

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**DIVISION OF STATE FINANCIAL ASSISTANCE**

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August 31, 2023

**MEMORANDUM FOR:** POTENTIAL APPLICANTS

**FROM:**

  
 Jennifer Seeger, Deputy Director  
 Division of State Financial Assistance

**SUBJECT:**

**Infill Infrastructure Grant Program of 2019**  
**2023 Notice of Funding Availability for Qualifying Infill**  
**Project Small Jurisdiction Set Aside**

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$94 million in funds available under the Infill Infrastructure Grant Program of 2019 (IIG-2019 or Program).

This NOFA furthers the goal of IIG-2019 to promote infill housing development by providing financial assistance for Capital Improvement Projects that are an integral part of, or necessary to facilitate the development of, a Qualifying Infill Project. Under the Program, grants are available as gap funding for infrastructure improvements necessary for specific residential or mixed-use infill development projects or areas.

**Application materials must be submitted electronically via the Department IIG-2019 Application Portal, available online at <https://hcd.ca.gov/grants-and-funding/programs-active/infill-infrastructure-grant> no later than 4:00 p.m. Pacific Time on November 16, 2023:**

Project Type	Approximate Funding Available	Application Period
Small Jurisdictions (QIP)	\$94 million	Over-the-counter applications accepted October 12, 2023, through November 16, 2023*

*\*If this NOFA does not appear to be oversubscribed by the November 16, 2023, closing date, the Department may reopen the NOFA for a subsequent round of OTC applications.*

The Department will begin accepting applications and recommending Awards on a first-come, first-served basis beginning October 12, 2023, until November 16, 2023, or such time as the Department has received enough eligible applications to reasonably use all the available funds, whichever occurs first.

**Infill Infrastructure Grant Program of 2019  
2023 Notice of Funding Availability  
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The NOFA application, online workshop details, and IIG-2019 Guidelines are posted on the Department's website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/infill-infrastructure-grant>. The NOFA application workbook will be available and posted to the website no later than September 19, 2023. To receive information regarding online workshops and other updates, please subscribe to the Department email list at <https://www.hcd.ca.gov/contact-us/email-signup>.

If you have questions, please contact [infill@hcd.ca.gov](mailto:infill@hcd.ca.gov).

Attachment

# INFILL INFRASTRUCTURE GRANT PROGRAM OF 2019

## 2023 Notice of Funding Availability Qualifying Infill Project Small Jurisdiction Set-Aside



**Gavin Newsom, Governor  
State of California**

**Lourdes M. Castro Ramírez, Secretary  
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director  
California Department of Housing and Community Development**

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**August 31, 2023**

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## I. Overview

### A. Notice of Funding Availability

The California Department of Housing and Community Development (Department) is pleased to announce the initial release of this Infill Infrastructure Grant Program of 2019 (IIG-2019, or Program) Notice of Funding Availability (NOFA) for approximately \$94 million in funds. IIG-2019 provides grant assistance available as gap funding for infrastructure improvements necessary for specific residential or mixed-use infill developments. Under IIG-2019, eligible infrastructure improvements are referred to as Capital Improvement Projects, which are an integral part of or necessary to facilitate the development of a Qualifying Infill Project.

This NOFA provides over-the-counter financial assistance to nonprofit or for-profit Developers of Qualifying Infill Projects and Tribal Entities that are the Developers of Qualifying Infill Projects in Small Jurisdictions.

“Small Jurisdiction” is defined as a county with a population of less than 250,000 as of January 1, 2019, or any city within that county, pursuant to Health and Safety Code Section 53559.1, subdivision (g) (amended by Stats. 2022, ch. 570 (AB 157), § 13, eff. September 27, 2022). The list of qualifying counties is updated annually by the California Department of Finance.

“Qualifying Infill Project” is defined as a residential or mixed-use residential project located within an Urbanized Area on a site that has been previously developed, or on a vacant site where at least 50 percent of the perimeter adjoins parcels developed with Urban Uses, and that meets the criteria for a Qualifying Infill Project set forth in the Department’s Infill Infrastructure Grant Program of 2019 – Qualifying Infill Project Small Jurisdiction Set-Aside Guidelines, adopted on August 31, 2023, and as may be subsequently amended (IIG-2019 Guidelines).

Funding for this NOFA is provided by the General Fund (as appropriated in the 2022 and 2023 Budget Acts) and the Commercial Property Pilot Program (CPPP) (as reappropriated from the 2021 Budget Act). As such, \$17.5 million is set aside for applications that propose Adaptive Reuse of an existing building.

<b>Project Type</b>	<b>Approximate Funding Available</b>
Commercial Building Adaptive Reuse	\$17.5 million
Total NOFA Amount	\$94 million

## B. Timeline

<b>NOFA Release</b>	<b>August 31, 2023</b>
<b>Application Workbook Release</b>	<b>September 19, 2023</b>
<b>Application Portal Opens</b>	<b>October 12, 2023</b>
<b>Application Portal Closes</b>	<b>November 16, 2023, by 4:00 p.m. PT</b>
<b>Award Announcements</b>	<b>Ongoing</b>

*\*If this NOFA does not appear to be oversubscribed by the November 16, 2023 closing date, the Department may reopen the NOFA and continue accepting OTC applications.*

## C. Authorizing Legislation, Regulations, and Guidelines

IIG-2019 was established by Part 12.5 (commencing with Section 53559) of Division 31 of the Health and Safety Code. The Department's administration of IIG-2019 is governed by the IIG-2019 Guidelines, which implement, interpret, or make specific that statutory scheme. The IIG-2019 Guidelines are authorized by Health and Safety Code section 53559, subdivisions (i) and (k).

Applications submitted under this NOFA are subject to the IIG-2019 Guidelines, all applicable statutory requirements, and this NOFA. Section references in this NOFA refer to the IIG-2019 Guidelines unless otherwise noted. Capitalized terms in this NOFA are either defined herein or in the IIG-2019 Guidelines, available on the IIG website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/infill-infrastructure-grant>.

The IIG-2019 Guidelines establish evaluation criteria for Qualifying Infill Projects in Small Jurisdictions. Applications will be accepted and evaluated for threshold requirements and eligibility on a continuous basis via an over-the-counter process.

## D. Changes to the NOFA and Guidelines

Applications submitted under this NOFA are subject to the August 31, 2023 IIG-2019 Guidelines. The Guidelines were modified, as closely as possible, for consistency with the requirements of Assembly Bill 434 (AB 434) and AB 434 program guidelines (namely, IIG Guidelines).

In addition, the Eligible Costs section of the Guidelines was modified to include the following:

1. Electric Vehicles (EV) infrastructure introduced as an eligible cost.

2. Residential Structured Parking and mechanical parking lifts removed from the list of eligible costs.
3. Transit Station Structured Parking spaces are an eligible cost if they are required to replace existing parking spaces displaced by construction of new housing identified in the application. However, awarded funds may not exceed \$50,000 per space and may not exceed 30 percent of the total Award amount.

## II. Program Requirements

*\*\*The information provided below is a summary of the programmatic requirements detailed in the IIG-2019 Guidelines. All Applicants are encouraged to read the IIG-2019 Guidelines in their entirety prior to applying. \*\**

To be eligible for funding, the Capital Improvement Project application must demonstrate that all IIG-2019 threshold requirements have been met. Applicants are encouraged to review Sections 200 (“Eligible Capital Improvement Projects”) and 202 (“Threshold Requirements”) for complete information.

### A. Eligible Applicants

4. Eligible Applicants shall be a nonprofit or for-profit Developer of a Qualifying Infill Project or a Tribal Entity that is the Developer of a Qualifying Infill Project.

For additional requirements, please see Section 201 (“Eligible Applicant”).

5. Definition of Small Jurisdictions

Based on the Department of Finance’s most recent provisional population and housing estimates for cities, counties, and the state for January 1, 2023 (<https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>), the following counties have fewer than 250,000 residents and thus meet the eligibility criteria of Small Jurisdictions:

Alpine	Kings	San Benito
Amador	Lake	Shasta
Butte	Lassen	Sierra
Calaveras	Madera	Siskiyou
Colusa	Mariposa	Sutter
Del Norte	Mendocino	Tehama
El Dorado	Modoc	Trinity
Glenn	Mono	Tuolumne

Humboldt  
Imperial  
Inyo

Napa  
Nevada  
Plumas

Yolo  
Yuba

## B. Eligible Use of Funds

IIG-2019 funds shall be used only for approved eligible costs that are incurred on the Capital Improvement Projects as set forth in Section 203 (“Eligible Use of Funds”). In addition, the costs must be necessary and consistent with the lowest reasonable cost consistent with the Capital Improvement Project's scope and area as determined by the Department.

## C. Program Funding Amounts and Terms

### 1. Funding Award Limits

<b>Qualifying Infill Project</b>	Minimum Award	\$1 million
	Minimum Award (Rural Areas)	\$500,000
	Maximum Award	\$7.5 million

The total of all IIG Awards for any single Qualifying Infill Project (to include Awards from the Infill Incentive Grant Program of 2007, the Infill Infrastructure Grant Program of 2019, and any future IIG or IIG-2019 NOFAs or future iterations of the Program) shall not exceed \$90 million.

### 2. Grant Calculation

Pursuant to Section 205 (“Grant Terms and Limit”), the total eligible grant amount shall be determined by the total number of Units identified in the Qualifying Infill Project, the bedroom count of these Units, and the Net Density and affordability of the housing to be developed. The total eligible Award amount shall be based upon the lesser of the amount necessary to fund the Capital Improvement Project or the maximum amount permitted by the IIG-2019 Grant Amount Calculation Table (see below).

<b>IIG-2019 Grant Amount Calculation Table</b>					
(Amounts <sup>1</sup> are represented on a per Unit basis)					
<b>Income Level &amp; Tenure</b>	<b>0-Bdrm</b>	<b>1-Bdrm</b>	<b>2-Bdrm</b>	<b>3-Bdrm</b>	<b>4-Bdrm</b>
<b>Homeownership Units</b>					
IIG-Unrestricted <sup>2</sup>	\$4,300	\$8,500	\$12,700	\$16,900	\$21,200
Moderate Income Owner	\$32,500	\$36,600	\$43,700	\$52,100	\$56,300
Low Income Owner	\$36,600	\$40,800	\$49,200	\$57,600	\$63,400
<b>Rental Units</b>					
200% FMR <sup>3</sup> or IIG-Unrestricted	\$4,300	\$8,500	\$12,700	\$16,900	\$21,200
60% AMI Rental	\$36,600	\$40,800	\$49,200	\$57,600	\$63,400
50% AMI Rental	\$42,300	\$47,900	\$54,900	\$66,000	\$70,400
30% AMI Rental	\$49,200	\$52,100	\$59,100	\$76,000	\$80,200

*\*Increase based on December 2022 Consumer Price Index at*

*[https://data.bls.gov/pdq/SurveyOutputServlet?data\\_tool=dropmap&series\\_id=CUUR0400SA0,CUU](https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUUR0400SA0,CUU) per U.S. Bureau of Labor Statistics (BLS).*

<sup>1</sup> Increase based on December Consumer Price Index per U.S. Bureau of Labor Statistics (BLS).

<sup>2</sup> An IIG-Unrestricted Unit for the purposes of calculating grant amounts in IIG is any Unit not restricted at the other levels identified in Section 102 ("Definitions"), but also not meeting any of the above definitions.

<sup>3</sup> A 200 percent Fair Market Rent (FMR) Unit is a rental Unit with a proposed monthly rent, which is equal to or greater than 200 percent of its county's FMR as defined by HUD.

Grant amounts established by the IIG-2019 Grant Amount Calculation Table may be increased based on proposed housing Units per acre, as represented in the following Net Density Adjustment Factor table below:

<b>Net Density Adjustment Factor</b>	
<b>Net Density (Housing Units per acre)</b>	<b>Adjustment Factor</b>
Fewer than 45	1
45 – 49.9	1.04
50 – 54.9	1.08
55 – 59.9	1.12
60 – 64.9	1.16
65 – 69.9	1.20
70 – 74.9	1.24
75 – 79.9	1.28
80 – 84.9	1.32
85 – 89.9	1.36
90 – 94.9	1.40
95 – 99.9	1.44
100 – 104.9	1.48
105 and above	1.52

### 3. Award Terms

All Program requirements are set forth in the IIG-2019 Guidelines, including, without limitation, Section 205 (“Grant Terms and Limit”) and Section 500 (“Legal Documents”) thereof.

Grant terms and conditions will be specified and memorialized in the STD 213, Standard Agreement (Standard Agreement).

### 4. Performance Deadlines

Performance deadlines are set forth in Section 402.

Recipients will be subject to the Department’s Disencumbrance Policy and Negative Points Policy, as identified and described in Section 101.

As specified in the Negative Points Policy, potential applicants are encouraged to contact the Department in advance of submitting an application for funding to identify any outstanding reports, payments due or other deficiencies which may result in assessment of negative points if not cured prior to the application due date by sending an email to [ComplianceVerification@hcd.ca.gov](mailto:ComplianceVerification@hcd.ca.gov).

## D. Site Control

The Qualifying Infill Project and Capital Improvement Project shall comply with the site control requirements as set forth in Section 202(k).

#### **E. Funding Limits**

Use of multiple Department funding sources on the same Assisted Units is permitted, subject to the Department's funding limits requirements, as described in Section 200(f) and the Department's "Repeal of Stacking Prohibition of Multiple Department Funding Sources" identified therein and in Section 101.

For the purposes of calculating total Department funding, all housing development and Capital Improvement Project funding shall be considered. Additionally, prior awards made to the Capital Improvement Project or any component of the application, any funds awarded pursuant to this NOFA, and any applicable Department Awards made subsequent to any Award made pursuant to this NOFA shall be considered.

#### **F. Application Evaluation - Threshold**

Unless otherwise specified, all Program threshold requirements must be met for an application to be eligible for Award. For complete information, please review the full list of threshold requirements set forth in Section 200 ("Eligible Capital Improvement Projects"), Section 201 ("Eligible Applicant"), and Section 202 ("Threshold Requirements").

Applications submitted in response to this NOFA are not subject to rating and ranking. Please note the following:

1. Eligible applications timely submitted shall generally be awarded in the order received in accordance with the NOFA and IIG-2019 Guidelines until the funds available pursuant to this NOFA have been exhausted.
2. With respect to applications submitted on the same business day, the Department will prioritize those applications proposing a Qualifying Infill Project on excess state-owned property or surplus land owned by a local agency, including transit agencies.

### **III. Application Submission and Review Procedures**

#### **A. Application Submission Process**

Applications must meet eligibility requirements upon submission. For complete information, please review the IIG-2019 Guidelines. Applications that do not meet the filing deadline requirements will not be eligible for funding. Applications must be on the Department's forms and cannot be altered or modified by the Applicant. It is the Applicant's responsibility to ensure the application is clear, complete, and accurate. Excel forms must be submitted in Excel format, not as a PDF document. Required

supporting documentation must be uploaded to the IIG-2019 Application Portal using naming conventions set forth in the application.

For application forms, visit the Department's website at:  
<http://www.hcd.ca.gov/grants-and-funding>.

## **B. Electronic Submission**

Application materials must be submitted electronically via the Department's IIG-2019 Application Portal using the provided application forms, and the Applicant must include all required information as detailed in the application forms. A link to the Department's IIG-2019 Application Portal is available at the Department's webpage at <https://www.hcd.ca.gov/grants-and-funding/programs-active/infill-infrastructure-grant>. Applicants must submit all application materials no later than 4:00 p.m. Pacific Time on November 16, 2023.

Requirements for uploading the application workbook and required supporting documentation, including naming conventions, are described in the NOFA application instructions. Do not modify naming conventions when uploading documents.

Over-the-counter applications will be accepted beginning on the date set forth in this NOFA and reviewed on a first-come, first-served basis. Proposals will generally be selected for Award based on order of submittal. However, with respect to applications submitted on the same business day, the Department will prioritize those applications proposing a housing development on excess state-owned property or surplus land owned by a local agency, including transit agencies.

## **C. Application Workshops and Pre-Application Consultation**

The Department will conduct application workshops and/or webinars for the NOFA. Please visit the IIG-2019 website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/infill-infrastructure-grant> for the dates and registration information. Pre-application consultations are also available and can be requested by contacting [infill@hcd.ca.gov](mailto:infill@hcd.ca.gov).

## **E. Disclosure of Application**

Information provided in the application will become a public record available for review by the public pursuant to the California Public Records Act (CPRA) (Gov. Code, § 7920.000 et seq.). As such, any materials provided are subject to disclosure to any person making a records request under the CPRA. The Department cautions Applicants to use discretion in providing information not specifically requested, including, but not limited to, bank account numbers, Social Security numbers, personal phone numbers, and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.

## **E. Prior Awards**

Applicants seeking to substitute previously awarded funds, including but not limited to substitutions to increase the amount of an Award, must first withdraw their previous Award in writing and provide reasonable justification that the substitution is necessary to ensure feasibility. A consultation with Department Program staff is required at the time of the withdrawal. Substitutions based solely upon Applicant preference or convenience will not be permitted. However, it is allowable for Applicants that wish to retain their previous Award to apply for another funding source available within this NOFA, so long as the previous Award is unmodified. In this case, the Department will also allow previously awarded proposals to lower their proposed income targets from one application to the next, so long as the total Unit count remains the same. The Department will restrict Units to the lowest targeting across all awarded funds and will require proposals awarded from a program with prioritized target populations to maintain the special population Units (increasing target population and/or Restricted Units is permitted). However, for Applications proposing a reduction to AMI levels on the Unit mix, the awardee must engage with Program staff relative to the prior Award and confirm the change does not impact feasibility and would not cause a reduction in awarded funds pursuant to that program's requirements.

## **F. Significant Changes After Application**

The Department will make Award determinations based on information provided in the applications. If, after Award, there is a significant departure from the application, the Department may re-evaluate the proposal status, reduce the grant amount, or assign negative points to the Applicant.

# **IV. Appeals**

## **A. Basis of Appeals**

1. Applicants may appeal the Department's written determination that an application is incomplete, has failed threshold review, or has otherwise been determined to provide an insufficient basis for an Award.
2. No Applicant shall have the right to appeal a decision of the Department relating to another Applicant's application (e.g., eligibility, Award).
3. Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the IIG-2019 Guidelines and this NOFA. All decisions rendered shall be made by the Director or his/her designee. The decision shall be final, binding, and conclusive, and shall constitute the final action of the Department.

4. The appeal process provided herein applies solely to decisions of the Department made pursuant to this NOFA.

## **B. Appeal Process and Deadlines**

1. **Process:** To file an appeal, Applicants must submit to the Branch Chief or his/her designee, by the deadline set forth below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. Furthermore, the Applicant must provide a detailed reference to the area or areas of the application that provide clarification and substantiation for the basis of the appeal. No new or additional information will be considered if this information would result in a competitive advantage to an Applicant. Once the written appeal is submitted to the Department, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to the Department at [infill@hcd.ca.gov](mailto:infill@hcd.ca.gov) according to the deadline set forth in the Department's review letters.
2. **Filing Deadline:** Appeals must be received by the Department no later than five business days from the date of the Department's threshold review letter.

## **C. Decision**

Any request to appeal the Department's decision regarding an application shall be reviewed for compliance with the IIG-2019 Guidelines and this NOFA. All decisions rendered shall be final, binding, and conclusive, and shall constitute the final action of the Department.

## **V. Award Announcements and Contracts**

### **A. Award Announcements**

It is the Department's intent to announce Awards on an ongoing basis. Award recommendations will be posted on the IIG website at <https://www.hcd.ca.gov/grants-and-funding/programs-active/infill-infrastructure-grant>.

### **B. Contracts**

Successful Applicants (Recipients) will enter into a Standard Agreement with the Department. The Standard Agreement specifies and memorializes all the relevant state and federal requirements, as well as specific information about the Award and the work to be performed.

As a condition of Award, a Standard Agreement must be executed by the Recipient within 90 days (Contracting Period) of the Department's issuance of the Award letter. Failure to execute the Standard Agreement(s) within the Contracting Period may

result in Award cancellation. The refusal of any co-Recipient to execute the Standard Agreement may result in Award cancellation.

Once an application is awarded Department funds, the Recipient is acknowledging the proposal as submitted and approved is the proposal that is to be funded and built. Any bifurcation or partitioning of the proposal will make that Award null and void.

## **VI. Other State Requirements**

The Recipient agrees to comply with all applicable state and federal laws, rules, guidelines, and regulations that pertain to construction, health and safety, labor, fair employment practices, equal opportunity, and all other matters applicable to the Capital Improvement Project, the Qualifying Infill Project, the Recipient, its contractors or subcontractors, and any loan or grant activity, including without limitation those listed in Section 300 (“State and Federal Laws, Rules, Guidelines and Regulations”).

Where the proposed Qualifying Infill Project presents a fair housing issue, the Department reserves discretion to require a fair housing legal opinion.

In addition, the Recipient shall comply with the following requirements:

### **A. California’s Preservation Notice Law**

All Applicants, Recipients, co-Recipients, owners, and special purpose entities relative to the Qualifying Infill Project must, at all times, comply with, and not be in violation of, California’s Preservation Notice Law (Gov. Code, §§ 65863.10, 65863.11, 65863.13).

### **B. State Relocation Requirements**

If a proposal will result in the displacement of persons, businesses, or farm operations, the Recipient shall be solely responsible for complying with Section 301 (“Relocation Requirements”), and for providing the assistance and benefits set forth in applicable state and federal law. The Recipient shall further agree to indemnify and hold harmless the Department from any liabilities or claims for relocation-related costs.

## **VII. Other Terms and Conditions**

### **A. Right to Modify or Suspend**

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including, without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties via the Department’s email list and will post the revisions to the IIG website. Please be sure and subscribe to the Department’s email list at [https://www.hcd.ca.gov/i-am/sub\\_email.shtml](https://www.hcd.ca.gov/i-am/sub_email.shtml).

## **B. Conflicts**

It is the duty and responsibility of the Applicant and Recipient to review any funding source they obtain for a proposal to ensure each of the requirements for those funding sources is compatible with the Department program requirements.

In the event of a conflict between the terms of this NOFA and IIG-2019 Guidelines and either applicable state or federal law or applicable regulation, the terms of the applicable state or federal law or applicable regulation shall control. Applicants are deemed to have fully read and understand all applicable state and federal laws, regulations, and guidelines pertaining to the relevant program, and understand and agree that the Department shall not be responsible for any errors or omissions in the preparation of this NOFA.

## **C. AB 1010**

This NOFA and corresponding IIG-2019 Guidelines are subject to AB 1010 (Chapter 660, Statutes of 2019), which is set forth in HSC section 50406, subdivision (p). Accordingly, and pursuant to HSC section 50406, subdivision (p): (1) where the provisions of tribal law, tribal governance, tribal charter, or difference in Tribal Entity or legal structure would cause a violation or not satisfy the requirements of this NOFA or the IIG-2019 Guidelines, said requirements may be modified as necessary to ensure Program compatibility; and (2) where provisions of tribal law, tribal governance, tribal charter, or difference in Tribal Entity legal structure or agency create minor inconsistencies (as determined by the Director of the Department or a duly authorized designee thereof) with the requirements set forth in this NOFA or the IIG-2019 Guidelines, the Department may waive said requirements, as deemed necessary, to avoid an unnecessary administrative burden. Matters set forth or otherwise provided for in this NOFA or the IIG-2019 Guidelines that may be modified or waived include, without limitation, threshold scoring requirements and any other matters set forth in HSC section 50406, subdivision (p)(2). Tribal Entity Applicants are accordingly encouraged to discuss any such potential modifications or waivers and their options in that regard during any pre-application technical assistance communications or meetings.