

Higher Impact Transformative Allocation of the Regional Early Action Planning Grants of 2021 (REAP 2.0)

Draft Guidelines for the Higher Impact Transformative Allocation

State of California
Governor Gavin Newsom



CALIFORNIA
STRATEGIC
GROWTH
COUNCIL



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Website: <https://www.hcd.ca.gov/grants-funding/active-funding/reap2.shtml>

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Table of Contents

Section 100: Introduction	5
Section 101: Program Background	5
Section 102: Scope and Authority	6
Section 200: Program Goals, Objectives, Threshold Requirements and Eligible Uses	6
Section 201: Program Goals	6
Section 202: Program Objectives	7
Section 203: Threshold Requirements	8
Section 204: Eligible Uses	9
Section 205: Ineligible Uses	12
Section 300: Applicant and Application Provisions	13
Section 301: Application Requirements and Contents	13
Section 302: Application Submittal	14
Section 400: Tribal and Rural Allocation	14
Section 401: Eligible Applicants	14
Section 402: Award Amounts	15
Section 403: Application Review	15
Section 404: Geographic Distribution	16
Section 405: Suballocations	Error! Bookmark not defined.
Section 406: Scoring Criteria	16
Section 500: Administration	18
Section 501: Grant Execution and Term	18
Section 502: Accounting and Records	19
Section 503: Invoicing	19
Section 504: Audits	20
Section 505: Remedies of Non-performance	21
Section 506: Reporting	21
Section 600: Right to Modify or Suspend Guidelines and Final Decision Making	22
Attachment 1: Statute	Error! Bookmark not defined.
Attachment 2: Definitions	30

Section 100: Introduction

The REAP 2.0 Program is funded in the amount of \$600 million from the State General Fund. The Regional Early Action Planning Grants of 2021 will be administered by the California Department of Housing and Community Development (HCD/Department), in collaboration with the Governor's Office of Planning and Research (OPR), the California Strategic Growth Council (SGC), and the California Air Resources Board (CARB). (Referred hereafter collectively as "State Collaborative Partners".)

Five percent of the funds have been set aside for the Tribal and Rural Allocation, and an additional five percent has been set aside for the Higher Impact Transformative allocation. A majority of the funds (85 percent) are allocated directly to the state's Metropolitan Planning Organizations (MPOs).

Section 101: Program Background

California is committed to a future where we all have the option to live closer to our jobs, services, and daily destinations fostered through more housing options and affordability in nearby neighborhoods, which include transportation options so we can walk our kids to school, ride our bikes to work, or take transit. REAP 2.0 is a key part of the state's strategic investments toward this more sustainable, resilient, and inclusive future for people in all areas of the state.

REAP 2.0 builds on the success of 2019's REAP program but expands the focus by integrating housing, equity, and climate goals, and allowing for broader planning and implementation investments, including infrastructure investments that support future housing development. REAP 2.0 is explicitly intended to meet multiple objectives – Infill development, housing for all incomes, Vehicle Miles Traveled (VMT) reduction, and Affirmatively Furthering Fair Housing (AFFH) in ways that lead to high impact transformative outcomes. The Program also seeks to accelerate the implementation of regional and local plans to achieve the state's land use goals.

The Higher Impact Transformative (HIT) allocation of REAP 2.0 funding makes \$30 million available to Eligible Entities (EE) across the state that pursue innovative approaches to advancing all of the REAP 2.0 goals and objectives. The HIT allocation differs from the majority of REAP 2.0 funds. For example, the funds are competitive, provided directly to EEs and are intended to support novel, unique or innovative approaches with expanded benefits and impact as reflected in the Scoring Criteria.

Section 102: Scope and Authority

These Guidelines are authorized pursuant to Chapter 3.15 of Health and Safety Code sections 50515.06 to 50515.10 and implements, interprets, and makes statute specific for purposes of implementing REAP 2.0. These Guidelines establish terms, conditions, forms, procedures, and other mechanisms as the Department deems necessary to exercise the powers and perform the duties conferred by Chapter 3.15.

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999).

Further, the Department and State Collaborative Partners may implement REAP 2.0 through the issuance of forms, guidelines, and one or more NOFAs, as the Department deems necessary, to exercise the powers and perform the duties conferred on it by this Chapter 3.15 of Health and Safety Code. Any forms, guidelines, and NOFAs adopted pursuant to section 50515.10 are specifically exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Gov. Code). (Health and Safety Code section 50515.10, (h).)

The Department reserves the right, at its sole discretion, to suspend or amend the provisions of these Guidelines in collaboration with the State Collaborative Partners, including, but not limited to, grant award amounts.

Section 200: Program Goals, Objectives, Threshold Requirements and Eligible Uses

Section 201: Program Goals

Program goals include:

Invest in housing, planning, and Infill housing-supportive infrastructure across the entire state in a manner that reduces VMT, increases housing affordability, and advances equity, consistent with all of the following:

- (A) Accelerating housing supply, choice and affordability for all income groups to attain the state's housing goals, including facilitating Housing Element compliance and implementation and progress toward the Regional Housing Need Allocation (Gov. Code § 65584).

- (B) Advancing the State Planning Priorities (Gov. Code § 65041.1) through Infill development.
- (C) Affirmatively Furthering Fair Housing (AFFH) (Gov. Code § 8899.50) by addressing significant disparities in housing needs and access to opportunity and transforming areas of poverty into areas of opportunity.
- (D) Further the region's Sustainable Communities Strategies (Gov. Code § 65080) by reducing Vehicle Miles Traveled Per Capita to advance the state's climate goals.

Section 202: Program Objectives

Program Objectives include:

- (A) Accelerating Infill Development that Facilitates Housing Supply, Choice, and Affordability
 1. Accelerating Infill Development near jobs and other key destinations to support increasing housing choices and affordability that effectively reduce VMT and greenhouse gas emissions.
 2. Eligible Entities must describe how Proposed Uses prioritize development that increases housing choice and affordability at Infill sites.
- (B) Affirmatively Furthering Fair Housing (AFFH)
 1. Proposed Uses must combat discrimination, overcome patterns of segregation, and foster equitable and inclusive communities.
 2. Proposed Uses must include meaningful actions, that taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, and transforming racially and ethnically concentrated areas of poverty into areas of opportunity pursuant to Government Code section 8899.50.
 3. Proposed Uses must support regional and local efforts that work towards ensuring all people have full and equal access to opportunities enabling them to lead healthy lives.
 4. Actions to AFFH generally include, but are not limited to:
 - i. Enhancing housing mobility strategies that remove barriers to housing, infrastructure, and transportation in areas of opportunity.
 - ii. Protecting existing residents from displacement and preserving housing choices and affordability in areas of lower or moderate opportunity and concentrated poverty.
 - iii. Encouraging development of new Affordable Housing in higher resource areas that promotes housing, infrastructure, increased transportation choices, and affordability in areas of higher opportunity outside areas of concentrated poverty.
 - iv. Improving place-based strategies to encourage community revitalization. This includes preservation of existing Affordable Housing that involves approaches focused on conserving and improving assets in areas of lower opportunity and concentrated poverty, such as targeted investments in neighborhood revitalization, preserving or rehabilitating existing Affordable Housing, improving

infrastructure, schools, employment, parks, transportation, and other community amenities.

5. Eligible Entities are required to consider AFFH principles and equity in all Proposed Uses. Any Proposed Uses that may have a negative impact on AFFH objectives must have appropriate mitigation efforts. Recipients shall take no action that is materially inconsistent with AFFH.
6. Eligible Entities are required to pursue geographic equity in how the application(s) disburse funding across the region or a broad impact area.
7. Eligible Entities shall target funding to benefit Disadvantaged and Historically Underserved Communities

(C) Reducing VMT

1. The REAP 2.0 program provides for investments to support housing planning, production and affordability in Infill areas that reduce VMT. Proposed Uses must promote development and align housing production and equitable quality of life in Infill locations consistent with the state's climate targets and goals discussed in the [California Climate Change Scoping Plan](#).
2. Proposed Uses must support or implement action-oriented plans, policies, and investment strategies broadly described as:
 - i. Land Use Planning, Policies, and Investment Strategies: Encourage Infill development that facilitates housing supply, choice and affordability located in Infill areas serviced by existing or planned-for expansions of a multimodal transportation system.
 - ii. Transportation Planning, Policies, and Investment Strategies: Increase travel options to homes, jobs, services, and other key destinations that provide, support, or enhance Multimodal Communities and reduce the number or length of vehicle trips.
3. Eligible Entities are encouraged to pursue uses that support new housing development and shift travel away from driving by implementing or supporting pedestrian, bicycle, transit, and other alternative transportation programs.

Section 203: Threshold Requirements

(A) Disadvantaged and Historically Underserved Communities

1. Applicants must demonstrate each Proposed Use directly benefits and is located in Disadvantaged and Historically Underserved Communities.

(B) Improving Place-based Strategies to Encourage Community Revitalization

1. Applicants must demonstrate each Proposed Use improves place-based strategies to positively impact Disadvantaged and Historically Underserved Communities and encourage community revitalization.
2. Place-based strategies generally focus investments in a strategic location to conserve and improve assets. Examples include targeted investments in neighborhood revitalization, developing, preserving or rehabilitating Affordable Housing and preventing displacement. Other examples include

improving access to transit and active transportation options, infrastructure, schools, employment, parks, and other community amenities.

(C) Significant Beneficial Impact

1. Applicants must demonstrate each Proposed Use advances all Program goals and objectives, meets the definition of a Transformative Planning and Implementation Activity, and provides a significant beneficial impact.
2. Significant beneficial impacts must lead to substantial changes in land use patterns, housing supply and travel behaviors. In demonstrating significant beneficial impacts, applicants may consider rates of change (e.g., percent increase over a baseline), the magnitude of impact relative to variables or targets, the proportion of need achieved, and the impact relative to past trends, policies, and practices. Variables or targets may include but are not limited to benefitting households by income group; Regional Housing Needs Assessment; housing units (new construction, preservation/conservation, and rehabilitation); density; infrastructure; infrastructure capacity and accessibility; public space; community amenities; investments; VMT reduction goals or targets; regional or local equity policies and programs included in applicable regional transportation plans; and regional or local GHG reduction goals or targets.
3. Applicants must explain how each Proposed Use demonstrates a nexus to all REAP 2.0 objectives through Policy Outcomes, provide a reasonable and verifiable methodology, and utilize forms in a manner prescribed by the Department and State Collaborative Partners.
4. Proposed Uses may combine eligible uses. Combined eligible uses must demonstrate a reasonable relationship to each other, including related timing and completion, location and complimentary activities. Examples include rezoning or other planning with infrastructure investment or a multimodal plan in an area targeted with a Housing Trust Fund.
5. Proposed Uses may combine eligible uses with other non-REAP 2.0 efforts including planning and implementation (e.g., other funding sources). Proposed Uses that combine eligible uses with non-REAP 2.0 efforts must demonstrate a reasonable relationship to each other, including timing and completion.
6. Where instructed, applicants must provide clear evidence that demonstrates a nexus between each Proposed Use and REAP 2.0 Program Objectives, utilizing numeric metrics, targets, outputs, or other units of measurement that can be measured and evaluated as defined by these Guidelines (See Attachment 4: Examples of Units of Measurement). Applicants may propose other units of measurement in consultation with the Department and State Collaborative Partners; such other measurements may be subject to a greater level of scrutiny.

Section 204: Eligible Uses

- (A) Activities generally may include:

1. Technical assistance, planning, staffing, consultant needs (Program-related),
 2. Administration costs (see 204(J)),
 3. Eligible uses that meet one or more of the following categories of allowable uses:
 - i. Accelerating Infill development that facilitates housing supply, choice, and affordability through various planning and investment,
 - ii. Realizing Multimodal Communities through programs, plans, and implementation actions,
 - iii. Shifting travel behavior by reducing driving through programs, ordinances, funds, and other mechanisms, and
 - iv. Increasing transit ridership through funding, implementation actions, and planning.
- (B) Applicants may determine the blend of planning and implementation activities. The blend of planning and implementation may consider the extent to which planning needs remain in the region after other local, state, and federal planning investments, including but not limited to REAP 1.0, SB 2 Planning Grants, LEAP, SB 1 Sustainable Communities Grants and Homeless Housing, Assistance and Prevention (HHAP) Local Homelessness Actions plans. The blend of planning and implementation may also consider housing and infrastructure needs of the communities and overall region, consideration of outreach and priority setting, including to disadvantaged communities, overall impact of proposed projects on housing production, VMT reduction, and AFFH.
- (C) The collection of eligible uses in the application should be integrated wherever possible and should lead to greater impact when implemented together.
- (D) Eligible uses may be coupled with other verifiable and related activities being undertaken that will be completed by the applicant or in coordination with other entities as demonstrated by a formal written agreement or other documentation (e.g., resolution) to the satisfaction of the Department.
- (E) The eligible uses should facilitate innovation and creativity, and have a higher impact transformative outcome for the region. Eligible uses that demonstrate a new or creative model for achieving REAP 2.0 goals and that have a high potential to be scalable and replicable in communities across the state will be most competitive.
- (F) Eligible uses could include but are not limited to:
1. Accelerating Infill Development that facilitates housing supply, choice, and affordability:
 - i. Affordable Housing development programs – which may involve predevelopment costs (e.g., studies, land acquisition and entitlements), large expenditures and capital investments – are eligible uses if the programs accelerate the supply of long-term Affordable Housing for Lower-income and Moderate-income Households in Infill areas, remove barriers to encourage development and commit to development within a reasonable time

frame (e.g., within 5 years of the expenditure deadline). Affordable Housing developments can include mixed-uses (e.g., a minimum of 50 percent total floor area is residential use), and Affordable Housing units that are part of mixed income development programs.

- ii. Rezoning and guiding development by updating planning documents, development standards, and zoning ordinances, including general plans, community plans, specific plans, and local coastal programs. All uses that include the creation of planning documents must be accompanied by a commitment to adopt and implement. Completion and adoption of any planning documents or ordinances must occur by the expenditure deadline.
 - iii. Revamping local planning processes to accelerate Infill development that facilitates housing supply, choice, and affordability.
 - iv. Completing environmental clearance to eliminate the need for project-specific review for Infill development that facilitates housing supply, choice, and affordability.
 - v. Establishing and funding an Affordable Housing catalyst fund, Housing Trust Fund, or revolving loan fund for location efficient projects.
 - vi. Performing infrastructure planning and investing in upgrading infrastructure, including but not limited to sewers, water systems, transit, active transportation, roads that do not induce additional vehicle demand, or other public facilities necessary to enable reduction in VMT Per Capita and Accelerate Infill Development that facilitates housing supply, choice, and affordability.
2. Realizing Multimodal Communities:
- i. Establishing and implementing a Vision Zero policy and program, a safety plan, and a slow streets program.
 - ii. Developing bicycle and pedestrian infrastructure plans and other multimodal plans or policies.
 - iii. Investing in infrastructure projects and other programs to expand active transportation and implement bicycle or pedestrian plans.
 - iv. Producing multimodal corridor studies associated with developing specific planning documents or implementation actions.
3. Shifting travel behavior through reducing driving through mechanisms that support active transportation or increase transit ridership:
- i. Studying roadway pricing feasibility and implementing road pricing programs.
 - ii. Funding the establishment of a local VMT impact fee or catalyzing a regional VMT mitigation bank (seed funding for mitigation is ineligible).
 - iii. Funding and implementing parking and transportation demand management programs or ordinances.
 - iv. Accelerating Infill Development production near jobs, transit, and resources.

4. Increasing transit ridership:
 - i. Funding and implementing actions to establish more seamless regional transit systems between and across communities, including establishing common fares, seamlessly connecting transit to active transit systems, syncing transit routing systems and schedules, service design, and wayfinding to connect residential neighborhoods with employment centers and other key destinations.
 - ii. Developing and implementing multimodal access plans to and from transit facilities.
 - iii. Planning for additional housing near transit. All uses that include the creation of planning documents must be accompanied by a commitment to adopt by the expenditure deadline.

- (G) Eligible activities under technical assistance may be broadly construed but must demonstrate a nexus to all REAP 2.0 objectives.
- (H) Eligible activities, as a whole, must have a significant geographic or region-wide benefit; awards are not intended to fund projects that are small in scope relative to the needs of the region.
- (I) Outreach and engagement activities are eligible as priority setting and components of other Proposed Uses. Program outreach shall not be a stand-alone Proposed Use.
- (J) Recipients shall use no more than 5 percent of the allocation(s) for costs related to the administration of the activity(ies) for which the allocation(s) were made. Staff and overhead costs directly related to carrying out Proposed Uses are not administrative costs.
- (K) All Proposed Uses must AFFH.

Section 205: Ineligible Uses

Ineligible uses include but are not limited to:

1. Roadway or highway capacity increases
2. Advocacy work (direct lobbying for specific bills or local propositions)
3. Bonus payments of any kind
4. Ceremonial expenses
5. Commission fees
6. Real estate brokerage fees or expenses
7. Services, materials, or equipment obtained under any other state program
8. Stewardship of legal defense funds
9. General meetings that do not specifically discuss or advance implementation of awarded REAP 2.0 funds
10. Using funds for mitigation activities already mandated by local or state governing bodies or agencies

11. On-going expenses (e.g., routine maintenance or operations of transportation infrastructure associated with transit service expansion)
12. Costs associated with automobile or motorcycle parking (excluding EV charging infrastructure). Proposed Uses with a surface parking component are not eligible.
13. Costs associated with infrastructure related to fossil fuels, including connections to natural gas infrastructure
14. Costs associated with on-going provisions of internet service
15. In lieu fees for local inclusionary housing programs
16. Organizational membership fees
17. Street construction or repair to benefit single use occupancy vehicles
18. Other items unrelated to the REAP 2.0 Program or application

Section 300: Applicant and Application Provisions

Section 301: Application Requirements and Contents

- (A) Until December 31, 2022, or as otherwise prescribed, an EE may request an allocation of funds by submitting an application, in the form and manner prescribed by the Department, and developed with the Department and State Collaborative Partners, that includes all of the following information:
1. An identification of priorities that reflects Program goals and objectives and consideration of inter- and intra-regional coordination, geographic equity, appropriate blends of planning and implementation activities and eligible uses (e.g., technical assistance and other activities, accelerating Infill development that facilitates housing supply, choice, and affordability) that addresses the unique needs of the region related to housing, land use, transportation, climate change, equity, and other planning priorities;
 2. An allocation budget for the funds;
 3. An explanation of how the Proposed Uses will meet the definition of Transformative Planning and Implementation Activities and, as applicable, constitute higher-impact and innovative projects;
 4. An explanation of how the Proposed Uses will implement and achieve housing and equity goals that also result in VMT Per Capita reductions in furtherance of the region's Sustainable Communities Strategy or alternative planning strategy, as applicable.
 5. An explanation of how each Proposed Use has a geographic or region-wide benefit.
 6. An explanation of how each Proposed Use focuses implementation in areas that satisfy an applicable definition of Infill development (See Attachment 2: Definitions).
 7. The application shall reference one or more of the following categories of allowable uses of the funds:
 - i. Accelerating Infill Development that facilitates housing supply, choice, and affordability.

- ii. Supporting residents through realizing Multimodal Communities.
 - iii. Reducing driving through shifting travel behavior.
 - iv. Increasing transit ridership.
8. An explanation of how Proposed Uses will advance equity by benefitting Disadvantaged and Historically Underserved Communities.
 9. An explanation of the targeted outreach the MPO has conducted to Disadvantaged and Historically Underserved Communities and how that outreach was incorporated into the proposed uses.
 10. An explanation of how Proposed Uses improve place-based strategies to encourage community revitalization.
 11. The link to the applicant's webpage where land use maps and VMT generation maps, as available, are publicly accessible.
 12. The Department may request additional information and documentation as appropriate.
 13. The Department may consult with and gather relevant information from any individual, entity, or public agency.

Section 302: Application Submittal

- (A) An applicant must submit a complete and signed application under the penalty of perjury by email to REAP2021@hcd.ca.gov.
- (B) Applications must be on Department forms and cannot be altered or modified by the applicant. Program applications and forms are available on the [Department's website](#).
- (C) The Department and State Collaborative Partners encourage early applications and will accept applications up to the date noted in this Notice of Funding Availability.

Section 400: Higher Impact Allocation

Section 401: Eligible Applicants

- (A) Eligible applicants include:
 1. MPOs and Councils of Governments (COGs) listed in Health and Safety Code section 50515.08, subdivision (a), paragraphs (1) to (6). These include: the Metropolitan Transportation Commission, the Sacramento Area Council of Governments, the San Diego Association of Governments, the Southern California Association of Governments, the Association of Monterey Bay Area Governments, the San Luis Obispo Council of Governments, the Santa Barbara County Association of Governments, the Fresno Council of Governments, the Kern Council of Governments, the Kings County Association of Governments, the Madera County Transportation Commission, the Merced County Association of Governments, the San Joaquin Council of Governments, the Stanislaus

- Council of Governments, the Tulare County Association of Governments, the Butte County Association of Governments, Shasta Regional Transportation Agency, and the Tahoe Regional Planning Agency.
2. Counties of Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama, Tuolumne, and Trinity.
 3. A county, a city, a city and county, a transit agency or district and a county transportation agency located within any of the counties described in Section 401(A)(1).
 4. Tribal Entities within the state of California.
- (B) Eligible applicants that are COGs may include a single or multicounty Council of Governments.
 - (C) The Department may approve a fiscal agent to receive funds on behalf of a consortium of Eligible Entities listed.
 - (D) Eligible Entities may apply directly to HCD for funds pursuant to the Program or through a fiscal agent.
 - (E) If appointing a fiscal agent, eligible applicants may include single or multiple Eligible Entities.
 - (F) More than one Eligible Entity may apply per county. If there is more than one Eligible Entity per County applying for REAP 2.0 funding, Eligible Entities are encouraged but not required to submit a joint application through a fiscal agent.
 - (G) Eligible Entities may partner through legally binding agreements with other forms of governments where the proposal will have a direct effect on land-use, transportation, or development within areas of influence of the Eligible Entity. This includes, but is not limited to, partnerships with other localities, regional governments, housing authorities, school districts, special districts, community-based organizations, non-profit and for-profit developers, Tribal Entities or any duly constituted governing body of an Indian Reservation or Rancheria. Applicants forming partnerships must submit separate, completed, and signed application packages, including resolutions and a copy of the signed agreement between partners. Applicant partners may not submit an application on behalf of the eligible applicant.

Section 402: Award Amounts

- (A) The minimum award amount per applicant is \$5,000,000.
- (B) The maximum award amount per applicant is \$15,000,000.
- (C) The Department may adjust the award amounts, including minimum and maximum award amounts, based on demand or unique circumstances.
- (D) Applicants may consult the State Collaborative Partners regarding award amounts less than \$5,000,000 or more than \$15,000,000.

Section 403: Application Review

- (A) Applications will be reviewed on a competitive basis.
- (B) The Department, in collaboration with State Collaborative Partners, shall review an application in an expeditious manner.

- (C) Applications will be reviewed for completeness, accuracy, threshold, and eligibility requirements.
- (D) Complete applications meeting threshold requirements will be scored and ranked according to scoring criteria.
- (E) Applications submitted by Tribal Entities for the Tribal Entities allocation (Section 404(A)(6)) are subject to an over-the-counter application review process until the final application deadline.
- (F) Upon the Department's initial review of an application from a Tribal Entity, if Threshold Requirements are not met, the applicant may return a revised application within 30 days of the Department's communication of initial review findings, regardless of the application deadline.
- (G) Applicants in the top quartile of ranked applications will be invited to an interview where an application will be re-evaluated by a panel according to scoring criteria. The panel will consist of, at minimum, State Collaborative Partners and may include additional state agencies. The Department may adjust the number of applications invited for an interview based on demand or unique circumstances.
- (H) The Department may request additional, new or substantive information to complete and approve the application for funding.
- (I) Applications recommended for funding are subject to conditions specified by the Department and State Collaborative Partners.
- (J) Successful applicants will receive an Award Letter from the Department and will be awarded funds. Applicants will enter into a state Standard Agreement for distribution of funds. The Standard Agreement will specify, among other things, the amount of funds granted, timeline for expenditure of funds, and the approved use of funds.

Section 404: Geographic Distribution

- (A) The Department and State Collaborative Partners will strive for geographic equity in the distribution of funds. Factors to be considered may include, but are not limited to, the degree of need or impact, degree of benefit toward the state goals, degree of benefit relative to local conditions and circumstances, the extent the applicant has already received REAP 2.0 funding, spatial distribution across the state and rural, urban and suburban localities and regions.
- (B) The Department may consider exceptions to geographic distribution criteria depending on demand or other unique circumstances.

Section 406: Scoring Criteria

- (A) Scoring criteria are generally described as:
 1. **Higher Impact**, including the extent that Proposed Uses are beyond significant beneficial impact and target goals that exceed typical practice and mandated objectives such as the RHNA and overall VMT reduction targets and are (1) accelerating housing supply, choice and affordability, (2) Affirmatively Furthering Fair Housing and (3) reducing Vehicle Miles Traveled Per Capita.
 2. **State Planning Priorities and Other Statewide Objective Alignment** includes Proposed Uses that are integrated and achieve multiple objectives

including affordability, climate adaptation, drought, equity, hazard mitigation, Infill development and VMT reduction.

3. **Readiness** includes removing barriers or completing activities to expedite and facilitate development or completion of Proposed Uses toward Policy Outcomes.
4. **Timeliness** includes how fast Policy Outcomes are anticipated to be achieved.
5. **Build Long-Term Capacity and Expertise** includes activities that build stability in knowledge and expertise to continue the work toward the objectives of the Proposed Uses, including but not limited to facilitating local hiring and local training opportunities as well as local decision making.
6. **Partnership/Collaboration toward Implementation** includes whether the Proposed Uses builds upon existing collaboration or is a collaboration between different neighborhoods, regions, Jurisdictions, governments, or academic institutions. Partnership and collaboration will emphasize implementation and outcomes, including involvement and support of final decision makers and approval bodies.
7. **Scalability/Transferability** includes Proposed Uses that can be replicated and include a component to distribute lessons learned or facilitate scaling in other areas in the region or parts of the state.
8. **Community Engagement** includes how the proposal has been shaped by community-identified needs and input; as well as how the project will continue to conduct community engagement throughout the implementation of the project if awarded.
9. **Needs or Potential for Housing, Infrastructure, VMT Reduction** including the relative level of benefit – examples include high overpayment, degree of inadequate infrastructure, etc.
10. **Leveraging Other Funding** includes additional funding commitments from public and private entities.

(B) Points will be awarded as follows:

Scoring Criteria	Points
Higher Impact	180
Accelerating Housing Supply, Choice, and Affordability (60)	
Affirmatively Furthering Fair Housing (60)	
Reducing Vehicle Miles Traveled Per Capita (60)	
State Planning Priorities and Other Statewide Objective Alignment	50
Readiness	50
Timeliness	50
Build Long-Term Capacity and Expertise	50
Partnerships/Collaboration toward Implementation	40
Scalability/Transferability	20
Community Engagement	20
Needs or Potential for Housing, Infrastructure, VMT Reduction	20
Leveraging other funding	20
Total	500

- (C) Scoring criteria will be evaluated according to the following criteria:
1. Location Considerations: The location of Proposed Uses and the degree of impact relative to achieving Program Objectives. Examples include urbanized areas, established community areas, areas with transit or housing densities (e.g., units per acre), population and employment densities, land use mix, street network connectivity, linkages and pathways with active transportation infrastructure, accessibility between destinations, contiguousness of land uses and transportation networks, identified high growth areas, proximity to multimodal mobility options, surrounding urban uses, areas of higher resource, areas of lower resource or concentrated areas of poverty and Disadvantaged and Historically Underserved Communities.
 2. Supporting Attributes: Characteristics of Proposed Uses and the degree of beneficial impact relative to Program Objectives. Examples include job and housing fits, access to housing options and affordability, walkable communities, expanded transit services, multimodal infrastructure, enhanced pedestrian and bicycle safety measures, protected pedestrian and bicycle amenities, multimodal infrastructure connections, housing mobility strategies, Affordable Housing for Low-income Households, reductions in barriers to high density and housing accessibility.
 3. Measurable Policy Outcomes: Proposed Uses should be supported by evidence, including quantifiable targets that assess the degree of impact relative to Program Objectives. Examples include, but are not limited to, mix and intensity of land uses, linkages between land uses and transportation network, mix of housing units, limited number of off-street parking, VMT reduced, Affordable Housing by income group, housing types by income group, safety improvements, infrastructure connections, density, and development costs and timing.

Section 500: Administration

Section 501: Grant Execution and Term

- (A) The Department will notify the grantee if they have been selected for a grant award.
- (B) After the Standard Agreement has been sent electronically, the grantee will be provided instructions for signing all required documents. The grantee must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instructions or risk forfeiting the grant award.
- (C) The grant term begins on the day the Department and the grantee have fully executed the Standard Agreement. The Department will notify the grantee and partners when work may proceed under the agreement. However, eligible activities that are approved by the Department may be retroactively reimbursed to July 1, 2021.
- (D) Each recipient of funds under REAP must encumber those funds no later than June 30, 2024, and expend those funds no later than June 30, 2026. Final invoices must be submitted to the Department three months prior to the expenditure deadline.

Section 502: Accounting and Records

- (A) The grantee, its staff, contractors, and subcontractors shall establish and maintain an accounting system and reports that properly accumulate incurred project costs by line. The accounting system shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for payment vouchers and invoices. Grantees may establish and maintain an accounting system and reports, as described above, on behalf of contractors and subcontractors.
- (B) 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. As appropriate, grantees must establish separate ledgers for State General Funds, and other funds associated with Proposed Uses not provided by the REAP 2.0 Program.
- (C) The grantee shall maintain documentation of its normal procurement policy, 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 GAAP.
- (D) The grantee agrees that the Department or designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of the Standard Agreement.
- (E) The grantee agrees to maintain such records for possible audit after the final payment for at least five years after all funds have been expended or returned to the state unless a longer period of records retention is stipulated. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.
- (F) Subcontractors employed by the grantee and paid with moneys under the terms of this Standard Agreement shall be responsible for maintaining accounting records as specified above.

Section 503: Invoicing

- (A) Grant funds cannot be disbursed until the Standard Agreement has been fully executed.
- (B) The grantee will be responsible for compiling and submitting all invoices and reporting documents.
- (C) The grantee must bill the Department based on clear deliverables outlined in the Standard Agreement or budget timeline. Generally, approved and eligible costs incurred for work after execution of the Standard Agreement and completed during the grant term will be reimbursable. However, eligible activities conducted prior to award will be reimbursable to July 1, 2021. Approved and eligible costs incurred prior to July 1, 2021, are ineligible.
- (D) Project invoices may be submitted to the Department by the grantee on a quarterly basis or upon completion of a deliverable, subject to the Department's approval.
- (E) The Department may consider advance payments or alternative arrangements to reimbursement and payment methods based on demonstrated need. The Department may consider factors such as available funds for eligible activities.

Suballocations to Jurisdictions must request funds in increments or a schedule for advance payments, and report progress according to an implementation and expenditure timetable.

- (F) Supporting documentation may include, but is not limited to, purchase orders, receipts, progress payments, subcontractor invoices, timecards, reports, or any other documentation as deemed necessary by the Department to support the reimbursement to the grantee for expenditures incurred.
- (G) Invoices must be accompanied by supporting documentation where appropriate. Invoices without supporting documentation will not be paid. The Department may withhold up to 10 percent of the grant until grant terms have been fulfilled, including all required reporting.

Section 504: Audits

- (A) At any time during the term of the Standard Agreement, the Department may perform or cause to be performed a financial audit of any and all phases of the award. At the Department's request, the grantee 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.
- (B) The grantee agrees that the Department or the Department's designee shall have the right to review, obtain, and copy all records and supporting documentation pertaining to performance of this Agreement.
- (C) The grantee agrees to provide the Department or the Department's designee with any relevant information requested.
- (D) The grantee agrees to permit the Department or the Department's designee access to its premises, upon reasonable notice, during normal business hours for the purpose of interviewing employees who might reasonably have information related to such records and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with statutes, Program Guidelines, and the Standard Agreement.
- (E) The Department may request additional information, as needed, to meet other applicable audit requirements.
- (F) The Department may monitor expenditures and activities of a grantee, as the Department deems necessary, to ensure compliance with REAP requirements.
- (G) Grantees using federal or state transportation planning funds administered through the Overall Work Program (OWP) shall clearly identify the source of funds.
- (H) If there are audit findings, the grantee must submit a detailed response acceptable to the Department for each audit finding within 90 days from the date of the audit finding report.
- (I) The grantee agrees to maintain such records for possible audit after the final payment for at least five years after all funds have been expended or returned to the State unless a longer period of records retention is stipulated. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.
- (J) If any litigation, claim, negotiation, audit, monitoring, inspection, or other action has been started before the expiration of the required record retention period, all

records must be retained by the grantee, contractors, and sub-contractors until completion of the action and resolution of all issues which arise from it. In any contract that it enters into in an amount exceeding \$10,000, the grantee shall include the Department's right to audit the contractor's records and interview their employees.

- (K) The grantee shall comply with the caveats and be aware of the penalties for violations of fraud and for obstruction of investigation as set forth in California Public Contracts Code Section 10115.10.

Section 505: Remedies of Non-performance

- (A) In the event that it is determined, at the sole discretion of the Department, that the grantee is not meeting the terms and conditions of the Standard Agreement, immediately upon receiving a written notice from the Department to stop work, the grantee shall cease all work under the Standard Agreement. The Department 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 Standard Agreement.
- (B) The Department has the right to terminate the Standard Agreement at any time upon 30 days written notice. The notice shall specify the reason for early termination and may permit the grantee or the Department to rectify any deficiency(ies) prior to the early termination date. The grantee will submit any requested documents to the Department within 30 days of the early termination notice.
- (C) The applicant must demonstrate a clear and significant nexus to REAP 2.0 Program goals and objectives, including, but not limited to, completion of activities toward Policy Outcomes, and implementation of eligible use activities funded through a suballocation process. Any action inconsistent with REAP 2.0 Program goals and objectives may result in review and could be subject to repayment of the grant.
- (D) At any time, if the Department finds the grantee falsely proposed information in the application or as part of the application review, the Department may require the repayment of funds.
- (E) Grantees are responsible for suballocations meeting all REAP 2.0 requirements.
- (F) The Department may, as it deems appropriate or necessary, require the repayment of funds from a grantee or pursue any other remedies available to it by law for failure to comply with all REAP 2.0 Program requirements.

Section 506: Reporting

- (A) At any time during the term of the Standard Agreement, the Department may request a performance report that demonstrates satisfaction of all requirements identified in the Standard Agreement with emphasis on eligible activities, eligible uses, and expenditures according to timelines and budgets referenced in the Standard Agreement.
- (B) Grantees shall submit a report, in the form and manner prescribed by the Department, to be made publicly available on its website, by April 1 of the year following the receipt of those funds, and annually thereafter until those funds are expended, that contains the following information:

1. The status of the Proposed Uses and expenditures listed in the Eligible Entity's application for funding and the corresponding impact, including, but not limited to,
 - i. Housing units accelerated, and
 - ii. Reductions in VMTPC, and
 - iii. Location of investment, and
 - iv. Socioeconomic statistics about the impacted geography, and
 - v. Regional impact explanation
 2. All status and impact reports shall be categorized based on the eligible uses specified in Section 50515.08.
- (C) Grantees shall collaborate and share progress, templates, and best practices with the Department and fellow recipients in implementation of funds. To the greatest extent practicable, adjacent Eligible Entities shall coordinate in the development of applications, consider potential for joint activities, and seek to coordinate housing and transportation planning across regions.
- (D) Upon completion of all deliverables within the Standard Agreement, the grantee shall submit a close out report in a manner and form prescribed by the Department.
1. Grantee may include a line item for advance payment or reimbursement, as part of its administrative costs, for its final report that is due by June 30, 2026. Funding requests for final reports must be submitted no later than March 31, 2026.

Section 600: Right to Modify or Suspend Guidelines and Final Decision Making

- (A) The Department reserves the right, at their sole discretion, to suspend, amend, or modify the provisions of these Guidelines at any time, including, without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties and will post the revisions to the Department's website. You may subscribe to the [Department email listserv](#).
- (B) The Department's decision to approve or deny an application or request for funding pursuant to the Program, and its determination of the amount of funding to be provided or requested for repayment or other remedies for failure to comply with Program requirements, shall be final.

Attachment 1: Statute

HEALTH AND SAFETY CODE - HSC

DIVISION 31. HOUSING AND HOME FINANCE [50000 - 54913]

(Division 31 repealed and added by Stats. 1977, Ch. 610.)

PART 2. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

[50400 - 50899.7] (Heading of Part 2 amended by Stats. 1981, Ch. 996.)

CHAPTER 3.15. Regional Early Action Planning Grants Program of 2021 [50515.06 - 50515.10] (Chapter 3.15 added by Stats. 2021, Ch. 111, Sec. 15.)

50515.06.

For purposes of this chapter:

- (a) "Department" means the Department of Housing and Community Development.
- (b) "Program" means the Regional Early Action Planning Grants of 2021 established pursuant to this chapter.
- (c) "Regional housing need assessment" means the existing and projected need for housing for each region, as determined by the department pursuant to Section 65584.01 of the Government Code.
- (d) "Sustainable Communities Strategy" refers to the plan prepared by each metropolitan planning organization pursuant to paragraph (2) of subdivision (b) of Section 65080 of the Government Code.
- (e) "Alternative Planning Strategy" refers to the document, if any, prepared by a metropolitan planning organization pursuant to paragraph (1) of subdivision (b) of Section 65080 of the Government Code.
- (f) (1) "Transformative planning and implementation activities" means housing, planning, infrastructure investments supporting infill housing, and other actions that enable meeting housing goals that also result in per capita vehicle miles traveled reductions, including accelerating infill development, supporting residents through realizing multimodal communities, shifting travel behavior through reducing driving, and increasing transit ridership.
 - (2) Transformative planning and implementation activities shall be in furtherance of all of the following:
 - (A) State planning priorities, as described in Section 65041.1 of the Government Code.
 - (B) Affirmatively furthering fair housing pursuant to Section 8899.50 of the Government Code.
 - (C) Facilitating housing element compliance for the sixth cycle regional housing needs assessment pursuant to Section 65302 of the Government Code prepared in accordance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.
 - (D) A region's sustainable community strategy, as described in paragraph (2) of subdivision (b) of Section 65080 of the Government Code, or alternative planning strategy, as described in paragraph (2) of subdivision (b) of Section 65080 of the Government Code, as applicable.
- (g) "Eligible entity" means any recipient of these funds either through direct allocation from the department or through a suballocation from a recipient. For the purposes of this chapter, an eligible entity can include a metropolitan planning organization (MPO),

a single or multicounty council of governments (COG), a regional transportation planning agency (RTPA), a county, a city, a city and county, a transit agency or district, a county transportation agency, or a tribal entity.

(h) "Tribal entity" means an entity formed by the duly constituted governing body of a California Native American Tribe in Chapter 905 of the Statutes of 2004, as described in Section 21073 of the Public Resources Code.

(Added by Stats. 2021, Ch. 111, Sec. 15. (AB 140) Effective July 19, 2021.)

50515.07.

(a) (1) The Regional Early Action Planning Grants Program of 2021 is hereby established for the purpose of providing regions with funding, including grants, for transformative planning and implementation activities.

(2) Upon appropriation by the Legislature for this purpose, funds shall be distributed under the program in accordance with this chapter.

(b) The department, in collaboration with the Office of Planning and Research, the Strategic Growth Council, and the State Air Resources Board, shall develop and administer the program and, consistent with the requirements of this chapter, provide grants to eligible entities for implementing planning and implementation activities. The department shall seek input from the transportation and housing coordination workgroup established through Section 50407.5.

(c) Distribution and expenditures of funds shall be made consistent with the state planning priorities, established pursuant to Section 65041.1 of the Government Code, and shall consider geographic equity among regions of the state.

(d) Of the total amount of any moneys appropriated for purposes of this chapter, the department shall set aside up to 5 percent for program administration, including state operations expenditures and technical assistance, as well as expenditures by recipients of funding pursuant to Sections 50515.08 and 50515.09.

(Added by Stats. 2021, Ch. 111, Sec. 15. (AB 140) Effective July 19, 2021.)

50515.08.

(a) The funds described in paragraph (2) of subdivision (a) of Section 50515.07 shall be available only to the following entities before any suballocation:

(1) The Metropolitan Transportation Commission, representing the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

(2) The Sacramento Area Council of Governments, representing the Counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba.

(3) The San Diego Association of Governments, representing the County of San Diego.

(4) The Southern California Association of Governments, representing the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura.

(5) The Association of Monterey Bay Area Governments, representing the counties of Monterey, San Benito and Santa Cruz.

(6) The San Luis Obispo Council of Governments, the Santa Barbara County Association of Governments, the Fresno Council of Governments, the Kern Council of Governments, the Kings County Association of Government, the Madera County Transportation Commission, the Merced County Association of Governments, the San Joaquin Council of Governments, the Stanislaus Council of Governments, the Tulare County Association of Governments, the Butte County Association of Governments, Shasta County Regional Transportation Agency, and the Tahoe Regional Planning Agency created by interstate compact and ratified by Title 7.4 (commencing with Section 66800) of the Government Code. Notwithstanding any other provision of this chapter, the eligible entities described in this paragraph may apply directly to the department for funds pursuant to the program.

(7) Eligible entities in the Counties of Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama, Tuolumne, and Trinity. Notwithstanding any other provision of this chapter, eligible entities within the counties listed in this paragraph or tribal entities may apply directly to the department for funds pursuant to the program. The department may approve a fiscal agent to receive funds on behalf of a consortium of entities listed in this paragraph.

(b) (1) The department shall calculate the amount of each maximum grant allocation in accordance with the methodology described in subdivision (a) of Section 50515.09.

(2) An eligible entity shall, in consultation with the department and consistent with the requirements of this chapter, determine the appropriate use of funds and suballocations within its boundaries in a manner that appropriately addresses its unique housing, land use, transportation, climate change, equity and other planning priorities.

(c) (1) Subject to paragraph (5), until December 31, 2022, an eligible entity described in subdivision (a) may request an allocation of funds pursuant to this section by submitting an application, in the form and manner prescribed by the department, developed in collaboration with the Office of Planning and Research, the Strategic Growth Council, and the State Air Resources Board, that includes all of the following information:

(A) An allocation budget for the funds provided pursuant to this section.

(B) The amounts retained by the eligible entity and any suballocations.

(C) An explanation of how the proposed uses will meet the definition of transformative planning and implementation activities and, as applicable, constitute high

(D) An explanation of how the proposed uses will implement and achieve housing goals that also result in per capita vehicle miles traveled reductions in furtherance of the region's sustainable communities strategy or alternative planning strategy, as applicable.

(E) The application shall reference one or more of the following categories of allowable uses of the funds:

(i) Accelerating infill development, including housing.

(ii) Supporting residents through realizing multimodal communities.

(iii) Shifting travel behavior through reducing driving.

(iv) Increasing transit ridership.

(F) An explanation of the targeted outreach the MPO has conducted to disadvantaged and historically underserved communities and how that outreach was incorporated into the proposed uses.

- (G) An explanation of how proposed uses will advance equity by benefiting disadvantaged and historically underserved communities.
- (2) The department, in collaboration with the Office of Planning and Research, the Strategic Growth Council, and the State Air Resources Board, shall review an application submitted pursuant to this subdivision in an expeditious manner. Upon approval of an application for funds pursuant to this subdivision, the department shall award the moneys for which the eligible entity qualifies.
- (3) Commencing January 1, 2022, an eligible entity described in paragraphs (1) to (6), inclusive, of subdivision (a), as applicable, may request up to 10 percent of the funding available to it under this section in advance of a full request for funding made pursuant to paragraph (1) to develop and accelerate the implementation of the requirements described in paragraph (1), including, but not limited to, regional engagement in the development of the full application and of an education and outreach strategy. The department shall award funds requested pursuant to this paragraph to the relevant eligible entity in an expeditious manner after receiving that request.
- (4) The department may develop a streamlined application procedure that accounts for the limited resources generally among the regional entities listed in paragraph (7) of subdivision (a).
- (5) If an amount of funds described in paragraph (2) of subdivision (a) of Section 50515.07 remains unallocated after December 31, 2022, the department, at its discretion, may make those funds available through a subsequent notice of funding availability in which funds are offered on a competitive basis pursuant to this chapter. An eligible entity described in subdivision (a) may request an allocation of funds made available through the subsequent notice of funding availability by submitting an application, in the form and manner prescribed by the department.
- (d) In consultation with the department, any entity that receives an allocation of funds pursuant to this section shall establish priorities and use those moneys for eligible transformative planning and implementation activities that include, but are not limited to, all of the following:
- (1) Providing jurisdictions and other local agencies with technical assistance, planning, temporary staffing, or consultant needs associated with updating local planning and zoning documents and other actions that accelerate infill housing production.
 - (2) Administering any programs described in this subdivision.
 - (3) Covering the costs of temporary staffing or consultant needs associated with the activities described in paragraphs (1) and (2), inclusive.
 - (4) Accelerating infill development, including through all of the following:
 - (A) Rezoning and encouraging development by updating planning documents and zoning ordinances, including general plans, community plans, specific plans, sustainable communities strategies, and local coastal programs.
 - (B) Revamping local planning processes to accelerate infill housing production and other infill development.
 - (C) Completing environmental clearance to eliminate the need for project-specific review for infill development.
 - (D) Establishing and funding an affordable housing catalyst fund, trust fund, or revolving loan fund for location efficient projects.
 - (E) Performing infrastructure planning and investing in upgrading infrastructure, including for sewers, water systems, transit, roads, or other public facilities

necessary to enable reduction in per capita vehicle miles traveled, including accelerating housing production.

- (5) Supporting residents through realizing multimodal communities, including through all of the following:
 - (A) Establishing and implementing a vision-zero policy and program, a safety plan, and a slow streets program.
 - (B) Developing bicycle and pedestrian infrastructure plans and other multimodal plans or policies.
 - (C) Investing in infrastructure projects and other programs to expand active transportation and implement bicycle or pedestrian plans.
 - (D) Producing multimodal corridor studies associated with developing specific planning documents or implementation actions.
 - (6) Shifting travel behavior through reducing driving, including through all of the following:
 - (A) Studying and implementing road pricing.
 - (B) Funding the establishment of a local vehicle miles traveled impact fee or regional vehicle miles traveled mitigation bank.
 - (C) Funding and implementing parking and transportation demand management programs or ordinances.
 - (D) Accelerating infill housing production near jobs, transit, and resources.
 - (7) Increasing transit ridership, including through all of the following:
 - (A) Funding and implementing actions to establish more seamless regional transit systems between and across communities, including establishing common fares, schedules, service design, and wayfinding.
 - (B) Developing and implementing multimodal access plans to and from transit facilities.
 - (C) Planning for additional housing near transit.
- (f) (1) In consultation with the department, any entity that receives an allocation of funds pursuant to this section may suballocate moneys directly to eligible entities in the form of grants. Following awards to eligible entities, eligible entities shall award suballocations within 60 days.
- (2) All suballocations pursuant to this subdivision shall consider geographic equity, including the needs of rural and urban communities, transformative and collaborative approaches, including through subregions, and the degree to which the suballocation will be in furtherance of all of the requirements of transformative planning and implementation activities described in paragraph (2) of subdivision (f) of Section 50515.06.

(Amended by Stats. 2021, Ch. 255, Sec. 8. (AB 175) Effective September 23, 2021.)

50515.09.

- (a) Of the amount described in paragraph (2) of subdivision (a) of Section 50515.07, 85 percent shall be available to the entities described in paragraphs (1) to (6), inclusive, of subdivision (a) of Section 50515.08 for transformative planning and implementation activities. The maximum amount that an entity may receive pursuant to this subdivision shall be determined as follows:
- The maximum amount that an eligible entity may receive pursuant to this subdivision shall be based on the most recent Department of Finance P-2A County Population

Projections as of July 1, 2021. Amounts shall be calculated based on aggregate 2030 projected population per each eligible applicant as a percentage of projected 2030 statewide population.

(b) Of the amount described in paragraph (2) of subdivision (a) of Section 50515.07, 5 percent shall be available to the eligible entities described in paragraph (7) of subdivision (a) of Section 50515.08 for transformative planning and implementation activities.

(c) Of the amount described in paragraph (2) of subdivision (a) of Section 50515.07, 5 percent shall be available as a competitive set aside available to all eligible entities for transformative planning and implementation activities that demonstrably exceed the requirements of this chapter and further multiple policy objectives. Scoring criteria for this competitive set aside will include, but are not limited to, the extent of acceleration of infill housing production and reduction of per capita vehicle miles traveled.

(Amended by Stats. 2021, Ch. 255, Sec. 9. (AB 175) Effective September 23, 2021.)

50515.10.

(a) (1) Subject to paragraph (2), an eligible entity that receives an allocation of program funds pursuant to Section 50515.08 shall submit a report, in the form and manner prescribed by the department, to be made publicly available on its internet website, by April 1 of the year following the receipt of those funds, and annually thereafter until those funds are expended, that includes, but is not limited to, the following information:

(A) The status of the proposed uses and expenditures listed in the eligible entity's application for funding and the corresponding impact, including, but not limited to, housing units accelerated and reductions in per capita vehicle miles traveled.

(B) All status and impact reports shall be categorized based on the eligible uses specified in Section 50515.08.

(2) The department may request additional information, as needed, to meet other applicable reporting or audit requirements.

(b) The department shall maintain records of the following and provide that information publicly on its internet website:

(1) The name of each applicant for program funds and the status of that entity's application.

(2) The number of applications for program funding received by the department.

(3) The information described in subdivision (a) for each recipient of program funds.

(c) A recipient of funds under this program shall post, make available, and update, as appropriate on its internet website, land use maps and vehicle miles traveled generation maps produced in the development of its adopted sustainable communities strategy.

(d) A recipient of funds under this program shall collaborate and share progress, templates, and best practices with the department and fellow recipients in implementation of funds. To the greatest extent practicable, adjacent eligible entities shall coordinate in the development of applications, consider potential for joint activities, and seek to coordinate housing and transportation planning across regions.

(e) (1) A recipient of funds under the program shall obligate those funds no later than June 30, 2024, and expend those funds no later than June 30, 2026.

- (2) No later than June 30, 2026, each eligible entity that receives an allocation of funds pursuant to Section 50515.08 shall submit a final report on the use of those funds to the department, in the form and manner prescribed by the department. The report required by this paragraph shall include an evaluation of actions taken in support of the entity's proposed uses of those funds, as specified in the entity's application, including, but not limited to, housing units accelerated and per capita reductions in vehicle miles traveled.
- (f) The department may monitor expenditures and activities of an applicant, as the department deems necessary, to ensure compliance with program requirements.
- (g) The department 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.
- (h) The department, in collaboration with the Office of Planning and Research, the Strategic Growth Council, and the State Air Resources Board, may implement the program through the issuance of forms, guidelines, application materials, funding allocation methodologies, and one or more notices of funding availability, as the department deems necessary, to exercise the powers and perform the duties conferred on it by this chapter. Any forms, guidelines, application materials, funding allocation methodologies, or notices of funding availability prepared or adopted pursuant to this section are exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).
- (i) The department's decision to approve or deny an application or request for funding pursuant to the program, and its determination of the amount of funding to be provided or request for repayment or other remedies for failure to comply with program requirements, shall be final.

(Amended by Stats. 2021, Ch. 255, Sec. 10. (AB 175) Effective September 23, 2021.)

Attachment 2: Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meanings of terms described in Chapter 3.15 of Health and Safety Code sections 50515.06 to 50515.10.

1. “Accelerating Housing Production” or “Accelerating Infill Development, Including Housing” means planning, infrastructure, and other investment and actions that improve the affordability, timing, cost, feasibility, approval, and amount of housing development.
2. “Affirmatively Furthering Fair Housing”, pursuant to Government Code section 8899.50 means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, Affirmatively Furthering Fair Housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.
3. “Affordable Housing” means housing that is affordable (generally 30 percent of gross income) to Lower- and Moderate-income households.
4. “Areas of High Segregation and Poverty” means areas that meet consistent standards for both poverty (30 percent of the population below the federal poverty line) and racial segregation (overrepresentation of people of color relative to the county).
5. “Council of Governments” or “COG” means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with section 6500) of Division 7 of Title 1 of the Government Code that is responsible for allocating regional housing needs pursuant to sections 65584, 65584.04, and 65584.05 of the Government Code.
6. “Department” means the California Department of Housing and Community Development.
7. “Disadvantaged and Historically Underserved Communities” includes concentrated areas of poverty; Areas of High Segregation and Poverty and areas of low to moderate access to opportunity ([TCAC/HCD Opportunity Area Maps](#)); Communities of Concern, Disadvantaged Communities (SB 535 [Disadvantaged Communities](#) Map), and Low-Income Communities pursuant to Senate Bill 535 (De León, Chapter 830, Statutes of 2012) and Assembly Bill 1550 (Gomez, Chapter 369, Statutes of 2016); areas of high Housing cost burdens; areas with high vulnerability of displacement; areas related to Tribal Entities; and other areas experiencing disproportionate impacts of California’s housing and climate crisis. Applicants may propose alternative definitions to Disadvantaged and Historically Underserved Communities in consultation with the Department and the State Collaborative Partners.

8. “Eligible Entity” means any entity that is eligible to be a recipient of these funds either through direct allocation from the Department or through a suballocation from a recipient. For the purposes of this chapter, an Eligible Entity can include a metropolitan planning organization (MPO), a single or multicounty Council of Governments (COG), a regional transportation planning agency (RTPA), a county, a city, a city and county, a transit agency or district, a county transportation agency, or a Tribal Entity.
9. “Housing Element” or “Element” means the Housing Element of a community’s General Plan, as required pursuant to subdivision (c) of section 65302 of the Government Code and prepared in accordance with Article 10.6(commencing with section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.
10. “Housing Trust Fund” means a Local or Regional Housing Trust Fund that is required to be a public, joint public and private, or charitable nonprofit organization organized under Section 501(c)(3) of the Internal Revenue Code, which was established by legislation, ordinance, resolution (including nonprofit articles of incorporation), or a public-private partnership organized to receive specific public, or public and private, revenue to address local or regional housing needs.
11. “Infill”, for the purposes of the REAP 2.0 Program, means areas where all the following apply: (1) the area consists of unused or underutilized lands (2) within existing development patterns (3) that is or will be accessible to destinations and daily services by transit, walking, or bicycling and located in either:
 - a. An urban center, urban corridor, or area with transit-supportive densities, or
 - b. An established community that meets all the following criteria:
 - i. The area consists or previously consisted of qualified urban uses
 - ii. The area is predominantly surrounded (approximately 75 percent of the perimeter) by parcels that are developed or previously developed with qualified urban uses. In counting this, perimeters bordering navigable bodies of water and improved parks shall not be included, and
 - iii. No parcel within or adjoining the area is classified as agricultural or natural and working lands.
 - c. Under unique circumstances, applicants may propose an alternative definition of “Infill” subject to approval by the Department and State Collaborative Partners.
12. “Jurisdiction” means:
 - a. any city, including a charter city,
 - b. county, including a charter county, or
 - c. city and county, including a charter city and county.
13. “Lower-income Households” as defined by Section 50079.5 the California Health and Safety Code means individual households with either 1) household incomes at or below 80 percent of the statewide median income, or 2) household incomes at or below the threshold designated as low-income by Department of Housing and Community Development’s State Income Limits adopted pursuant to Health and Safety Code Section 50093.
14. “Moderate-income Households”, means individual households with either 1) household incomes between 80 and 120 percent of the statewide median income, or 2) household

incomes at or below the threshold designated as moderate-income by Department of Housing and Community Development's State Income Limits adopted pursuant to Health and Safety Code Section 50093.

15. "Multimodal Communities" are those which are served by a variety of travel options that accommodate a variety of transportation modes for the public to access daily destinations. Multimodal options can include, but are not limited to, complete street improvements for active transportation, improving access to transit, and creating high-quality transit stops.
16. "Policy Outcomes" means measures that are a direct result of and demonstrate efficacy of the REAP 2.0 Program.
17. "Program" means the Regional Early Action Planning Grants of 2021 established pursuant to this chapter.
18. "Proposed Use" means an eligible use, combination of eligible uses, or a combination of eligible uses with non-REAP 2.0 planning or implementation efforts that demonstrate a reasonable relationship to each other. It does not mean subcomponents, task, or sub-task of an eligible use.
19. "Regional Housing Needs Assessment" means the existing and projected need for housing for each region, as determined by the Department pursuant to Section 65584.01 of the Government Code."
20. "State Collaborative Partners" means the California Air Resources Board (CARB), Governor's Office of Planning and Research (OPR) and California Strategic Growth Council (SGC).
21. "State Planning Priorities" means priorities that are intended to promote Infill development and equity, protect environmental and agricultural resources, and encourage efficient development patterns outside of Infill areas pursuant to Government Code section 65041.1.
22. "Transformative Planning and Implementation Activities" means housing, planning, infrastructure investments supporting Infill development that facilitates housing supply, choice, and affordability, and other actions that enable meeting housing goals that also result in Vehicle Miles Traveled Per Capita reductions, including Accelerating Infill Development, supporting residents through realizing Multimodal Communities, shifting travel behavior through reducing driving, and increasing transit ridership. Transformative Planning and Implementation Activities are meant to address these goals together and to lead to changes in land use patterns and behaviors. Transformative Planning and Implementation Activities shall be in furtherance of all of the following:
 - a. State Planning Priorities, as described in Section 65041.1 of the Government Code.
 - b. Affirmatively Furthering Fair Housing pursuant to Section 8899.50 of the Government Code.

- c. Facilitating Housing Element compliance for the sixth cycle Regional Housing Needs Assessment pursuant to Section 65302 of the Government Code prepared in accordance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.
 - d. A region's sustainable community strategy, as described in paragraph (2) of subdivision (b) of Section 65080 of the Government Code, or alternative planning strategy, as described in paragraph (2) of subdivision (b) of Section 65080 of the Government Code, as applicable.
23. "Tribal Entity" means an entity that meets at least one of the following definitions:
- a. An Entity formed by the duly constituted governing body of a California Native American Tribe in Chapter 905 of the Statutes of 2004, which means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission, as described in Section 21073 of the Public Resources Code
 - b. A Tribally Designated Housing Entity as defined in Section 4103(22) of Title 25 of the United States Code and Section 50104.6.5,
 - c. An Indian Tribe as defined in Section 4103(13)(B) of Title 25 of the United States Code and Section 50104.6.5.
24. "Tribal Lands" means Tribal trust land, as defined in 18 USC section 1151, fee land within Reservation or Rancheria, fee land outside Reservation or Rancheria, and leasehold estate outside of Reservation or Rancheria.
25. "Vehicle Miles Traveled" (VMT) means metric to evaluate the total miles of vehicles traveling on a roadway over a period of time.
26. "Vehicle Miles Traveled Per Capita" means the number of Vehicle Miles Traveled, per person.