



### **Application Resources for Tribal Groups: Documentation of Multifamily Low-Income Housing Eligibility**

The SOMAH Program is committed to working closely with tribal entities to support clean energy goals and tenant economic benefits for multifamily affordable housing properties. Properties must be residential low-income rental housing of at least five (5) units. This document outlines eligibility information and related resources that can be referenced leading up to applying for SOMAH incentives. Described below are three regulatory document combinations that should be considered before applying to the SOMAH Program.

**Note:** A regulatory agreement, deed restriction or similar document is required for SOMAH eligibility. The document must state the property is reserved for multifamily low-income residential housing and must confirm:

- An active compliance period term with an effective date and with 10+ years<sup>1</sup> remaining  
**AND**
- 66% of the units are reserved at or below 80% Area Median Income (AMI)  
**OR**
- Have disadvantaged community (DAC)<sup>2</sup> status as determined by [CalEnviroScreen](#) (CES) 4.0 DAC census tracts, including property that is located on tribal land of a federally recognized tribe.  
**OR**
- The property is owned by a tribe. Pursuant to Senate Bill (SB) 355, “tribe” means a California Native American tribe, as defined in Section 21073 of the Public Resources Code.

Examples of tribal-related regulatory agreement/deed restriction documents (and issuing agencies) include but are not limited to:

- Bureau of Indian Affairs (BIA): BIA lease document or similar
- Indian Housing Block Grant (IHBG) Program: Indian Housing Plan (IHP)
- Native American Housing Assistance and Self-Determination Act (NAHASDA): Useful Life/Use Restriction Agreements

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<sup>1</sup> There must be at least 10 years remaining on the term of the property’s affordability restrictions **at the time of Reservation Request Package submittal**. Properties with less than 10 years remaining that are willing to extend affordability requirements for a total of 10 years may access additional assistance from the SOMAH Program Administrator. Proof of completed extension of affordability restrictions from a state or local agency must be provided with the Reservation Request Package submittal. (SOMAH Program Handbook [Sec 2.2.1.2](#))

<sup>2</sup> Disadvantaged community (DAC) as defined by CalEPA pursuant to Health and Safety Code Section 39711. For the SOMAH Program, this is defined as DACs that score in the top 25% of census tracts statewide in the CalEnviroScreen tool. It also includes the 22 census tracts that are in the highest 5% of the CalEnviroScreen’s Pollution Burden. (SOMAH Program Handbook [Sec 2.2.1.3](#))

### Three common regulatory agreement/deed restriction documentation packages are:

1. Regulatory Documents (standalone)
  - a. If the regulatory agreement/deed restriction includes the compliance period and AMI:
    - i. No further documentation is required.
2. Regulatory Documents + SOMAH Income Affidavit
  - a. If the regulatory agreement/deed restriction includes the compliance period but does not have a specific reference to AMI:
    - i. [SOMAH Income Affidavit](#) is required. (Note: Can only be used if property has 10+ years remaining on compliance period and is not in [CES 4.0DAC](#).)
3. Regulatory Documents + Tribal Government or Tribal Housing Authority Resolution
  - a. If the regulatory agreement/deed restriction does not include a compliance period:
    - i. Additional required documents. The SOMAH Program Administrator will help determine on a per property basis what combination of the following will be required:
      1. Resolution from tribal government or housing authority or similar document.
      2. [SOMAH Income Affidavit](#) (only if AMI is not specified or if property is not in [CES 4.0 DAC](#)).

### Considerations for drafting a Tribal Government or Tribal Housing Authority Resolution:

The following are suggestions for the drafting process.

- Per [Section 2.2.1.2](#) of the SOMAH Program Handbook, “The deed restriction or regulatory agreement must be independently enforceable and verifiable and cannot be contingent upon participation in the SOMAH Program.” The resolution should not reference SOMAH.
- The resolution should be authored, then passed, by the appropriate tribal authority and be signed accordingly.
- The resolution should clearly list the name(s) and address(es) of the property or properties in question.
- The resolution should clearly define what is not explicitly stated in the existing regulatory agreement/deed restriction:
  - The compliance period start date and length of the compliance period term in years.
  - The AMI levels of the units at the property (if the property is not in a [CES 4.0DAC](#)).

External resources for further regulatory agreement/deed restriction guidance:

- [IHBG/NAHASDA Program Guidance](#)
  - List of assigned [HUD Grant Specialists](#) to contact directly
- BIA [Residential Leases on Individual Indian and Tribal Lands](#)
  - Contact a Realty Specialist with the BIA Division of Real Estate Services
    - [codres@bia.gov](mailto:codres@bia.gov)

**Initial Steps:**

- 1) Please check if the property meets other program eligibility criteria at SOMAH's [See If You Qualify](#) webpage.
- 2) Fill out SOMAH's [Affordability Prescreen](#) form and upload a copy of the regulatory agreement or deed restriction documentation. You will receive specific feedback on eligibility status from the SOMAH Program Administrator.
- 3) SOMAH's [Technical Assistance Support Services](#) offer no-cost, no-obligation help with every step and milestone of a project.

*This document is not an exhaustive representation of eligibility possibilities.*

**Still have questions?**

The SOMAH Program Administrator team is here to help you.

Contact Alyssa Golinar at [Alyssa.Golinar@calsomah.org](mailto:Alyssa.Golinar@calsomah.org)

