

Connection Housing to Infrastructure Program (CHIP) Questions and Answers (Posted December 10, 2021)

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SALES AND USE TAX

- If I am reading the Program Guidelines correctly, a local government would be eligible if they have implemented the affordable housing sales tax/affordable housing levy OR if they are in a county who has implemented the tax/levy? For example a city in King County (under 150k in population) would be eligible to apply because King County has authorized the tax and they are located within the County? Yes, a city in a county that imposed the tax could apply. **NEW INFORMATION**
- **Must jurisdictions who have enacted an affordable housing sales tax have raised funds and/or awarded funding to affordable housing projects themselves to be eligible to apply for the CHIP grant?** Jurisdictions only need to have adopted or imposed a sales and use tax (under RCW 82.14.530(1)(a)(ii), 82.14.530(1)(b)(i)(B), 82.14.540, or

84.52.105) to be eligible to apply for funding for affordable housing projects. The jurisdictions do not have to have raised or collected or awarded funds from their portion of the affordable housing sales tax to be eligible to apply for the CHIP grant.

- **We have a certain sales and use tax, how do we know if it is one of the ones listed in the grant application?** We can't say for sure, you would have to research the sales and use tax itself and find the documentation, whether a ballot measure or adopted by an elected body.

APPLICANTS

- **I know that the primary applicants for a CHIP grant are cities and counties, but I'm wondering how nonprofit organizations can also be involved. Can nonprofits act as subcontractors to cities/counties award CHIP funding?** The proviso was clear that the applicant was to be a city, county or public utility, in partnership with an affordable housing project, which may be managed by a non-profit.
- **Can private developers who are charged with developing affordable housing, as required by Sound Transit TOD surplus property requirements, take advantage of the CHIP? If not, are there other ways which the CHIP could be integrated into the capital stack for a TOD affordable housing project?** Yes, anyone who meets the criteria can apply.
- **Is the city co-applicant on waiver of King County capacity charge since it is a pass thru and is the largest system development charge) or could a city be the applicant for an eligible project in the UGA?** There is no specific requirement for the relationship of the housing project and the applicant, but it makes sense that the applicant would be the permitting agency that is regulating physical connections, or the utility that would be waiving fees. But there should be only one applicant (either the city, county, or public utility).
- **We, a housing authority, are currently in the process of setting up a city as our sponsor / applicant for our affordable housing development project for the CHIP grant. If the city receives the award would Commerce allow 'grantee change' from the city to the housing authority? We often sign Interlocal Agreements with cities we work with and we hoped to do the same to reduce the administrative burden put on the city from being our sponsor and the middleman in the reimbursement process.** No, the applicant must be a city or a county, or a public utility district.

APPLICATION PROCESS

- **We are wondering if we can apply for funds to cover multiple affordable housing projects in a single application. We have many projects that will have eligible costs incurred between the spring timeframe onward through the dates in the announcement. It will help greatly in our consideration if we can understand if we can submit a single application to include multiple projects as mentioned above, or if we would need to submit separate applications in conjunction with each project proponent for each separate project fee/SDC waiver & stormwater costs. If the latter is true, we have one project proponent with multiple phases/residential buildings on a single large property that would be eligible; would that one at least be OK to submit as a single application?** Given the way we have set up our grant program in ZoomGrants and to make sure that we can review each project individually, each affordable

housing project will need to be submitted in a separate application. For the project that has multiple phases/ residential buildings on a single large property, that project could be submitted as a single application because it is part of the same project on a single property. The application can also include multiple fees for a single project, even from different utility providers.

- **Only 1 project per application, yes?** Yes.
- **Do we need to submit multiple applications if our project has more than one local district responsible for each type of public utility (e.g. water vs. stormwater vs. sanitary sewer) or can we apply under one application under one sponsor?** One application per project, but can include multiple utilities.
- **How does HUD define a Qualified Census Tract (QCT)?** Qualified Census Tracts are those in which 50% or more of the households are income eligible and the population of all census tracts that satisfy this criterion does not exceed 20% of the total population of the respective area. HUD's web site on QCTs is at: https://www.huduser.gov/portal/datasets/qct.html#:~:text=Low%2DIncome%20Housing%20Tax%20Credit,of%2025%20percent%20or%20more.&text=Maps%20of%20Qualified%20Census%20Tracts,%2Fsadda%2Fsadda_qct.html.
- **If a project intends to apply for LIHTC yet but doesn't have it, can this count?** We would like to know the funds in hand, and the ones you have applied for. But we are looking at readiness to proceed. You must know funds are committed before we execute a contract, but you may apply if you have submitted requests.

ELIGIBLE COSTS

- **Can you expand on the utility extension requirements? Does this include work in the street to bring water to the site or does it only qualify from extending water to the site? (main vs. lateral?)** Yes, this grant can cover both main and lateral improvements, as the CSLFRF program is to build affordable housing.
- **Would payment of King County's Sewage Capacity Charge be an eligible expense?** Any portion of the one-time connection fee waived for affordable housing could be requested from Commerce.
- **Can these funds be used for any costs associated constructing the affordable housing or only costs related to utilities?** Only utility improvements and system development charges are eligible expenses, not the affordable housing project itself. From the proviso: *The appropriation in this section is provided solely for grants to local governments and public utility districts for system development charges and utility improvements for new affordable housing projects that serve and benefit low-income households.*
- **Would utility relocation (to vacate land for affordable housing) qualify for funding?** It sounds like this would not be actually connecting housing, but would pay for work to prepare the site, which this grant does not cover.
- **What utility infrastructure is eligible for funding? Specifically are costs for water service connections or installation of side sewers and connection eligible costs?** Yes, both of these are eligible costs.
- **Are pre-construction costs to design said infrastructure needed eligible for reimbursement? This is for the several projects that are eligible but just starting design now.** Yes, design costs are eligible for reimbursement, however, we would hope that you have a basic idea of costs to apply for the grant.

- **Do you need a certified cost estimate?** We do not require a certified cost estimate for the application, however, we can only provide up to \$2.5 million per project.

STORMWATER COSTS

- **King County allows projects to capitalize sewer fees. Effectively, this takes the first year of monthly capacity fees and puts them upfront. Would these qualify for reimbursement through CHIP?** Only the connection fee could be eligible for reimbursement.
- **Are stormwater code improvements eligible for funding? Is it only for stormwater connection, or also required stormwater improvements?** The grant will likely cover eligible best management practices including conveyance to, and stormwater treatment and flow control as required to meet local and state stormwater management requirements. Consistent with Ecology's program, eligible best management practices (BMPs)/facilities include structural BMPs which have been designed in accordance with any of the following:
 - [Stormwater Management Manuals for Eastern or Western Washington](#)
 - Equivalent Ecology-approved manual as listed in Appendix 10 of the 2019 revision to the [Phase I Municipal NPDES Stormwater Permit](#)
 - Received a General Use Level Designation (GULD) through the [Technology Assessment Protocol – Ecology \(TAPE\) program](#)
 - Received a [Functionally Equivalent designation](#) (to bio retention) from the Department of Ecology.
- **Can the grant cover curbs and sidewalk infrastructure as stormwater features?** See the responses as above.
- **Scriber Lake is identified as a Category 5 for phosphorous and is in the project basin. Can the grant cover any mitigation work for this (under stormwater)?** No, just connection fees, and connection costs.
- **I can see via the zoom grants page that the amount of work needed for the preliminary screening is quite minimal. Are the questions included in the guidelines, pages 15 through 21, basically what will be required for the main application?** Yes, those are the questions for the full application. We recommend you get the basics done so we can approve you work on the rest of the application!

CONNECTION FEE WAIVERS

For more information on this topic go to: <https://mrsc.org/Home/Explore-Topics/Planning/Housing/Affordable-Housing-Techniques-and-Incentives.aspx#fee-reduction>

- **Can a local government that is awarded a CHIP grant for infrastructure improvements also seek a grant for the waived system development charges for the same low income housing project?** Yes, up to \$2.5 million is available per project for in-the-ground costs and the waived system development charges.
- **Sewer is provided by the county; water is provided by the city. Can you confirm that we would we be submitting two separate applications – one with the county as the applicant, and one with the city as applicant – to request**

connection fees in this case? No. Just one application per project, whoever would be willing to partner with you as the applicant.

- **Does the entire connection fee need to be waived, or can it be partially reduced?** It does not need to be fully waived, if it is partially reduced we can pay for the waived portion.
- **What if the city does not have a formal fee waiver process in the code yet? Does the city need to have an adopted (by ordinance) fee waiver program prior to submitting an application for funding of the fee waiver funding project?** One sub-objective of the program is to support communities to have system develop charge programs that incentivize the development of smaller, multiunit infill units, so the CHIP program allows the time to develop such a fee waiver system. Local governments without a fee waiver program should include a letter of their intent to adopt such a program with a timeline for adoption.
- **Does the city's fee waiver policy need to be specifically for affordable housing?** The language from the proviso is (c) "*System development charges*" means charges for new drinking water, wastewater, or stormwater connections when a local government or public utility **has waived standard fees normally applied to developers for connection charges on affordable housing projects**. State law requires that whenever a city or county waives tap-in charges for low income persons, it must be pursuant to a program established by ordinance. It does not mean that fees must be waived every time, but there is the authority in the code to waive fees [under RCW 35.92.380](#) or [RCW 36.94.370](#). For public utilities, RCW 54.24.080 authorizes waivers of connections fees for purchased by low-income persons from organizations exempt from tax under section 501(c)(3) of the federal internal revenue code as amended prior to the July 23, 1995. (This may exist for other affordable housing tenures.)
- **Could a city, rather than adopting a broad fee waiver policy, adopt a resolution waiving fees for a specific project, given the availability of these funds?** See RCWs above, which state a waiver must be adopted by ordinance. Also, a goal of the program is to encourage thoughtful applications of system development charges to encourage smaller, multiunit, infill development.
- **Would you accept fees waived through another mechanism (such as development agreement)?** A development agreement documents the applicable provisions which apply to the development at a certain point in time. If the jurisdiction has a provision to waive fees for affordable housing (as above) and documents this in a development agreement, this would be acceptable documentation.
- **This might be more of a comment than a question. Our City utility cannot afford to always waive participation fees for affordable housing projects, especially not in full. We could more likely reduce them or defer them. In this scenario where there is a grant available to reimburse the utility, then that is obviously doable for us. But the requirement to adopt a fee-waiver ordinance that applies to all future affordable projects may be difficult for us to achieve. Wondering if you have any suggestions or advice on this.** Some programs authorize waivers, but they might need to be approved each time, and are not standard practice.
- **Will a cost benefit analysis be required as a qualifier for the CHIP grant award?** This is not required to apply for the funding, but we will be considering the various costs per unit in the scoring rubric.
- **I assume there is a deed of trust recorded per unit and funds return upon refinance or sale so where do the funds then go when they revolve out of the project down the road?** If after the required term of affordability the unit

becomes market rate, and if there is a provision for recapture of funds, we recommend the funds go towards affordable housing programs, such as the ones considered with the fund for a local government's sales and use tax.

- **How does this work for system development charges paid to regional entities like King County WTD or Cascade Water Alliance? Would an applying City include those fees in the amount in order to pursue waiver of those fees in addition to the City's system development charges?** Yes, this program can cover the waived portion of any system development charges that are applicable to the project.
- **Do you have a model ordinance for the waiver of system development charges?** Commerce does not at this time, but the City of Bellingham's ordinance is here: <https://www.cob.org/wp-content/uploads/reduce-impact-systemdev-charges.pdf>

ELIGIBLE PROJECTS

This grant is for affordable housing development projects: the proviso does not provide a definition of housing, but in general, a housing unit means a residence containing living, cooking, sleeping, and sanitary facilities. Because the proviso language says “new affordable housing developments,” we want to be clear this is only for new permanent housing units, and that they are to be multiunit, meaning at least two units one parcel, or physically attached. The Growth Management Act encourages the development of smaller, more affordable, multi-unit infill development, so any potential projects should implement this goal.

- **Would cottages for very low income qualify for CHIP?** If cottages meet the definition of housing above, and there are multiple cottages (i.e., multi-unit) and they are all on one parcel or part of one defined project, then yes – the project would likely qualify.
- **Does multi-unit mean attached, not detached, homes?** Yes, see above. **So to clarify the "multi-unit" you would consider the project multi-unit if there is a community land trust model combined with homeownership on a single parcel?** Yes.
- **Would a development of tiny homes with some tiny house duplexes be eligible as multiunit?** It would depend on how you define “tiny home”. Each tiny home must include sleeping, sanitation and cooking facilities, consistent with the definition above. Also, the housing units must be permanent.
- **If an existing property is 51% affordable and 49% market rate and post renovation the property would be 100% affordable would that be considered "new" affordable housing?** No, only new units added to the housing supply are eligible, conversions of existing market rate housing to affordable housing are not eligible.
- **Would transitional and permanent supportive housing qualify?** Permanent supportive housing would qualify for this program if it is permanent, affordable, and includes facilities for sleeping, cooking, and sanitation. Transitional housing is not eligible.
- **What if it was a lot that was subdivided into 4 lots and there will be 4 homes built?** That would appear to be four single family homes, not eligible, unless attached as row homes or townhouses.

- **Is the grant strictly for new units only or can we include all utility improvement needed in our request if our project includes both new and rehab? If only allowed to include new units, how do you want us to pro-rate the improvement cost?** “Rehabbed” units are existing units, and the grant is for new ones. Your application should only request funding to serve the new units for the system development charges, but of course an eligible connection would serve all units.
- **Can "new projects" include conversion of market-rate apartments to affordable units?** This grant is for “new affordable” units, and the state goal is to increase the housing stock, so conversion to affordable units is not an eligible activity.
- **Our project includes both rehabilitation and new construction components. Because we are bringing up existing units to meet the new building code as part of the project, the need to improve infrastructure (e.g. water main expansion) is caused by both rehabilitation and new construction. Is the grant strictly for new units only or can we include all infrastructure improvement needed in our request? If only allowed to include new units, how do you want us to pro-rate the improvement cost?** The grant is to support NEW units, however, if the new units are causing the majority of the need for expansion, I believe this program can cover those costs. In the application we had a pro-rating scheme for market rate units. You might consider that as a starting place, but the program really wants new units.
- **For question 20- can you clarify if it is expected for the project to have all other funding completed before applying for this grant? Given the timing of the grant, this seems strange since infrastructure is normally the first thing to be built, so having the funding for everything else secured would be slightly out of order.** You do not need to have all funding before the applicant applies to the project. We do want to see that the funding for the full project is secured before a contract is signed to ensure that the project can be completed (otherwise there is a risk to Commerce that the funds will not result in a completed project).
- **The proposed project is to connect an existing unoccupied home to city sewer. This home will house individuals with incomes less than or equal to 50% AMI. Would this project qualify?** The primary question is if an existing house qualifies as NEW affordable housing. We might need to find out more about that set up and whether it would be considered multi-unit into the future, and how is this going to be monitored and protected as multi-person affordable housing into the future.
- **This appears to be for new affordable housing - would existing affordable housing in need of connecting to sewer be eligible for funding?** No, this grant is for NEW affordable housing.
- **Does this mean only 25% of the units need to be for under 80% AMI?** A minimum of 25% of all the units in the project must be affordable for under 80% AMI. The others could be market rate.
- **Did you mention that this application is only for multifamily and not for homeownership/single family residence?** There is no distinction between homeownership and rental in the CHIP program, however, the proviso language is for “new affordable housing projects”, and they should be multiunit on the same lot, or attached.
- **So a program that builds single family affordable homes would not be eligible for this grant?** If it builds multi-unit, duplex, row house, townhouse, it could be funded.

- **Does this funding apply for detached accessory dwelling unit (DADU) connection charges? Or just duplexes and above only? This project is intended to support affordable housing development projects.** A single ADU does not meet the multiunit criteria as the main unit is both ineligible as an existing single family home, and likely not new.
- **So this is for projects that are well underway and not currently proposed?** We have a limited time to get the money out the door, so we are hoping to fund projects that are on their way, or may be experiencing budgetary concerns due to increasing labor costs. There is not enough time or money to fund concepts.
- **We are working with a community land trust (CLT) and county housing authority on a planned development that includes 26 CLT cottage units and 22 attached affordable rentals (80% and under). We're interested in the SD fee waiver in particular. Would the whole project be eligible or only the rental housing units?** The proviso does not distinguish between affordable rentals and ownership projects, so if affordable, those units are likely eligible.

INFRASTRUCTURE CONTRACTING QUESTIONS

- **Do these grants trigger Davis-Bacon federal prevailing wages?** The Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with award funds from the Coronavirus State and Local Fiscal Recovery Funds in Washington state.¹
- **We noticed that state prevailing wages would have to be paid. That is not a problem if directly related to only the grant or would it affect the entire building of the project, not just the CHIP component?** NOTE: We are still getting clarity on this question, and will update this document when we have an answer.
- **Do the utility extension infrastructure projects need to be contracted by the local government that is awarded the CHIP grant, or can the utility extensions be constructed by the developer of the low income housing development project?** The developer would contract for the utility construction.
- **Is there a required bid process for this grant?** Utility improvement projects funded by federal funds are required to use a competitive procurement process.
- **Does the \$2.5 million cover pre development costs and construction costs? Let's say the construction is \$2.5 million and the waived predevelopment costs are \$200,000 are both reimbursed totaling \$2.7 million. A maximum of \$2.5 million is available for each project.**
- **Could this project fund water or sewer replacement/enhancement around the development, or would it be for extensions from the main to the building only?** If replacement / upsizing is required to serve the affordable housing development, we can fund it.
- **Does Commerce have a general idea about how much infrastructure (by type) \$2.5 million will buy?** We checked in with housing developers and know if should cover a substantial portion of the utility connection costs and system development portions. Of course it depends on the length of the connections, and any associated complexities, and the size of the system development portions, and the size of the project.

¹ Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions, as of November 15, 2021 (questions 6.17. on page 33).

- **Can you share the per foot estimate?** We understand \$500-\$700 per foot, more if in the right of way.
- **Can funds be used to pay for onsite (private property) development of water, sewer and storm water systems?** Generally no. The name of the grant is utility connections, so the program will not fund wells or septic systems. Because the state goal is onsite treatment of stormwater, we will look at that more broadly.

COMMENT: For anyone estimating costs, be aware that there is a Labor & Industries Notice of Violation case pending about wages that need to be paid for workers who install/connect water or sewer mains - that those workers need to be paid plumbers wages which are significantly higher than utility worker wages.

GRANT PROCESSES

- **Do we need to have environmental review started prior to application submission?** No, but having a strong idea of your timeline will be important for readiness points.
- **Do we need to have all funding committed or in-hand prior to application submission?** We have a limited window for getting the funds out, so ready-to-go applications will be more competitive. However all funding is not required to be committed or in-hand before applications are submitted, that is only a requirement before contract execution. We want to know about potential projects, so we encourage you to apply.
- **What level of design is required in the application? Do you require a residential building design in addition to the utility design or is utility design sufficient for the application?** We do not require residential design, but we do want to know the characteristics of the development (i.e. number of units, how many units will be affordable, general costs of the full project to ensure funds are secured to guarantee construction. Our key interest is in stretching the funding to as many units as possible, so we are looking for cost-effective projects. If the utility is designed and scoped, you will have an estimate of cost that we can work with.
- **What is the grant mechanism model? Can we (the city) pass-through funds for reimbursement directly to the developer once they have invoiced us if they comply with requirements, or do we have to solicit any bids for construction ourselves?** Yes, you may pass through funds to the developer for infrastructure. You do not need to solicit bids for construction yourselves. However, Commerce can only provide reimbursement funds to the applicant, with whom we have a contract.

GRANT AND PROJECT TIMING QUESTIONS

- **Will the grant pay for utility cost incurred prior to grant award? For example, if we install utilities in December 2021 but funding awards are made in March 2021 will grant cover the earlier expense?** Yes, for the utility connection portion, federal funds may be reimbursed for expenditures after March 3, 2021.
- **If a permit has already been pulled and system development charges have been paid (but after May 18, 2021), would this project still be eligible (and those charges be reimbursed)?** Yes, system development charges would be paid using state funds, which are eligible for costs incurred after May 18, 2021.

- **I am curious, we have a Habitat for Humanity project (only 7 units) but it's already in construction. Does this grant have to be new or not started yet?** The grant includes retroactive timelines for March or May for the utility portions of the project. The affordable housing project could already be in the works, but we can't pay for any charges incurred prior to those spring 2021 dates. See section 2 of the grant guidelines.
- **What if the development has received their building permit but has not constructed yet because they don't have money for construction due to the utility participation costs they had to pay to the City?** In that case, they can apply for a grant; that was one of the scenarios the legislature wanted to fund with this money.
- **Does the 30% to rural rule (guideline) that applies to Housing Trust Funds (HTF) money apply to these funds?** No, these are not HTF funds, we are guided by ARPA rules to prioritize QCTs and consider equity.
- **Does funding being committed and construction completed within 24 months refer to the completion of the utility extensions/improvements or to financing/construction of the affordable housing to be constructed on the site?** The language in the proviso is *"That affordable housing development will begin construction within 24 months of the grant award."*
- **I understand that construction needs to begin within 24 months, but does the project need to be fully completed within the 24-month timeline as well?** No. Federal funds must be obligated by December of 2024 and spent by December of 2026, but that is for the utility portion.
- **From page 6 of the guidelines – Readiness to proceed – it looks like a “Longer timeline” gets a higher score than “will be able to spend the funds quickly”? Isn't that backward?** Yes – you are correct in that the scoring for “will be able to spend the funds quickly” is written in error. Low scoring should be “longer timeline” and higher scoring should be “will be able to spend the funds quickly.”
- **The program states the dates that grant funds must be spent, but is there a date the housing must be open/leased/or receive COO?** No
- **There are two rounds listed in the schedule. How will the funds be divided between the two rounds? It is first-come first served?** This will be first-come, first-served, so if funds remain after the first round, we can review additional applications.
- **How involved is the quarterly reporting?** The city we have asked to sponsor the application is hesitant to take on additional work. We do not have clear information about that. We expect that there would be reporting on quarterly progress, spending, and possibly some Diversity, Equity and inclusion (DEI) information.
- **What do you anticipate time for reimbursement once an invoice is submitted?** 30 days is the Commerce standard.

2021-2023 State Capital Budget Language SHB 1080, Section 1074
Grants for Affordable Housing Development Connections

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section **is provided solely for grants to local governments and public utility districts for system development charges and utility improvements for new affordable housing projects** that serve and benefit low-income households. Where applicable, the extension must be consistent with the approved comprehensive plans under the growth management act and must be within the established boundaries of the urban growth area.
- (2) \$7,600,000 of the state building construction account—state appropriation and \$16,300,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section are provided solely for grants to local governments or public utilities located within a jurisdiction that imposed a sales and use tax under RCW 32.14.530(1)(a)(ii), 82.14.530(1)(b)(i)(B), 82.14.540, or 84.52.105. 33
- (3) \$10,700,000 of the coronavirus state fiscal recovery fund— federal appropriation in this section is provided solely for grants to local governments or public utilities located within:
 - i. A city or county with a population of 150,000 or less; and
 - ii. A jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii) or 82.14.530(1)(b)(i)(B).2 3
- (4) The department shall coordinate with the office of financial management and the governor's office to develop a process for project submittal, project selection criteria, review, and monitoring, and tracking the housing development projects that receive affordable housing development connections grants under this section. To be eligible for funding under this section, an applicant must demonstrate, at minimum:

That affordable housing development will begin construction within 24 months of the grant award; and

A strong probability of serving the original target group or income level for a period of at least 25 years.
- (5) \$1,700,000 of the state building construction account—state appropriation in this section is provided solely for the Port Townsend Utility Connection Project.
- (6) \$5,700,000 of the state building construction account—state appropriation in this section is provided solely for the Chelan municipal airport extension.1
- (7) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be incurred by December 31, 2024. 24
- (8) For purposes of this section, the following definitions apply.
 - (a) "Affordable housing" and has the same meaning as in RCW 43.185A.010.
 - (b) "Low-income household" has the same meaning as in RCW 43.185A.010.
 - (c) "System development charges" means charges for new drinking water, wastewater, or stormwater connections when a local government or public utility has waived standard fees normally applied to developers for connection charges on affordable housing projects.
 - (d) "Utility improvements" means drinking water, wastewater, or stormwater utility improvements.