



Affordable Student Housing Taskforce Meeting

Friday, August 12, 2022

10:00 AM – 12:00 PM

Chancellor's Office | Zoom Webinar

General Public Zoom link to join the meeting:

<https://cccconfer.zoom.us/j/94640312901>

(Taskforce Members will be provided *individual* unique Zoom links)

AGENDA

1. Call to Order & Roll Call
2. Legislative Update on Student Housing
3. Affordable Student Housing Implementation Update
 - a. Assembly Bill 183, Higher Education Budget Trailer Bill of 2022
 - b. 2022 and 2023 Affordable Student Housing Construction Grant Applications
 - c. Integration of Data and Establishment of Student Housing Unit
4. Presentation and Discussion of Integration of Student Support Services Into Affordable Student Housing
5. Update on Taskforce Report and Deliverables
 - a. Title 5 Regulations
 - b. Total Cost of Ownership
6. Public Forum
7. Closing

Agenda Item 2.

Enacted Budget Update on Affordable Student Housing

Digest: Members of the Taskforce will receive an update on legislative proposals related to student housing. This informational update is intended to provide an overview of key policy discussions affecting student housing as the 2022 legislative cycle comes to an end. Specifically, Taskforce members will hear an update on the following bills:

- SB 234 (Wiener D) Transition Aged Youth Housing Program.
- SB 886 (Wiener) California Environmental Quality Act: exemption: public universities: housing projects.
- AB 75(O'Donnell) Education finance: school facilities: Kindergarten-Community Colleges Public Education Facilities Bond Act of 2022.
- AB 1602 (McCarty) Student, faculty, and staff housing: California Student Housing Revolving Loan Fund Act of 2022.
- AB 1764 (Medina) Public postsecondary education: student housing: survey.
- ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.

Agenda Item 3.

Affordable Student Housing Implementation Update

California Community Colleges Chancellor's Office Affordable Student Housing Grant Application Process

IMPORTANT DATES

October 31, 2022: Re-submission of ineligible 2021 Construction Grant Applications

June 2023: Projects approved through annual state budget

July 1, 2023: New Applications for Construction Grants

June 2024: Projects approved through annual state budget

BACKGROUND

The 2021 Budget Act established the Affordable Student Housing Grant Program, with California Community College applications for grants for new construction and planning submitted to and reviewed by the Department of Finance (DOF) in October 2021. From the initial round of grant applications, 12 construction grants and 70 planning grants were approved and funded through the AB 183 2022-23 Higher Education Trailer Bill. A total of \$542.1 million for construction grants and \$17.9 million for planning grants were provided to the community college system.

AB 183 shifted the administration of the affordable student housing program from DOF to the Chancellor's Office. All future applications must be submitted to the Chancellor's Office Affordable Student Housing Unit for review. The Chancellor's Office will build on the initial DOF selection process to develop a comprehensive scoring rubric for evaluation of future applications.

FALL 2022 AND FALL 2023 APPLICATIONS

Applications for construction grants that were submitted in October 2021 and deemed ineligible may be resubmitted to the Chancellor's Office by October 31, 2022. No new applications will be accepted. The 70 districts with approved planning grants will have time to complete feasibility studies and the option to submit a construction grant application in the following year. New applications must be submitted by July 1, 2023 but districts can submit no later than October 31, 2023 for consideration of inclusion in the 2024-25 budget plan.

As the Chancellor's Office takes over administrative duties, an affordable student housing module will be added to the Facility Utilization Space Inventory Options Net (FUSION). FUSION is the online software used by community college districts to submit their Capital Outlay 5 Year Plan, space inventory, project proposals, project administration, scheduled maintenance, and other capital outlay related data. Using FUSION, the October 2022 re-submitted applications will be able to input required information for the construction grant application including the scope, schedule, and project costs.

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Beginning with the October 2023 application cycle, the Chancellor's Office plans to expand grant application input to include the *Analysis of Building Space Use and WSCH (JCAF 31)*, pending ongoing discussions with the Affordable Student Housing Task Force and ACBO's Facilities Advisory Committee on how to address the impact of space use in student housing on the district capacity/load ratio.

REVIEW AND SELECTION

The Chancellor's Office Affordable Student Housing Unit will review each application and assess based on a standard scoring rubric. Once reviewed and approved by the Chancellor's Office, the applications and project scores will be shared with the Department of Finance for their review and initial approval. The Legislature will indicate their final selection of approved projects through budget act funding.

Modifying Regulation and Budget Language Provisions

The Taskforce is examining current regulations, budget language provisions, and policies that prohibit community college districts from using state funding to support affordable student housing facilities. The enactment of Senate Bill 169 (2021) (SB 169) and implementation of the Higher Education Student Housing Grant Program have provided California Community Colleges with state resources to begin planning and constructing affordable student housing. However, current regulations, budget language, and policies for the construction and maintenance of campus facilities must be modified so that districts may develop their housing facilities and maintain them long-term. Recommendations to adapt these rules to allow for the planning, construction, maintenance, and improvement of affordable student housing facilities are provided below.

COMMUNITY COLLEGE CONSTRUCTION ACT OF 1980

The Community College Construction Act of 1980 is codified in Education Code sections 81800 – 81839 and California Code of Regulation, title V (Title 5), sections 57000-57034. These provisions offer the regulatory framework that, in part, guides California Community Colleges Capital Outlay Grant program as well as the Physical Plant and Instructional Support Block Grants (PPIS). Title 5, section 57001.5(a-d) provides the following to describe a "project" that is eligible for state funding:

(a) As used in this chapter "project" means the purpose for which a community college district has applied for assistance under chapter 4 of part 49 of the Education Code for one or more institutions under its authority or for district wide facilities. A project may include the planning, acquisition, and improvement of community college sites; the planning, construction, reconstruction or remodeling of any permanent structure necessary for use as a classroom, a laboratory, a library, a performing arts facility, a gymnasium, the basic outdoor physical education facilities, the basic food service facilities, or child development centers, pursuant to section 79120 of the Education Code; related facilities necessary for the instruction of students or for administration of the educational program; maintenance or utility facilities essential to the operation of the foregoing facilities and the initial acquisition of equipment. A project may also include the initial furnishing of, and initial acquisition of equipment for, any facility

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leased or lease-purchased by a community college district as of August 1, 1987, for educational purpose or purposes.

(b) A project may also include the reconstruction or remodeling of any facility leased or lease-purchased for educational purposes. The Chancellor's Office shall require transfer to the community college district of title or any other interest considered sufficient by the district, in and to facilities presently leased or to be leased in the future by the district, to the extent of the funds appropriated for reconstruction or remodeling of leased facilities. When sufficient title or interest has not been transferred, the term of the lease shall be of sufficient duration to completely amortize the reconstruction or remodeling cost. Such amortization shall be determined by utilizing current interest rates and normal accounting practices. If the lease is terminated prior to amortizing the reconstruction or remodeling costs the district shall repay the state for any unamortized state costs.

A project consisting of the construction of any facilities listed in subdivision (a) on property that conforms to subdivision (b) of section 81530 of the Education Code shall be eligible for state funding. For any project that is constructed under this paragraph, the term of the lease shall be of sufficient duration to completely amortize the cost of the project and the governing board of the community college district shall provide in the lease agreement a hold harmless clause satisfactory to the lessor. The amortization shall be determined by utilizing current interest rates and normal accounting practices. If the lease is terminated prior to amortizing the project, the district shall pay the state for any unamortized state costs.

(c) The projects defined by subdivisions (a) and (b) of this section shall not be construed as a commitment by the Board of Governors as to the type or possible number of projects that may be considered during any fiscal year.

(d) A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of sites for student or staff parking, or single-purpose auditoriums.

Tentative Language:

Historically, the Chancellor's Office and the California Department of Finance have interpreted Title 5 57001.5(d) as reflecting an intention not to fund revenue-generating project proposals, particularly with tax-exempt general obligation bond dollars. In its current form, this provision identifies student housing as ineligible for state funding.

With the enactment of SB 169 and the codification of California Education Code (EDC), sections 17200-17204, these regulations must be modified so that they support the construction or renovation of affordable student housing facilities. The following language would need to be added to Title 5 57001.5¹:

¹ Like Title 5, EDC sections 81800-81839 also provides guidance on the Community College Construction Act of 1980. However, these provisions do not include language concerning the ineligibility of revenue-generating facilities as provided in Title 5 section 57001.5.

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(e) A project may also include an affordable student housing facility funded through a Senate Bill 169 program grant or other source. An affordable student housing project can include new construction, reconstruction, or renovation of a purchased facility.

The recommended provisional language would allow affordable student housing facilities to be eligible for state funding and distinguish them from other ineligible revenue generating projects.

BUDGET ACT PROVISIONS FOR PHYSICAL PLANT AND INSTRUCTIONAL SUPPORT

As depicted in the most recent California Budget Act, Assembly Bill 183 (2022) (AB 183), the provisions in section 55 must be modified to allow affordable student housing facilities to be maintained and improved with state funding. The budget language below is from AB 183 and only minor updates have been made through the years. This budget language is paired with Physical Plant and Instructional Support (PPIS) funding:

- (a) For the 2022-23 fiscal year, the sum of eight hundred forty million six hundred fifty-five thousand dollars (\$840,655,000) is hereby appropriated from the General Fund to the Board of Governors of the California Community Colleges for allocation to the community college districts for all of the purposes described in subdivisions (b) and (c).*
- (b) (1) Scheduled maintenance and special repairs of facilities. As a condition of receiving and expending these funds for maintenance and special repairs, a community college district shall certify that it will increase its operations and maintenance spending from the 1995–96 fiscal year by the amount it allocates from this appropriation for maintenance and special repairs. A community college district’s compliance with its certification shall be reviewed under the annual audit of the community college district.*
- (2) Hazardous substances abatement, cleanup, and repairs.*
- (3) Architectural barrier removal projects that meet the requirements of the federal Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.) and seismic retrofit projects limited to nine hundred twenty-nine thousand dollars (\$929,000).*
- (4) Water conservation projects to reduce water consumption in cooperation with the Governor’s Executive Order B-37-16. Projects may include any of the following:*
 - (A) Replacement of water intensive landscaping with drought tolerant landscaping, synthetic turf, provided that the turf is used only in nonathletic areas, and other nonplant materials.*
 - (B) Drip or low-flow irrigation systems.*
 - (C) Building improvements to reduce water usage.*
 - (D) Installation of meters for wells to allow for monitoring of water usage.*
- (5) Support for energy efficiency projects.*
- (c) Replacement of instructional equipment and library materials. The funds provided for instructional equipment and library materials shall not be used for personal services costs or operating expenses.*
- (d) The Chancellor of the California Community Colleges shall allocate funds appropriated in subdivision (a) to community college districts on the basis of actual reported full-time equivalent students, and may establish a minimum allocation per community college district.*
- (e) Funds appropriated pursuant to this section shall be available for encumbrance or expenditure until June 30, 2027.*

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Tentative Language:

To allow for state physical plant (i.e., scheduled maintenance, deferred maintenance, special repairs) funding to be used for affordable student housing facilities, the following provisional language would need to be added to the California Budget in section 55:

(b) (1) Scheduled maintenance and special repairs of facilities, including affordable student housing facilities funded through the SB 169 Higher Education Student Housing Grant Program, or meeting the affordable rent threshold outlined in EDC 17201 (f)(2). As a condition of receiving and expending these funds for maintenance and special repairs, a community college district shall certify that it will increase its operations and maintenance spending from the 1995–96 fiscal year by the amount it allocates from this appropriation for maintenance and special repairs. A community college district’s compliance with its certification shall be reviewed under the annual audit of the community college district.

Along with providing access to PPIS funding, the recommended language references the Higher Education Student Housing Grant Program’s enabling legislation, SB 169. This language indicates that PPIS funding would be invested back into state or locally funded affordable student housing facilities. Additionally, the language of the proposed language underscores the intent of EDC 17200-17204 to support low-income students through rental fees that are reduced relative to regional average income. In EDC 17201, affordable rent “shall be calculated at 30 percent of 50 percent of the area median income for a single-room occupancy unit type.”

Title 5 and California Community Colleges Policies and Practice

The Chancellor’s Office, with approval by the Board of Governors, must also adapt its capital outlay and PPIS programmatic policies, guidance, and practice to accommodate affordable student housing. The information below provides specific programmatic elements as well as code and regulations that need to be adapted to include affordable student housing.

PHYSICAL PLANT AND INSTRUCTIONAL SUPPORT GUIDELINES

The Chancellor’s Office programmatic policies and guidance for PPIS are provided in the *California Community Colleges Physical Plant and Instructional Support Guidelines*. These guidelines are updated when there is PPIS funding, and they reflect programmatic requirements provided in Title 5 57000-57034 and 57200-57205 as well as EDC 84660². The Chancellor’s Office must also modify the PPIS guidelines and accompanying programmatic documentation to indicate that affordable student housing facilities are eligible to receive PPIS funding. These guidelines must also provide guidance and information specific to affordable student housing, wherever necessary.

CAPITAL OUTLAY PROGRAM’S UTILIZATION AND SPACE STANDARDS

² Title 5 section 57200-57205 and EDC 84660 provide programmatic guidance for deferred maintenance and special repairs, which are under the umbrella of PPIS. However, none of these provisions currently exclude affordable student housing.

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The California Community Colleges' Capital Outlay Grant program uses the *Board of Governor's Policy on Utilization and Space Standards* (utilization and space standards) to guide the planning and development of campus facilities.³ These standards contribute budgetary planning and space efficiency tools that measure existing and future need for academic and student support spaces according to their specific Title 5 space category: lecture, laboratory, library, audio visual (AVTV), and office.

Additionally, these utilization and space standards help districts and the Chancellor's Office understand the capacity-to-load ratio (cap/load ratio), which measures space utilization efficiency among the Title 5 space categories. The cap/load ratio is a calculation that takes the total capacity of a space type and divides it by the actual or projected usage of the space – ratios above 100% of a space type indicate an excess of space while ratios below 100% indicate a deficiency of space. Cap/load ratios are applied to both college- and district-level planning, and these ratios are the primary space efficiency metric for determining if a capital outlay project is eligible to receive state funding.

Critically, any Title 5 space that is added to affordable student housing facilities could impact campus or districts' cap/load ratio for the Title 5 space categories, which could also affect the eligibility of other projects prioritized within a district's facilities master plan. It is important to determine if the Title 5 space category spaces that are added to affordable housing facilities ought to be included in the campus and districts' capacity/load ratio formula or exempt altogether.

Since districts may seek to co-locate select student support services, and/or add residential services, space to their affordable student housing facilities, the Chancellor's Office recommends that each campus with affordable student housing facilities receive a limited amount of office space that is exempt from the campus and district cap/load ratio formula.

Draft Space Standard for Discussion

This recommendation has not yet been discussed with ACBO's Facilities Advisory Committee, as the next scheduled meeting for this committee is September 2022. For each dedicated office space, a maximum of 100 assignable square feet is recommended for supporting co-located student services and residential services. To determine the number of exempt offices dedicated to student housing, a ratio of one counselor and one resident advisor is recommended per **X** beds provided by the facility.

³ Title 5 section 57020 permits the Board of Governors to adopt and incorporate into this provision of regulation the California Community Colleges *Policy on Utilization and Space Standards* as established September 2010. Any revision to the space standards after September 2010 are considered incorporated by reference into this provision when they have been adopted by the Board of Governors.

Agenda Item 4.

Presentation and Discussion of Integration of Student Support Services Into Affordable Student Housing

Digest: Taskforce member will begin discussions about resources, professional development, and effective practices that can be provided to districts as they implement affordable student housing on campuses.

Taskforce members will hear from districts and community-based organization partners to understand the ecosystem of supports either needed or available to effectively serve connect student to affordable student housing and academic success. Taskforce members will have an opportunity to engage in discussion about the steps that follow affordable student housing construction and the implementation strategies that districts need to consider.

Agenda Item 5.

Update on Taskforce Report and Deliverables

DRAFT REPORT AREAS

Background

Senate Bill/Assembly Bill 169, the postsecondary education budget cleanup trailer bill of 2021, appropriated funding for the Higher Education Student Housing Grant Program. The program, with the purpose of providing affordable, low-cost housing options for public postsecondary students in California, was designed to provide one-time grants for construction of student housing, the acquisition and renovation of commercial properties into student housing, potential inclusion into facilities dining, academic and student support service spaces, basic needs centers, student healthcare services, and other necessary facilities and equipment.

Mission

SECTION OVERVIEW

This report section will introduce the taskforce approved mission for California Community Colleges Affordable Student Housing.

For California Community Colleges, the Affordable Student Housing agenda is grounded in principles of student equity, affordability, access, student-centered design, holistic supports, and district adaptability to student needs. Guided by these principles, the mission of the Affordable Student Housing program is to advance:

- Equity. Examine disproportionate impacts and design to meet the needs and long-term success of students most adversely affected.
- Affordability. Commit to housing that advances college access and affordability for students with the greatest economic need.
- Address Housing Shortages. Community colleges are an important partner and can play a key role in reducing state- and community-wide housing shortages that hinder social and economic progress.
- Fiscal Sustainability. Plan for and support the long-term quality and viability of affordable student housing at colleges and communities where a need exists and can be supported.
- Student-Success Design. Recognize that affordable student housing cannot exist in isolation from holistic supports and interventions – such as basic needs, financial aid, transportation, social services, campus culture, and learning supports for success.

Affordability

SECTION OVERVIEW

This report will discuss affordability provision in the Higher Education Student Housing Grant program, as well as recommendations by the taskforce around maintaining and operationalizing the commitment to low-cost rents and affordable access to students.

Total Cost of Lifetime Ownership

SECTION OVERVIEW

This report section will discuss the importance of planning for the Total Cost of Lifetime Ownership of student housing. As a resource, the report will include a checklist which could become the basis of a technical assistance and planning tool - total lifetime cost of housing estimate spreadsheet.

TOTAL COST OF LIFETIME OWNERSHIP

To ensure fiscal resiliency, each district should consider the total cost of lifetime ownership which may include the following:

MAINTENANCE AND REPAIRS

1. General building maintenance
2. Plumbing and sewer issues
3. Heating, Ventilation, and Air Conditioning
4. Fire and safety equipment
5. Locks, doors, windows
6. Campus Infrastructure: parking, landscaping, outdoor spaces
7. Pest control

UTILITIES

8. Electricity
9. Gas
10. Water/sewer
11. Garbage pickup and disposal
12. Internet

STUDENT SAFETY

13. Security Staffing Levels
14. Security Training for response to residential life issues

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15. Training for Title IX concerns
16. Security cameras: installation and maintenance

STUDENT SERVICES

17. Dining Facilities
18. Recreation and Fitness Facilities
19. Health Services
20. Counseling
21. Administration

STUDENT SUPPORT STAFFING

22. Resident Advisors- Available at all times including weekends and holidays
23. Counsellors
24. Cleaning staff
25. Janitorial staff
26. Facilities staff
27. Training for staff on mental health issues, suicide prevention, alcohol/drug abuse, and sexual assault
28. Referral services (ex: child care, basic needs)

INSURANCE

29. Flood, Fire, Earthquake
30. Damage/Theft
31. Title IX

LEGAL AND OTHER COSTS

32. Legal review of housing handbook and housing contract
33. Development of eviction process
34. Debt Service, if financing is in place for preliminary phases

EQUIPMENT AND FURNITURE

35. New or replacement equipment and furniture

OCCUPANCY RISKS

The following items do not represent direct or indirect costs, however these are considerations that colleges should keep in mind as they explore the possibility of providing affordable student housing.

36. Regional demographics

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37. K-12 enrollment
38. Housing demand
39. Budget considerations: Whether projected revenue is sufficient to cover maintaining affordable housing costs

Integrated Support Services

SECTION OVERVIEW

The section of the report will provide an overview of the Social Determinants for Educational Success. It will go into further detail about effective practices for integrated and holistic student support services, and highlight key partnerships and structures that can better ensure affordable housing leads to quality student experiences and success. Further, this section will surface opportunities and needs for technical assistance.

Data

SECTION OVERVIEW

This section of the report will discuss key community college student housing data that should be reported, collected, and analyzed. The taskforce will provide recommendation around ways to seamlessly integrate data needs into existing facilities, student services, and capital outlay process and infrastructure. Further, this section will surface opportunities and needs for technical assistance.

DATA COLLECTION FOR AFFORDABLE STUDENT HOUSING

Building the adequate infrastructure for a statewide affordable student housing program will require districts to submit comprehensive data about their project, including details from the district's capital outlay budget change proposals and FUSION⁴. Consistent with EDC 17200-17204, the following data is required to be collected for affordable student housing projects:

1. District
2. Campus
3. Project name
4. Point of contact
5. Construction grant or planning grant
6. Does the district/campus have a project partner?
7. State funding request
8. Local funding

⁴ California Community Colleges use the Facilities Utilization Space Inventory Options Network (FUSION) as their primary facilities planning, project management, integrated data management, and reporting tool.

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9. Total project cost
10. Rental rate
11. For construction projects, what is the purpose of the funds
 - a. New construction
 - b. Building acquisition/remodel
12. For planning grants, what is the purpose of the funds
 - a. Feasibility studies
 - b. Engineering studies
 - c. Financing studies
 - d. Environmental impact studies
 - e. Architectural plans
 - f. Application fees
 - g. Legal services
 - h. Permitting costs
 - i. Bonding
 - j. Site preparation
13. Cost per bed
14. Construction project schedule
15. Local funding spent on planning
 - a. What were the funds spent on?
16. Does the district/campus have any non-state funds to contribute to the project?
17. Does the district/campus currently have housing?
18. Percent of students enrolled full-time
19. Percent of students that are Pell grant eligible
20. Percentage of students that are Pell grant recipients
21. Percent of students reporting housing insecurity
22. Rental vacancy rate in the community
23. Average rental rate (1 bedroom)
24. Number of individuals who are homeless in the community
25. Commitment to first offer to low-income students
26. Why does the district/campus believe it can offer housing that is more affordable than what is available in the community?

Consistent with the recently enacted AB 183, the Higher Education Budget Trailer Bill of 2022, included new data collection requirements for affordable student housing proposals. Under these provisions, the Chancellor's Office is required to collect data on housing insecurity at each campus and submit a report on that data to the Department of Finance and all relevant policy committees on or before March 1, 2023:

1. The number of students who receive housing assistance for on-campus or off-campus housing disaggregated by all of the following:
 - a. Gender
 - b. Ethnicity

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- c. The percentage of students who have dependents.
 - d. The percentage of students who are first-generation college students.
 - e. The percentage of students who are current or former foster youth.
 - f. The percentage of students who meet the requirements Section 68130.5.
 - g. The distribution of students by age group, income level, gender identity, and LGBTQI+ identity.
 - h. The percentage of students who are students with disabilities as identified by the campus.
 - i. The percentage of students who are current or former homeless youth.
 - j. The percentage of students who identify as LGBTQI+.
2. The number of students who live on campus and the number of available beds on campus.
 3. The average rental rate for a two-bed dorm room and a two-bedroom apartment on
 4. campus.
 5. The average rental rate for a two-bedroom apartment in city or county where the campus is located, if available.

ADAPTING FUSION TO SUPPORT AFFORDABLE STUDENT HOUSING

On an annual basis, districts' space inventory reports provide statistical legal record of gross and assignable square feet used for evaluating, planning and administering all community college facilities under district ownership or control. Guidance for space inventory is provided in the *California Community Colleges Space Inventory Handbook*, and this data is reported in FUSION and integrated within FUSION's database.

Currently, the room use definitions and room use codes for residential facilities are provided in the 900 series of the handbook. The Chancellor's Office recommends that the following series of room use code, as well as the Taxonomy of Programs (TOP) code related to residential facilities, be adapted to accommodate spaces dedicated to affordable student housing:

Room Use Code – Residential Facilities (900 – 999)

1. 910 – Sleep/Study without Toilet/Bath
2. 919 – Toilet/Bath
3. 920 – Sleep/Study with Toilet/Bath
4. 935 – Sleep/Study Service
5. 950 – Apartment
6. 955 – Apartment Service
7. 970 – House

Taxonomy of Programs

TOP Code – 6970 Student Housing (Dormitories)

Regulations

SECTION OVERVIEW

This section of the report will provide background on existing student housing or related facilities regulations. Specifically, the purpose of the section is to provide recommendation around necessary regulations or where updates and amendments may be needed.

Glossary of Terms

SECTION OVERVIEW

Unhoused

Social Determinants