenes | March 23, 2021 |
| Release staff recommendations | April 2, 2021 |
| Policy Board approves awards | April 22, 2021 |
| Projects must be completed and submitted to FCOG | August 1, 2023 |

V. Eligible Applicants

Eligible applicants are limited to local governments of Fresno County (i.e. cities and county).

However, local governments, as the lead applicant, may partner with other forms of governments or entities where the proposal will have a direct effect on land-use or development within the participating

localities. This includes, but is not limited to, partnerships with other localities, housing authorities, school districts, special districts, community-based organizations, or any duly constituted governing body of an Indian Reservation or Rancheria. Applicants must provide a signed letter of commitment from the sub applicant with the application.

VI. Eligible Activities

Eligible activities must demonstrate a nexus to increasing housing and accelerating production.

Eligible activities may be part of a larger planning effort (e.g., a comprehensive zoning code update) if proposed activities have not been completed prior to the project start date, are distinct, and demonstrate a nexus to accelerating housing production. Eligible activities are not necessarily jurisdiction-wide and may include a smaller geography with a significant impact on housing production. For example, eligible activities may include a housing development-related project with a significant community level impact or planning or process improvement for a project with an ongoing community impact beyond the project.

Eligible activities may include a variety of planning documents and processes, including, but not limited to, the following as set forth in Health and Safety Code section 50515.03(c):

1. Rezoning and encouraging development by updating planning documents and zoning ordinances, such as General Plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs;
2. Completing environmental clearance to eliminate the need for project specific review;
3. Establishing housing incentive zones or other area-based housing incentives beyond State Density Bonus Law such as a workforce housing opportunity zone pursuant to Article 10.10 (commencing with Section 65620) of Chapter 3 of Division 1 of Title 7 of the Government Code, or a housing sustainability district pursuant to Chapter 11 (commencing with Section 66200) of Division 1 of Title 7 of the Government Code;
4. Performing infrastructure planning, including for sewers, water systems, transit, roads, or other public facilities necessary to support new housing and new residents;
5. Planning documents to promote development of publicly owned land, such as partnering with other local entities to identify and prepare excess or surplus property for residential development;
6. Revamping local planning processes to speed up housing production;
7. Developing or improving an accessory dwelling unit ordinance in compliance with Section 65852.2 of the Government Code;
8. Planning documents for a smaller geography (less than jurisdiction-wide) with a significant impact on housing production, including an overlay district, project level specific plan, or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas;
9. Rezoning to meet requirements pursuant to Gov. Code Section 65583(c)(1), and other rezoning efforts to comply with Housing Element requirements, including Gov. Code Section 65583.2(c) (AB 1397, Statutes of 2018);
10. Upzoning or other implementation measures to intensify land use patterns in strategic locations, such as close proximity to transit, jobs or other amenities;

11. Rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps);
12. Establishing pre-approved architectural and site plans;
13. Preparing and adopting Housing Elements of the General Plan that include an implementation component to facilitate compliance with the sixth cycle RHNA;
14. Adopting planning documents to coordinate with suballocations under Regional Early Action Planning Grants (REAP) pursuant to Health and Safety Code Section 50515.02(f) that accommodate the development of housing and infrastructure, and accelerate housing production in a way that aligns with state planning priorities, housing, transportation equity and climate goals, including hazard mitigation or climate adaptation;
15. Zoning for by-right supportive housing, pursuant to Gov. Code section 65651 (Chapter 753, Statutes of 2018);
16. Zoning incentives for housing for persons with special needs, including persons with developmental disabilities;
17. Planning documents related to carrying out a local or regional housing trust fund;
18. Environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary (e.g., less than 15 percent of the total grant amount) and part of a proposed activity with a nexus to accelerating housing production; and
19. Other planning documents or process improvements that demonstrate an increase in housing related planning activities and facilitate accelerating housing production; and
20. Establishing Prohousing Policies pursuant to Gov. Code Section 65589.9(f)(2).

VII. Ineligible Activities

1. Activities unrelated to preparation and adoption of planning documents, and process improvements to accelerate housing production and facilitate compliance to implement the sixth cycle of the RHNA;
2. Activities that obstruct or hinder housing production, e.g., moratoriums, downzoning, planning documents with conditional use permits that significantly impact supply, cost, approval certainty and timing, planned development, or other similarly constraining processes; and
3. Project specific planning documents that do not have a significant impact on accelerating housing production or significant community level or reoccurring benefit beyond the project.
4. Fresno COG may consider proposals that are combined with larger proposals that have a positive housing component and the net effect on accelerating housing production is significant. For example, an applicant may propose combining an open-space designation, downzoning, or antidisplacement measures with by-right upzoning that has a significant net gain in housing capacity.

VIII. Eligible Uses

1. Grant funds may cover the costs of temporary staffing or consultant needs associated with eligible activities;
2. Grant funds shall be used for the costs of preparing and adopting the proposed activity;

3. A jurisdiction that receives funds under this Program may use a subcontractor. The subcontract shall provide for compliance with all the requirements of the Program. The subcontract shall not relieve the jurisdiction of its responsibilities under the Program;
4. Eligible expenditures may be incurred and expended for the project(s) subject to the terms and conditions of the Agreement; and
5. Only approved and eligible costs incurred for work after February 2021, and completed during the grant term, will be reimbursable.

IX. Ineligible Uses

1. Program grant funds may not be used for administrative costs of persons employed by the grantee for activities not directly related to the preparation and adoption of the proposed activity;
2. No more than 5 percent of the grant amount may be used for administrative costs for any proposed use, to be approved by Fresno COG upon disbursement; and
3. Approved and eligible costs incurred prior to the application due date are ineligible.

X. Grant Timeline

Awarded projects can begin as soon as project recommendations are approved by the Fresno COG Policy Board. All work must be completed and submitted to Fresno COG by August 1, 2023. No time extensions will be granted.

XI. Project Selection Process

A scoring committee will evaluate and score the proposed projects. An agency may submit multiple project applications. Scoring committee representatives cannot score a project submitted by their own agency or organization. The scoring committee will recommend the award amount for each application.

If the program is oversubscribed, projects that are receiving Local Early Action Planning (LEAP) grant funds as well will be prioritized for funding. Any applications not funded during this round may be resubmitted for the next round of funding, which will be available in mid to late-2021.

The selected project(s) will go through Fresno COG Transportation Technical Committee, Policy Advisory Committee and Policy Board for endorsement.

The scoring committee comprises one representative from each of the following entities:

1. Fresno Council of Governments
2. City of Fresno/Clovis
3. Eastside city
4. Westside city
5. County of Fresno

XII. Scoring Criteria

| SCORING CRITERIA | |
|--|--|
| Project Summary | |
| 15 points maximum | Application provides sufficient detail regarding the proposed project, including summary, overall objectives, and major tasks and subtasks and plans for adoption and/or implementation. |
| Accelerates Housing Production | |
| 20 points maximum | Application describes in detail how the proposed project will accelerate housing production. |
| Consistency with Sustainable Communities Strategy | |
| 5 points maximum | Application describes how the proposed project is consistent with Fresno COG's 2018 Sustainable Communities Strategy. |
| Application Completeness | |
| 5 points maximum | Application is complete and provides sufficient detail. |
| Implementation Capacity | |
| 5 points maximum | Application describes in detail project readiness and implementation capacity within the timeline and budget provided. |
| 50 points maximum | |

XIII. Agreement

Grantees will enter into an Agreement with Fresno COG for distribution of funds. The Agreement will specify, among other things, the amount of funds granted, timeline for expenditure of funds, and the approved use of funds. Expenditure report dates and other requirements will also be identified in the Agreement.

Grantees that request Fresno COG to pay the consultant directly will be required to enter into a three-party agreement between Fresno COG, the grantee, and the consultant.

XIV. Accounting and Reporting

Fresno COG will monitor work and expenses to ensure the project is completed according to the contracted scope of work and project timeline. Monthly progress reports must be submitted to Fresno COG with detailed invoices for reimbursement or payment. The reports should describe the work that has been completed, a copy of any project deliverables, and an invoice that provides a summary of work completed by task, including staff/consultant hours.

- A. Grant funds cannot be disbursed until the Agreement has been fully executed;
- B. The grantee will be responsible for compiling and submitting all invoices and reporting documents. Grantees will submit for reimbursements or payment directly to the consultant to Fresno COG based on actual cost incurred;
- C. The grantee must bill based on clear deliverables outlined in the Agreement or scope of work. Only approved and eligible costs incurred for work after February 2021 are eligible;
- D. Work must be completed prior to requesting reimbursement/payment;
- E. **Grantees will have three administrative options, which must be identified on the application at the time of submittal:**

Option A: Grantee pays the consultant directly and invoices Fresno COG for reimbursement. This option is required for projects that are also utilizing LEAP funds.

Option B: Grantee approves invoices and submits them to Fresno COG to pay the consultant directly. (Three-party agreement between Fresno COG, grantee, and consultant required.)

Option C: Grantee approves invoices and submits them to Fresno COG to pay the consultant directly. Additionally, for local governments that have limited staff availability, Fresno COG staff assists grantee with project management, as specified in an agreement. (Three-party agreement between Fresno COG, grantee, and consultant required.)

- F. Project invoices will be submitted to Fresno COG by the grantee on a monthly basis;
- G. Supporting documentation may include, but is not limited to: receipts, progress payments, subcontractor invoices, time cards, etc.;
- H. Invoices must be accompanied by reporting materials where appropriate. Invoices without the appropriate reporting materials will not be paid. Fresno COG may withhold 10 percent of the grant until grant terms have been fulfilled; and
- I. Each recipient of funds under the Program shall expend those funds no later than August 1, 2023.

- J. The grantee must establish a separate ledger account for receipts and expenditures of grant funds and maintain expenditure details in accordance with the budget and timeline. Separate bank accounts are not required;
- K. The grantee shall maintain documentation of its normal procurement policy and competitive bid process (including the use of sole source purchasing), and financial records of expenditures incurred during the course of the project, in accordance with generally accepted accounting principles;
- L. The grantee agrees that Fresno COG or designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of the Agreement;
- M. The grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated;
- N. Subcontractors employed by the grantee and paid with moneys under the terms of this Agreement shall be responsible for maintaining accounting records as specified above;
- O. At any time during the term of the Agreement, Fresno COG may perform, or cause to be performed, a financial audit of any and all phases of the award. At Fresno COG's request, the awardee shall provide, at its own expense, a financial audit prepared by a certified public accountant. The State of California has the right to review project documents and conduct audits during project implementation and over the project life;
- P. Fresno COG may request additional information, as needed, to meet other applicable audit requirements; and
- Q. Fresno COG may monitor expenditures and activities of an applicant, as Fresno COG deems necessary, to ensure compliance with Program requirements.

XV. Remedies of Nonperformance

- A. In the event that it is determined, at the sole discretion of Fresno COG, that the grantee is not meeting the terms and conditions of the Agreement, immediately upon receiving a written notice from Fresno COG to stop work, the grantee shall cease all work under the Agreement. Fresno COG has the sole discretion to determine that the grantee meets the terms and conditions after a stop work order, and to deliver a written notice to the grantee to resume work under the Agreement;
- B. Both the grantee and Fresno COG have the right to terminate the Agreement at any time upon 30 days written notice. The notice shall specify the reason for early termination and may permit the grantee or Fresno COG to rectify any deficiency(ies) prior to the early termination date. The grantee will submit any requested documents to Fresno COG within 30 days of the early termination notice; and
- C. There must be a strong implementation component for the funded activity through this Program, including, where appropriate, agreement by the locality to formally adopt the completed planning document. Localities that do not formally adopt the funded activity could be subject to repayment of the grant.
- D. Fresno COG may, as it deems appropriate or necessary, request the repayment of funds from an applicant, or pursue any other remedies available to it by law for failure to comply with Program requirements (Health and Safety Code section 50515.04(e)).

APPLICATION

Application Submittal Instructions

All grant application packages should be submitted electronically to Meg Prince, Senior Regional Planner, at mprince@fresnocog.org by 5:00 PM on March 5, 2021.

Required Application Documents

- The application in PDF format including:
 - Applicant Information
 - Project Description
 - Project Schedule and Scope of Work
 - Application Signature Page
 - Signed Letter of Commitment from Sub Applicant (if applicable)
- Board/Council resolution authorizing project application (due prior to Fresno COG Policy Board meeting on April 22, 2021)

Optional Supplemental Information

- Graphics of Project Area (when applicable)
- Letter(s) of Support
- Data

Applicant Information

| | |
|---------------------------------------|---|
| Project Title | |
| Total Funding Request | |
| Administrative Preference | <p>____ Option A: Grantee pays consultant directly and invoices Fresno COG for reimbursement. This option is required for projects also utilizing LEAP funds.</p> <p>____ Option B: Grantee sends approved consultant invoices to Fresno COG for direct payment to the consultant. (Three-party agreement required.)</p> <p>____ Option C: Grantee sends approved consultant invoices to Fresno COG for direct payment to the consultant. Additionally, for local governments that have limited staff availability, Fresno COG staff assists grantee with project management, as specified in an agreement. (Three-party agreement required.)</p> |
| Primary Applicant Agency | |
| Primary Contact Name and Title | |
| Email | |
| Phone | |
| Address | |
| Sub Applicant Agency | |
| Contact Name and Title | |
| Email | |

Project Description

1. Project Summary (500 words maximum)

Please provide a summary of the project, overall objectives, and description of the tasks and major sub-tasks.

2. Nexus to Accelerating Housing Production (300 words maximum)

Please describe the nexus of the proposed project to accelerating housing production.

3. RTP/SCS Consistency (200 words maximum)

Please describe how the proposed project is consistent with Fresno COG's 2018 RTP/SCS.

4. Plan Implementation (200 words maximum)

Please describe the implementation strategies for the proposed planning project. Please identify any potential obstacles to successful implementation of the plan.

5. Project Schedule and Scope of Work

Please outline the tasks (high level and major sub tasks), budget, timeline, and deliverables in the table template provided below. If other funding is used, please note the source and amount in the notes column.

| Task | Est. Cost | Begin Date | End Date | Deliverable | Notes |
|-------------------|-----------|------------|----------|-------------|-------|
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| TOTAL COST | | | | | |

Application Signature Page

**To the best of my knowledge, all information contained in this application is true and correct.
If awarded a grant, I agree that I will adhere to the program guidelines.**

Signature of Authorized Official (Applicant)

Print Name

Title

Date

Signature of Authorized Official (Sub Applicant)

Print Name

Title

Date