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January 26, 2024

CPUC Energy Division
Attention: Tariff Unit
Via Email to: EDTariffUnit@cpuc.ca.gov

Re: Substitute Sheets for CSE Advice Letter 147-E: Proposed Revisions to the Solar On Multifamily Affordable Housing (SOMAH) Program Handbook and Program Implementation Plan to Implement Certain Program Modifications Pursuant to Senate Bill 355

Dear Tariff Unit:

On behalf of the Program Administrator (PA) Team for the Solar On Multifamily Affordable Housing (SOMAH) Program, Center for Sustainable Energy® (CSE), hereby submits these Substitute Sheets for CSE Advice Letter 147-E, the Advice Letter to propose necessary revisions to the SOMAH Program Handbook and Program Implementation Plan to implement certain program modifications pursuant to Senate Bill (SB) 355 (Stats. 2023, Ch. 393).

These Substitute Sheets are submitted to correct one page of the Advice Letter and one page of the redlined SOMAH Program Handbook to:

- (1) Note updated Appendix U, Affidavit Ensuring SOMAH Income Levels for Minimum of 10 Years under the Affected Handbook Section(s) for Section B of the Advice Letter
- (2) Reflect the updated Appendix U, Affidavit Ensuring SOMAH Income Levels for Minimum of 10 Years of the redline SOMAH Program Handbook

These Substitute Sheets are submitted to correct typographical/insubstantial errors in the Advice Letter and do not change the original request submitted January 5, 2024. Accordingly, please replace Page 3 of Advice Letter 147-E and Page 148 of Attachment A to CSE Advice Letter 147-E, the redlined Proposed Revised SOMAH Program Handbook, with these Substitute Sheets.

These Substitute Sheets are being served on all parties who received CSE Advice Letter 147-E, including members of service list R.14-07-002, A.16-07-015 (consolidated).

Sincerely,

A handwritten signature in black ink that reads "Sephra A. Ninow".

Sephra A. Ninow, J.D.
Director, Regulatory Affairs
Center for Sustainable Energy®

cc: Leuwam Tesfai, Deputy Executive Director for Energy and Climate Policy
Service List R.14-07-002, A.16-07-015 (consolidated)

Attachments: Substitute Sheet: Page 3 of CSE Advice Letter 147-E
Substitute Sheets: Page 148 of Attachment A to CSE Advice Letter 147-E, the Proposed Revised SOMAH Program Handbook (redlined)

Affected Handbook Section(s):

- Section 1, Introduction: The SOMAH Program
- Section 1.1.3, SOMAH Program Goals
- Section 1.1.4, SOMAH Program Budget
- Section 1.1.5, Capacity Targets
- Section 1.2, SOMAH Program Handbook
- Section 2.3.6, Interconnection, Performance and Permanency Requirements
- Appendix W, Code of Conduct

Affected PIP Section(s):

- Section I, Introduction
- Section IV, Program Budget
- Section X, Interim Targets for Capacity Goals
- Table: “Estimated Maximum MWs Installed Per Year”
- Table: “Estimated Incentive Funding Needed to Reach 300 MW Goal”

B. Revise Income Eligibility Pathway to Require that At Least 66 Percent of the Property’s Residents Have Incomes at or Below 80 Percent of the Area Median Income, as defined in Subdivision (f) of Section 50052.5 of the Health and Safety Code.

This Handbook and PIP change will:

- Implement the revised income eligibility pathway for the SOMAH Program pursuant to SB 355 to require that at least 66 percent of the property’s residents have incomes at or below 80 percent of the area median income, as defined in subdivision (f) of Section 50052.5 of the Health and Safety Code.

Description:

In accordance with the eligibility requirements of a “qualified multifamily affordable housing property”, the property must meet one or more criteria, which includes an area median income (AMI) threshold for residents of the property. While this pathway of income qualification is an existing pathway for program eligibility, the specifics of this criteria have changed. Pursuant to SB 355, this threshold is modified from at least 80 percent of households having incomes at or below 60 percent AMI to at least 66 percent of households having incomes at or below 80 percent AMI. New, expanded eligibility criteria resulting from SB 355 are further discussed in Sections C and D, below.

Affected Handbook Section(s):

- Section 2.2.1, Eligible Multifamily Low-Income Housing Properties
- Section 4.4.1.2, Documentation of Multifamily Low-Income Housing Program Eligibility
- Appendix U, Affidavit Ensuring SOMAH Income Levels for Minimum of 10 Years

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U. Affidavit Ensuring SOMAH Income Levels for Minimum of 10 Years



Affidavit Ensuring SOMAH Income Levels for Minimum of 10 Years

Affidavit ensuring that at least 66% of household incomes will remain at or below 80% Area Median Income (AMI) for a minimum of ten (10) years.

A SOMAH-eligible property must provide a low-income deed restriction or regulatory agreement with at least 10 years remaining. Additionally, if the property is a) not located within a Disadvantaged Community (DAC), b) not owned by a tribe, or c) not owned by public housing agency/authority, the property must provide evidence that at least 66% of the property residents have incomes at or below 80% of the Area Median Income (AMI). This Affidavit is used to attest to the income eligibility requirement for a property whose deed restriction does not enforce a strict enough AMI threshold, but the property is being operated at SOMAH required AMI levels. A copy of the current rent roll may be required as supporting evidence upon request. This Affidavit does not extend the term of any deed restriction, regulatory agreement or covenant.

By signing this affidavit, _____ ("Host Customer"), with respect to the solar electric system project ("System") at _____ (Property Name), located at _____ (Project Site Address), which is partially funded by the Solar On Multifamily Affordable Housing ("SOMAH") Program under Application Number _____-SOMAH-_____, certifies and declares under penalty of perjury that each of the statements below are complete, true, and correct:

1. Host Customer certifies that it will maintain a resident portfolio in which at least 66% of the household incomes are at or below 80% of the Area Median Income (AMI), as defined by the Department of Housing and Community Development (HCD), for a minimum of ten (10) years from the date of the SOMAH Reservation Request submittal.
2. Host Customer acknowledges that the SOMAH income requirements are more stringent than the deed restriction or regulatory agreement classifying this property as affordable housing and certifies its voluntary commitment to maintaining the SOMAH income requirements for a minimum 10-year timeframe.
3. Host Customer certifies that if, within the minimum 10-year timeframe, the household income levels for at least 66% of residents do not meet the SOMAH income requirements of 80% AMI or below, it will notify the SOMAH Program Administrator immediately, and any SOMAH incentive received may be subject to an incentive clawback.
4. Host Customer acknowledges that failure to comply with these requirements serves as grounds for SOMAH program removal and clawback of any dispersed incentive funds.
5. Host Customer agrees that the SOMAH Program Administrator reserves the right to request periodic documentation of income certifications throughout the 10-year duration.

Although it is not mandatory, the SOMAH Program Administrator also strongly encourages the Host Customer to record these income level requirements with the County in which the System is located, or otherwise applicable authority, to ensure that with any transfer of ownership, the SOMAH program requirements will be known and upheld.

I declare under penalty of perjury that all of the foregoing statements are true and correct.

Host Customer Company Name:

Signature:

Host Customer Name:

Date:

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop a
Successor to Existing Net Energy Metering
Tariffs Pursuant to Public Utilities Code
Section 2827.1, and to Address Other
Issues Related to Net Energy Metering.

RULEMAKING 14-07-002
(Filed July 10, 2014)


And Related Matter.

Application 16-07-015

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of these *Substitute Sheets for CSE Advice Letter 147-E*, on all known parties of record in this proceeding by delivering a copy via email to the current service list for R.14-07-002, A.16-07-015 (consolidated).

Executed on January 26, 2024, in San Diego, CA.



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California
Public Utilities
Commission



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FILER: CPUC
LIST NAME: LIST
LAST CHANGED: JANUARY 16, 2024

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