

2024 NOFA for New Construction of Multifamily Affordable Rental Housing

Application Form and Instructions for Housing Development Financing

City of Oakland

Department of Housing and Community Development

September 23, 2024

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APPLICATION INSTRUCTIONS

Developers requesting City of Oakland funds must submit a complete application and include all supporting documentation.

Applications must be received by Oakland's Department of Housing and Community Development no later than 5:00 p.m., on **Monday, November 4, 2024**.

ALL APPLICATIONS MUST BE SUBMITTED THROUGH CITY DATA SERVICES (CDS), online database system for Oakland's Department of Housing & Community Development (HCD). Instructions for submittal via CDS are included below in the Application Requirements section.

Applications submitted after this deadline will not be accepted.

Applicants are strongly encouraged to attend both the NOFA pre-application meeting on Monday, October 7, 2024, at 2:00 p.m., CDS Training, and the NOFA Office Hours meeting will be held on October 11th and October 18th at 11:00 a.m. Both meetings will be held via video conference with the Zoom meeting information is below.

Zoom meeting details:

<https://us02web.zoom.us/j/5512979028>

Meeting ID: 551 297 9028

Passcode: 719429

One tap mobile

+16694449171,,5512979028# US

+16699009128,,5512979028# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Planning Bureau staff will explain CEQA and NEPA requirements, the City's required employment and contracting programs will be presented, and applicants will have an opportunity to ask questions about the NOFA.

Applications will be reviewed by staff first for completeness and then for compliance with all City threshold requirements. Projects will be reviewed for consistency with City housing and community development objectives, developer capacity and experience, financial feasibility, cost control, and degree of leveraging of non-City funds. Projects that meet threshold

requirements will be scored and ranked per the Evaluation Criteria in the NOFA (see *Scoring Criteria* section of the NOFA). **Applications that are deemed incomplete will be rejected.**

Application Requirements

The CDS electronic application will be “live” starting Thursday, October 10, 2024. Applicants can begin to enter information in the electronic application at this time.

<u>NOFA SELECTION PROCESS TIMELINE</u>	
1. <u>ISSUANCE OF NOFA</u>	SEPTEMBER 23, 2024
2. <u>NOFA PRE-APPLICATION MEETING</u>	OCTOBER 7, 2024, AT 2:00 PM
3. <u>HCD NOFA OFFICE HOURS MEETING</u>	OCTOBER 11TH AND 18TH, 2024 AT 11:00 AM
4. <u>NOFA SUBMISSION DUE DATE AND TIME</u>	NOVEMBER 4, 2024, AT 5:00 PM
5. <u>STAFF REVIEW OF SUBMITTALS</u>	~ NOVEMBER 8, 2024, TO DECEMBER 16, 2024
6. <u>FINAL SELECTIONS</u>	~MID-JANUARY

City of Oakland will hold a CDS training session on the electronic application on October 10th at 1:00 p.m. Zoom Meeting Details above.

Applicants who are new CDS users, please go to <http://www.citydataservices.net> and use OAK2024 to create a unique username and password in order to submit an application. Existing CDS users, please use your current username and password to submit an application. Please direct CDS technical questions to citydataservices@yahoo.com or 650-533-5933.

All materials must be submitted electronically. The following must be prepared using the City's forms/template exhibits and electronic workbooks. The forms and workbooks are available for download with the rest of the application at:

Use the drop-down boxes in cells where applicable to select your answer.

- ◆ The Checklist should be used as the Table of Contents for the application.
- ◆ Please submit an original signed Certifications Form (Checklist Item #18) for the developer, including joint ventures.
- ◆ Application Form, Self-Scoring Worksheet, & Development Schedule
- ◆ Development Budget; Operating Budget, & 30 Year Proforma
- ◆ Financial Summary Worksheet; Replacement Unit Analysis: & Unit Size and Affordability Worksheet
- ◆ Rental Survey & Maximum Affordable Sales Price Calculation (if applicable)

Applicants should understand that, under the California Public Records Act and the City's Sunshine Ordinance, **all documents submitted as part of the application are considered public records and will be made available to the public upon request.**

OTHER ITEMS REQUIRED AFTER INITIAL APPROVAL

Additional materials will be required to be completed and/or submitted at different stages of the development process. The City reserves the right to require additional materials. All materials must be submitted in a form acceptable to the City.

Prior to Staff Recommendation of Financing to City Council

- ♦ Application and all applicable supporting exhibits and worksheets
- ♦ If recommended by the Phase I, a Phase II must be submitted
- ♦ Planning/zoning approvals
- ♦ Design review approval
- ♦ **CEQA compliance review completed by City**

Prior to Loan Closing

- ♦ Full Schematic Drawings
- ♦ Final development budget, operating budget, rent schedule or sales analysis
- ♦ Firm commitments for other financing
- ♦ Evidence of equity commitment
- ♦ NEPA environmental review approved by City and HUD
- ♦ Soils, geological, and/or asbestos survey (if needed)
- ♦ Lead-based paint testing and report (if needed)
- ♦ Final Relocation Plan (if needed)
- ♦ Evidence of insurance
- ♦ Architect and developer certification regarding accessibility (Fair Housing Act, ADA, HUD Section 504)
- ♦ Contract Compliance forms such as Equal Benefits Ordinance, Living Wage, etc.
- ♦ Updated GreenPoints Tool or LEED Checklist
- ♦ Updated Financial Statements and staff capacity info (if requested)
- ♦ A Market Study that substantiates sufficient demand for the units at the proposed rents or sales prices (required if HOME funds)
- ♦ Updated development schedule (if HOME funds) indicating construction will complete within four years of the date of the written agreement with the City.

Prior to Start of Construction

- ♦ Hazardous materials risk assessment and abatement plan
- ♦ Demolition and building permits
- ♦ Plans and specifications approved by Housing Development and the Planning Bureau
- ♦ Construction contract approved by Housing Development
- ♦ Payment and performance bonds
- ♦ Evidence of contractor's insurance and lender's loss payable endorsement
- ♦ Construction budget and schedule approved by Housing Development

- ♦ Final loan documents for all other construction financing
- ♦ Approval to proceed issued by Contract Compliance Division
- ♦ Notice to Proceed issued by Housing Development

Prior to Completion (at least 180 days before construction is completed)

- ♦ Final Marketing Plan approved by Housing Development
- ♦ Final Management Plan approved by Housing Development
- ♦ Final Resident Services Plan approved by Housing Development
- ♦ Final Operating Budget approved by Housing Development

Prior to Completion (at least 90 days before construction is completed)

- ♦ Management agent and contract approved by Housing Development
- ♦ Resident services provider approved by Housing Development
- ♦ Broadband Services Contract

After Project Completion

- ♦ Cost Certification approved by Housing Development
- ♦ Demographic and income information of initial occupants
- ♦ Lead-based paint certification

HOUSING DEVELOPMENT FINANCING APPLICATION CHECKLIST

Complete the checklist as the Table of Contents for your Application via CDS.

Applicant:

Project:

Project Address:

	A	FOR CITY USE	
	Check if Enclosed	Date Rec'd	Complete Y/N
ITEMS TO BE SUBMITTED (in separately tabbed sections)			
SUMMARY INFORMATION			
1. Cover Letter/Narrative Description			
2. Self-Scoring Worksheet & Self-Score Detailed Explanation			
3. City Application Form			
THRESHOLD INFORMATION			
4. Community Outreach Plan and Activities			
5. Evidence of Demand or Market Study			
6. Parcel Map			
7. Evidence of Site Control			
8. Preliminary Title Report			
9. Appraisal			
10. Replacement Unit Analysis			
11. Relocation Plan and Budget (if applicable)			
12. Letter of Conformity with Zoning Requirements			
13. Phase I Environmental Site Assessment			
13a. Phase II (if required)			
14. Design Sketches			
15. Development Schedule			
16. Marketing and Management Plan – (see section for details)	N/A		
17. CHDO Recertification (if applicable)			
18. Certifications and Campaign Contribution Limit Acknowledgement			

	A	FOR CITY USE	
ITEMS TO BE SUBMITTED (in separately tabbed sections)	Check if Enclosed	Date Rec'd	Complete Y/N
PROJECT FEASIBILITY & SCORING CRITERIA			
19. Planning and CEQA Approvals			
20. Development Budget			
21. Operating Budget			
22. 30 Year Proforma			
23. Unit Size and Affordability Worksheet			
23a. HUD Utility Schedule Model https://www.huduser.gov/portal/resources/utilallowance.html			
24. Financial Summary			
25. Construction Financing			
26. Permanent Financing			
27. Acquisition and Predevelopment Financing			
28. Rental or Operating Subsidies (if applicable)			
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34. Resumes of Developer's Key Staff			
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37. Preliminary Resident Services and Technology Plan			
38. Sustainability Plan			
39. Certifications			

**City of Oakland
Department of Housing and Community Development**

APPLICATION FOR CITY OF OAKLAND HOUSING DEVELOPMENT FINANCING

Attach each of the following exhibits in a tabbed, appropriately numbered section of your application submittal.

1. *Narrative Cover Letter*

Applications must include a narrative cover letter that provides a basic description of the project into CDS. The cover letter should include but is not limited to the following.

Summary Information

- Amount of loan requested
- Total financing gap
- Indicate if applicant intends for project to be considered under the OHA Set-Aside pool
- Number and size of units (number of bedrooms)
- Target population served
- Location
- Total development cost
- Any desired variance in standard loan terms
- Description of proposed financing plan (including commercial space financing if mixed use)
- **NEW: Description of any innovative strategies being deployed to contain development costs, e.g. manufactured units, etc.**

Physical Characteristics

- Type of construction
- Number of stories
- Architectural style
- Distinguishing features
- Location, type and number of parking spaces
- On- and off-site improvements required

Amenities and Services

- Common facilities and amenities, including computer technology
- Resident services programs (if included)

Site Information

- Current use of site
- Distinguishing features
- Any environmental issues

2. Self-Scoring Worksheet

Applicants are required to enter their self-scores and upload a separate written detailed explanation of how the applicant derived at the score for each scoring category via CDS. Applicants should not assume that their self-score estimate will be the actual score that will be achieved.

Use the drop-down boxes in cells where applicable to select answers.

3. Application Form (To be entered into CDS and the New Construction Workbook)

Project Summary

Project Name:

Project Address:

Zip Code: _____ City Council District:

Census Tract:

Parcel No.:

OUSD School Boundary That Property is Located Within:

Total Number of Housing Units: _____

Total Number of Affordable Units: _____

Total Number of Bedrooms: _____

Target Population: _____

Total Number of Accessible Units:

Mobility Impaired: _____ Hearing/Visually Impaired: _____

Number of Special Needs Units: _____

Special Needs Population Targeted: _____

Total Number of Permanent Supportive Housing Units for Homeless Households:

Other City Funds Previously Received, if any: _____

Funds Currently Requested: _____

If requesting to be considered in the OHA Set-Aside Pool, indicate here (Y/N): _____

If requesting HOME Funds, please indicate the funds requested: _____

Total Development Costs (Affordable Residential Only): _____

Other Expected Sources of Funding (not including private bank loans):

- “ 4% Tax Credits/CDLAC
- “ 9% Tax Credits
- “ State Tax Credits
- “ CDLAC /TCAC Pool & Set-Aside:
- “ CalHFA
- “ HOPWA
- “ HUD 202 or 811
- “ Infill Infrastructure Grant (IIG)
- “ MHP
- “ MHSA
- “ Project-based Section 8
- “ Super NOFA
- “ Transit Oriented Dev (TOD)
- “ AHP

- “ Other:
- “ Other:
- “ Other:

What type of short term and long term jobs are projected to be created from the development of this affordable housing project? List both the position types and the estimated number of jobs: _____

Applicant Information

A. Identify Applicant

Applicant is current owner and will retain ownership.

_____ Applicant is the project developer and will be part of the final ownership entity.

_____ Applicant is the project developer and will not be part of the final ownership entity for the project.

Applicant Name: _____

Address: _____

Contact Person: _____ Phone: _____

E-mail: _____ Fax: _____

Property Management Company:

Property Management Contact: _____ Phone: _____

B. Legal Status of Applicant

General Partnership	Individual	Limited Partnership
Corporation	Nonprofit Organization	Local Government
Certificate of Good Standing	Joint Venture	Other (specify)

C. Status of Organization

Currently Exists

To be formed, estimated date: _____

Federal Tax I.D. Number: _____

D. Name(s) of individuals who will be General Partner(s) or Principal Owner(s)

E. Developer Type

Nonprofit _____ For Profit _____ Joint Venture _____

Site Control

Site control at the time of application is required. Indicate the level of site control currently held by the developer. Evidence of site control must be included in the Application.

- a. Copy of Deed, for Fee Ownership
- b. Purchase agreement: Date of Expiration: _____
Provision for Extension: Yes No Cost of Extension: _____
- c. Option: Date of Expiration: _____
Provision for Extension: Yes No Cost of Extension: _____
- d. Enforceable Agreement (e.g. Exclusive Negotiating Agreement, Lease Disposition and Development Agreement, or Disposition Development Agreement) with one of the following:
 - i. the City; or
 - ii. other public entity; or
 - iii. A Faith Based Organization meeting the definition of “religious institution” per the California Affordable Housing on Faith and Higher Education Lands Act of 2023
 - iv. Date of Expiration: _____Provision for Extension: Yes No Cost of Extension: _____

Project and Site Information

Current Site Use (complete as many as apply):

Residential: _____ Number of Units

Commercial: Vacant Occupied _____ # of Buildings _____ Sq. Ft.

If occupied, briefly describe uses: _____

Industrial: Vacant Occupied _____ # of Buildings _____ Sq. Ft.

If occupied, briefly describe uses: _____

Parking Lot : In Use Not In Use _____ # of Parking Spaces

Vacant Lot

A. Number of Residential Structures in planned project _____

B. Proposed Buildings are on a contiguous site (yes/no) _____

C. Number of Community Structures, if separate

D. In a floodplain (yes/no). Map used: _____

If yes, type of floodplain (# of years): _____

E. Total units per acre

F. _____ Total square footage of lot

G. _____ Total square footage of all project structures

H. _____ Total gross residential square footage

I. _____ Total square footage of all residential units

J. _____ Total gross commercial square footage

K. _____ Total net leasable commercial square footage

L. _____ Total parking structure square footage

_____ Total parking spaces

_____ Open parking spaces

_____ Covered parking spaces

_____ Structured parking spaces

_____ Other parking spaces, type

Competitiveness for State Affordable Housing Resources

Upload all documentation describing how the project is strategically positioned to successfully compete for State funding resources, including funding from the CA Debt Limit Allocation Committee and Department of Housing and Community Development.

4% Tax Credit/Tax-exempt Bond Competitiveness Summary

If applying for 4% tax credits and tax-exempt bond allocation, please provide the following with your application form:

- ♦ A calculation of the expected tiebreaker score under the current California Debt Limit Allocation Committee (CDLAC) Regulations.
- ♦ The type of geographic pool and/or set-aside the project is applying under.
- ♦ Indicate in the application form whether the project is also applying for State Credits.
- ♦ Written narrative describing the feasibility of the financing plan, including tax credit equity pricing assumptions, and why the project has a high chance of successfully receiving other primary sources of competitive financing.

9% Tax Credit Competitiveness Summary

If applying for 9% tax credits, please provide the following with your application form:

- ♦ A calculation of the expected tiebreaker score under the current Tax Credit Allocation Committee (TCAC) Regulations.
- ♦ The type of TCAC geographic pool and/or set-aside the project is applying under.
- ♦ Written narrative describing the feasibility of the financing plan, including tax credit equity pricing assumptions, and why the project has a high chance of successfully receiving other primary sources of competitive financing.

EXHIBITS 4-18: THRESHOLD INFORMATION

4. Community Outreach Plan and Activities

Upload a Community Outreach Plan and evidence that a minimum level of community outreach has been completed prior to applying for funding. Applicants must contact neighborhood organizations in the vicinity of the proposed development prior to applying for financing. Project sponsors should provide evidence and conduct intentional outreach to community service providers that work with survivors of human trafficking, who often overlap with homeless, domestic violence, and other target populations. See **Exhibit 4 – Gender-based Violence Outreach Resources** for network providers.

A list of relevant organizations can typically be obtained from the office of the City Councilmember for the district or from the area's Neighborhood Services Coordinator. Applicants must have held *at least* one meeting with an established neighborhood organization, preferably by attending a regular meeting of the group or groups, within the past four (4) years or less. Applicants are strongly encouraged to meet with more than one neighborhood organization and to hold or attend more than one meeting.

The Community Outreach Plan should describe how you will build or continue to build support for your project and address community concerns, including a list of all individuals and organizations with whom you have met or will meet to discuss the project, and the approximate dates of each phase of the plan. The Nonprofit Housing Association of Northern California has useful resources on building support for affordable housing. Refer to their website at www.nonprohousing.org.

Evidence of Community Outreach must include the following information regarding the required meeting with a community organization referenced above:

- ♦ Copy of announcements of the meetings (flyers, advertisements, etc.);
- ♦ Copy of the agenda for the meetings;
- ♦ Copy of handouts or other information used, including reductions of materials; presented during the meeting;
- ♦ Sign-in sheets from the meeting and/or list of participant; and
- ♦ Minutes of the meeting and/or recorded video of the zoom.

Housing proposals often encounter concerns and opposition. Applicants need to encourage clear expression of these issues as soon as possible, and must document plans for addressing them. *Evidence of Community Outreach* should also include:

- ♦ From the above meetings and any other source, provide summaries of concerns expressed, and major points made in support or opposition.
- ♦ Describe any involvement by the City Councilmember's office or others to facilitate discussion and clarification of concerns.
- ♦ Describe plans to address the concerns you have heard or expect to hear.

Additionally, please provide:

- ♦ Applicants should provide evidence of outreach to neighborhood and community organizations based in the project neighborhood, and such organizations conducting community work in the surrounding project neighborhood.
- ♦ Letters of support from neighborhood residents or organizations. (Letters from individuals or organizations involved in the development are of limited importance. Similarly, while appreciated, letters of support from public officials from outside the immediate area, or from citywide organizations, including social service or housing advocacy groups, do not constitute community support.)

5. **Evidence of Demand or Market Study**

Applicants must verify the market demand for the proposed housing by providing a narrative and a rent or sales comparable analysis. Note that a full market study will be required prior to loan closing for projects receiving HOME funds.

All projects must provide a brief narrative that addresses the following:

- Describe how the rent or sales price survey (see below) provided in the application demonstrates that there is a strong demand for the proposed project and how the project will ensure lease-up or sales on schedule.
- Describe how the proposed development may impact demand for other existing affordable housing developments in the market area.
- Provide other evidence of need for the project, such as how the proposed project provides for needed housing as identified in the City's Consolidated Plan, or other evidence of market demand.

All projects must also provide a market study or survey, as described below:

Rental Projects: A market study or rental survey must be submitted via CDS upload that is no more than nine months old. Rental surveys do not need to be completed by a third-party consultant and can be completed in lieu of a market study at the time of application. If completing a rental survey, it must include a summary of the closest three affordable and three market rate comparables, including their distance from the project, population served, number of units by bedroom size, rent by unit size, service and on-site amenities. The rental survey information may be entered using the rental survey comparables table within CDS.

Mixed Use Projects: In addition to the above, also provide:

- Evidence of demand for commercial/retail space and marketability of space, or at least half the commercial/retail space pre-leased;
- Information from brokers on vacancy rates, turnover rates, and market rents in the neighborhood; and
- Evaluation of the neighborhood's retail environment and relative merits of the newly proposed commercial space.

6. **Parcel Map**

Upload via CDS an existing parcel map. If changes in parcel configuration are involved, please also provide a map or description of the proposed future parcel configuration.

7. ***Evidence of Site Control***

At the time a development proposal is submitted, the developer must demonstrate that it has site control for the property for which funding is being requested, and will maintain site control until the land is acquired. Via CDS, upload one of the following demonstrating site control:

- Grant deed evidencing fee title ownership
- Purchase agreement, including evidence that the agreement be of a term sufficient to hold the property until the anticipated date of purchase
- Option to purchase or lease, including evidence that options are renewable until the start of construction
- Long term lease agreement
- Executed land sales contract or other enforceable agreement for acquisition
- Exclusive Negotiating Agreement, Lease Disposition and Development Agreement, or Disposition and Development Agreement with the City of Oakland, other public entity or Faith/Community Based Organization.

8. ***Preliminary Title Report***

Upload electronically the Preliminary Title Report that must be dated within 90 days of the application deadline.

9. ***Appraisal***

Upload electronically an appraisal completed within six months of the 2024 NOFA application submission (November 23, 2024). An appraisal must be submitted for staff review unless no acquisition costs are included in the development budget. If the property is already owned by the sponsor, submit an appraisal completed within six months of its purchase.

Appraisals must conform to the Uniform Standards of Professional Appraisal Practice, in particular Standards 1 and 2. In addition, appraisals must comply with the appraisal requirements of the Appraisal Institute's Regulation 3. All appraisers must be California State Licensed/Certified. So-called "Letter Appraisals" are not acceptable. A "Self Contained Appraisal Report," per current USPAP guidelines is the minimum acceptable form of appraisal, provided the evaluation includes both improvements and environmental issues, if either is present. The appraisal must include a separate as-is value for any improvements to be retained, or a demolition cost for any to be removed. Similarly, the estimate of environmental costs must be discussed in the appraisal. Site value must be as-is, with no presumed condition like a rezoning or cleanup.

10. Replacement Unit Analysis

If any of the current site use is residential or your project involves demolition of existing residential structures, even if units are currently vacant, complete the following worksheet according to the current uses (i.e. existing unit mix) and not the proposed uses in CDS.

11. Relocation Plan and Budget (if required)

Upload a plan and a budget if the project involves temporary or permanent relocation of residential or commercial tenants. Also provide a narrative Relocation Plan, Timeline and a detailed Relocation Budget. If the proposed project is financed with federal funds, the provisions of the Uniform Relocation Act will apply. Additional federal and/or state relocation requirements may also apply. If the project is financed with non-federal public funds, State relocation requirements contained in California Government Code 7260, et seq., and implementing regulations, may apply.

Developers considering a project which may result in temporary or permanent displacement should contact City staff at the earliest date possible for assistance in relocation matters. Proper notice to current and future occupants can reduce the cost of relocation.

12. Letter of Conformity with Planning and Zoning Requirements.

Upload electronically a “Zoning Summary for Affordable Housing Notice of Funding Availability (NOFA) Application” letter from the Planning Bureau certifying that the proposed use and number of dwelling units comply with current zoning and the General Plan.

To obtain a Zoning Summary letter, applicants must submit a written request to the Planning Bureau for a “Zoning Summary for Affordable Housing NOFA Application” letter. Requests should be submitted at this url: <https://www.oaklandca.gov/services/online-permit-center> <https://www.oaklandca.gov/services/online-permit-center> and will require applicants to create a record (ZW - Zoning Worksheet). Please contact Planning staff at 510-238-3911 if you have any questions.

13. **Phase I Environmental Site Assessment**

Upload electronically the Executive Summary and other narrative pages which summarize the findings and recommendations of the Phase I Environmental Site Assessment. *Do not provide all the back-up data in the application.* This back-up may be requested at a later date. Assessments should be dated within the last year. For projects involving rehabilitation or demolition, an assessment of lead-based paint and asbestos hazards should be provided.

13a. **Phase II Environmental Site Assessment**

If recommended in the Phase I, a Phase II Environmental Site Assessment must be provided before a project will be recommended to the City Council. With the Phase II, please include a discussion of the impact of any recommendations on the project design, budget, etc.

14. **Design Sketches**

In order to be awarded a NOFA funding commitment at City Council, full CEQA clearance must be in place. Please upload electronically full designed schematics for the proposed project as submitted to Planning.

Note: If your project does not have full design sketches, it may not be possible to get CEQA clearance by the time of the City Council meeting.

If full design schematics are not available, please provide **Preliminary Design Sketches** consisting of:

- a site plan with the building footprint;
- elevations or massing for each building; and
- the basic unit configurations/plans.

The design sketches must be to scale. Floor plans of rental projects should include unit numbers and approximate unit square footages. Including furniture in unit plans is recommended.

15. Development Schedule

Complete the project development schedule in CDS.

NOTE: Projects that receive HOME funds are required to complete construction within four years of City loan closing.

16. Marketing and Management Plan

See Addendum, *Affirmative Fair Marketing Plan* for guidelines. A Final Marketing and Management Plan will be required 180 days prior to construction completion (for rental projects) and must be approved before marketing can begin.

17. HUD Community Housing Development Organization (CHDO) Recertification

Developers who are certified as a HUD CHDO or are interested in becoming certified as CHDOs are required to fill out and upload the certification form electronically via CDS. Additional information about CHDOs is available at:

<https://www.hudexchange.info/programs/home/topics/chdo/#policy-guidance-and-faqs>

For further information, contact Shannon Bowman at sbowman@oaklandca.gov

18. Required Certifications and Campaign Contribution Limit Acknowledgement.

Upload a complete and executed **Exhibit 18** - Certifications and Campaign Contribution Limit Acknowledgement included at the end of the Application Instructions. More information on the City's Workplace and Employment Standards requirements can be found on the City of Oakland's website,

<https://www.oaklandca.gov/departments/contracts-compliance>

For the purposes of these forms, the applicant is considered to be the "Contractor."

EXHIBITS 19-39: PROJECT FEASIBILITY AND SCORING CRITERIA

Upload and input all data electronically for your development budget and other budget forms. Use the drop-down boxes in cells where applicable to select your answers.

NOTE: DO NOT update the links upon opening the electronic version of the New Construction Workbook.

Please round requested City loan amounts to \$1,000 increments. Further instructions for completing the spreadsheets are included with the electronic files.

Projects must complete and upload one (1) New Construction Workbook via CDS for the following items listed below:

- Application Form
- Development Budget (Rental)
- Operating Budget (Rental)
- 30 Year Operating Proforma
- Financial Summary
- Debt Service
- Unit Size and Affordability Analysis (Rental)
- HUD Utility Schedule Model (www.huduser.org/portal/resources/utilallowance.html)

If the proposal includes market-rate units, the operating budget should include the costs for all units in the project. If you expect management costs for affordable and non-affordable units to differ, provide a detailed description of how and why. Note that additional information about financing sources for both the affordable and market-rate portions of the project is required.

Note that proposed market-rate rents must be supported by your market study, and additional information about financing sources for both the affordable and market-rate portions of the project is required.

19. Planning and CEQA Approvals

Upload electronically evidence of discretionary land use approvals that have been received for the project (Approval Letter, Conditions of Approval, Notice of Exemption or Notice of Determination, and any extensions to planning approvals received). If the development application has been submitted but not yet received, include evidence of Planning application submission.

Planning applications: For new land use approvals, all required materials should be submitted through the City's Online Permit Center at this url: <https://www.oaklandca.gov/services/online-permit-center#online-services>. Along with the Zoning Worksheet, you will need to upload your completed "[Basic Application for Development Review](#)" and all required project plans and documents. A Planner will review your ZW submittal and get back to you with the specific Planning permits and fees that will be required for project entitlement. Please contact Planning Counter staff at 510-238-3911 if you have any questions, or to discuss the appropriate CEQA determination process for the proposed project. Please refer to the NOFA Program Guidelines for the S-13 and S-14 requirements.

California Senate Bill 35: For project consideration of a streamlining determination per California Senate Bill 35, please download the SB 35 Streamlining Checklist from the City's website <https://www.oaklandca.gov/documents/2023-pipeline-nofa-sb-35-checklist-decision-tree-pipeline-nofa-sb-35-checklist-decision-tree>.

20. Development Budget

Applicants must input the development budget via the New Construction Workbook and upload to CDS.

21. Operating Budget

Applicants must input the operating budget via the New Construction Workbook and upload to CDS.

22. 30 Year Proforma

Complete and upload the City-provided 30 Year Proforma worksheet through the New Construction Workbook. Gross Potential Residential Income used here for the initial year must match that figure calculated in the Unit Size and Affordability Analysis. Additionally, the following assumptions apply:

- 5% annual vacancy/collection loss for family and senior projects
- 10% annual vacancy/collection loss for SRO or special needs projects
- 3.5% annual increase for expenses (other than property taxes and replacement reserves deposit). A higher annual increase of 5% is recommended for utilities.
- 2% annual increase for property tax
- 2.5% annual increase for income
- First year operating expenses should equal annual total shown in the Operating Budget
- Annual replacement reserves deposit of at least 0.5% of the replacement cost of the structure up to a maximum of \$500 per unit; and operating reserves as described in the discussion of reserves in the Program Description and Requirements section.
- Annual asset monitoring fee of \$628.30 plus \$8.24 per unit per year monitoring fee must be factored into the annual operating budget, as described in the discussion of loan fees in the Program Description and Requirements section.
- If Section 8 or other rental or operating assistance is committed, an additional operating proforma should be included that assumes the contract will expire after its initial term. Applicants are encouraged to budget transition reserves due to the risk that rental assistance contracts are not renewed.
- Partnership and/or Asset Management fees are allowable. See Addendum, Guidelines for Developer Fees for more details.

23. Unit Size and Affordability Worksheet

Applicants must input complete Unit Size and Affordability information electronically via the New Construction Workbook and upload to CDS. Provide information on the Unit Size and Affordability based on the proposed restricted rents.

23a. HUD Utility Schedule Model-Utility Allowance

Applicants must calculate the utility allowances using the HUD Utility Schedule Model, unless you have a commitment of VASH vouchers or Project Based Section 8 vouchers. This model and its instructions can be found in CDS. Projects that have a commitment of VASH or Project Based Section 8 vouchers may use the Utility Allowance Schedule published by the Oakland Housing Authority.

The HUD Utility Model is located here:

<https://www.huduser.gov/portal/resources/utilallowance.html>

The most recent Utility Allowance schedule is available for download here:

<http://www.oakha.org/Residents/Housing%20choice-voucher-residents/Pages/default.aspx>

24. Financial Summary Worksheet

Applicants must complete the Financial Summary Worksheet for your project via the New Construction Workbook and upload to CDS. In addition, applicants must complete **Exhibits 25-28** and upload to CDS.

To score points for committed funding, attach evidence of enforceable financing commitments to the exhibit. A *Letter of Interest* is not considered an enforceable commitment.

For a commitment to be considered enforceable, it must:

- 1) be in writing, stating the essential terms of the financing;
- 2) be subject only to conditions within the control of the applicant, but for obtaining other sources such as City financing; and
- 3) be executed by an authorized officer of the grantor, lender (other than a mortgage broker), or other agency providing the commitment or award.
- 4) For all private lenders, all commitment letters must explicitly state the lender will subordinate to the City's Regulatory agreement.

If private funding commitments contain language requiring that the City regulatory agreement be subordinated, they will not receive points.

If land or buildings will be donated, the value of the donation should be included as an acquisition cost, and as a source of funds in the Financial Summary and in the tables below.

Name of Lender/Source Address Contact Name, Phone	Amount of Funds	Type of Financing (e.g. loan, grant, or equity)	Interest Rate	Term, Months	Committed? (attach commitment)
1.					
2.					
Total Funds					

OHA Set-Aside Pool Applicants: If project is applying under the OHA Set-Aside pool, then the applicant is required to submit evidence of commitment of OHA (or affiliate) funding, which could be in the form of predevelopment, land, capital, rental or operating subsidy or other form of participation.

25. Construction Financing

In the Financial Summary tab of the New Construction Workbook list **all** sources of funds for the project in the construction phase in the City-provided format. Use as many rows as necessary. Fill out **Exhibit 25**, attach evidence of enforceable commitments for all sources listed and upload via CDS.

26. Permanent Financing

In the Financial Summary tab of the New Construction Workbook, list **all permanent** sources of funds for the project in the City-provided format and submit electronically via CDS. Use as many rows as necessary. Fill out **Exhibit 26**, attach evidence of enforceable commitments for all sources listed and upload via CDS. If project is applying under the OHA Set-Aside pool, the applicant is required to submit evidence of commitment of OHA (or affiliate) funding.

27. Acquisition and Predevelopment Financing

In the Financial Summary tab of the New Construction Workbook, list all acquisition and predevelopment sources of funds for the project in the City-provided format and submit electronically via CDS. Use as many rows as necessary. Fill out **Exhibit 27**, attach evidence of enforceable commitments for all sources listed and upload via CDS.

28. Rental or Operating Subsidies (if applicable)

In the Financial Summary tab of the New Construction Workbook, list **all committed** sources of rental or operating subsidies, including the number of units assisted (if project-based rental subsidy), the annual subsidy amount and the contract term of the annual subsidy. In the Unit Size and Affordability tab of the New Construction Workbook include all appropriate tenant-paid rent and rental subsidy information such that the total subsidy/rent differential is shown and carries into the 30 Year Proforma tab of the New Construction Workbook for the appropriate contract term. Fill out **Exhibit 28**, attach evidence of enforceable commitments for all sources listed and upload via CDS.

Please do not assume that your project will have access to Oakland Housing Authority (OHA) Project Based Vouchers or other OHA funds. The City of Oakland New Construction Notice of Funding Availability (NOFA) proposed project financial budgets should not include Project-Based Vouchers (PBVs) or other funding from OHA, unless OHA funding has already been committed to the project. The City does not award PBVs. The City will notify OHA of projects successfully awarded through the City of Oakland NOFA, and OHA will subsequently evaluate projects for potential funding awards based on its priorities, established process. At this time, OHA will assess projects for possible award of pre-development, capital and Rental Assistance Subsidy (operating subsidy) funds only. For any project receiving federal funds, the award of OHA operating assistance, if any, is conditioned on the project's compliance with the requirements of the National Environmental Policy Act (NEPA), Site and Neighborhood Standards, Housing Quality Standards (HQS). OHA will rely on this NOFA process to award the OHA funding resources.

In order to be considered for an OHA Rental Assistance Subsidy (RAS) award, projects must include a minimum of twenty-one (21) or more units, of which a minimum of ten (10) units or 25% of the total project units, whichever is greater, must be set aside for households earning at or below 30% of AMI, as defined by the California Tax Credit Allocation Committee. The balance of the units in the Project may be designated for households whose incomes do not exceed 80% AMI. OHA may consider awarding a RAS to projects with twenty (20) or less total units that are unable to provide the minimum number of 30% AMI units described above, at its sole discretion.

OHA prioritizes awarding its RAS to projects with: wrap around services for the duration of the OHA investment, evidence of commitment to resident involved best practices for healthy, safe and engaged communities, close proximity to public transportation and other community-serving amenities, a commitment to advancing racial equity, units that target homeless populations, units that target populations impacted by gender-based violence, community outreach and engagement, and projects with one- and two-bedroom units with kitchens and bathrooms.

29. Neighborhood Narrative and Revitalization Description

1. **Neighborhood Narrative:** In CDS, describe the site and neighborhood which the development will be located in, including:
 - ♦ The current uses of the project site and surrounding area.
 - ♦ A general description of the neighborhood character including typical land uses
 - ♦ Local building construction type and condition
 - ♦ Availability of transportation, retail, and other public services (health and social services, recreation/open space, elementary and secondary schools)

2. **Neighborhood Revitalization Description:** Describe how the proposed project will contribute to the overall enhancement and revitalization of the neighborhood. Specifically, discuss:
 - ♦ How the proposed project will impact its immediate surroundings.
 - ♦ How the proposed project will prevent the displacement of low-income residents.
 - ♦ Provide the census tract number in which the project is located and the census tract geographic equity score using **Exhibit 29** and provide the Urban Displacement California Estimated Displacement Risk Model Map category with the property clearly identified in the following “Extreme, High, and Elevated Displacement” categories in the 0% to 50% AMI layer by using the map at <https://www.urbandisplacement.org/maps/california-estimated-displacement-risk-model/>.
 - ♦ The Specific Plan Area or a Priority Development Area, if applicable.
 - ♦ The current neighborhood-specific revitalization plan where the project is proposed such as the East Oakland Neighborhood Initiative (EONI) and San Pablo Avenue Revitalization Coalition (SPARC), the Transformative Climate Communities (TCC) Better Neighborhoods, Same Neighbors Initiative, etc. and the organizations that participated in its creation.
 - ♦ How the proposed project contributes to the neighborhood-specific revitalization plans.
 - ♦ The types and locations of proposed housing in the current neighborhood revitalization plan, if applicable.

3. **Neighborhood Revitalization Activities:** List other revitalization and development projects within a ¼ mile of the project site that are planned, underway, or recently completed. Identify the approximate distance of other development projects from the project site.

4. **Photos:** Attach recent, clearly labeled, photos of the project site and surrounding area and buildings. At a minimum, include separate photos of the site and street (from both sides and directions):

Digital photos, submitted with the application, are preferred.

5. Attach a copy of any current and relevant neighborhood revitalization plans.

30. Location Map

Upload a location map that includes transit lines/stations/transfer points and major neighborhood services (e.g. full-service grocery stores, farmers' market, qualifying medical clinic, pharmacy, and/or schools and community/recreation centers that serve target population). Map should clearly indicate the amenities, and transit stops in the project proximity for which the applicant is requesting points. The map should provide a key with relevant distances, peak frequency headways and transit stop types, as well as street addresses for amenities, on a separate sheet.

31. Developer Experience Worksheets

All applicants (including joint ventures and emerging developers) must provide in CDS the following information, for **all projects** developed within the last ten years. Developers must have completed at least three projects to qualify for the NOFA. Please note: The minimum threshold for developer experience is completing at least three (3) affordable housing development projects to qualify for the NOFA. At least one of the completed projects must be similar to the project for which funding is being sought. This requirement may be met through a joint venture or similar partnership/contract agreement, so long as the rights and responsibilities of all parties are clearly delineated.

Please submit electronically via CDS.

Project Name:	Completion Date:
City:	Total Project Cost:
Number of Units:	Rental or Ownership:
New Construction or Rehabilitation:	

Major Funding Sources

Project References - Individual in Local Governing Body most familiar with project.

(Include Name, Organization, Title or Relationship to Project, Address, and Phone)

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Completion (Relative to schedule and budget at start of construction)

Budget

On time, delayed (by ___ months), etc.	Project over budget by ___%
--	-----------------------------

If applicable, explain why project was delayed or over budget:

Project Key Staff	Name	Current Title	Role in Current Project
Project Manager			
Director of Real Estate Development			
Executive Director			
Other			
Other			

32. Joint Venture Agreement

If the applicant is a Joint Venture, a Joint Venture Agreement is required, clearly describing the roles and responsibilities of each partner, who is the lead partner, or if the responsibilities are approximately equally split between the partners. Upload the agreement via CDS.

33. Developer Capacity Worksheet

Provide the following developer capacity information for project staff of the proposed project. Please submit electronically via CDS.

Project Staff	Name	Role in <i>other</i> current or planned developments (For housing development staff, list role, project name, number of units, start and completion dates)	Years of Relevant Experience	Years with this Developer
Project Manager				
Director of Real Estate Development				
Executive Director				
Asset Manager		Provide the number of properties overseen by the Asset Manager:		
Controller / CFO / Accounting Manager		Provide the number of accounting staff employed by the developer:		
Other				

34. Resumes of the Developer's Key Staff

Upload to include resumes for the developer's key staff that will be assigned to the proposed project. See Addendum, *Minimum Developer Qualifications* for specific requirements.

35. Resumes and Experience of Other Members of the Development Team

Upload documentation to include resumes for the indicated Development Team Members via CDS that have been selected and identify from the list below.

- _____ Developer, if different from applicant
- _____ Emerging Developer, if applicable
- _____ Architect(s)/Engineer(s)
- _____ Attorney(s) and/or Tax Professionals
- _____ Property Management Agent
- _____ Financial and Other Consultant(s)
- _____ General Contractor
- _____ Investor
- _____ Service Provider

For each Team Member other than the developer, provide the following supplemental information. See Addendum: *Minimum Developer Qualifications* for specific requirements for each type of participant.

- Descriptions of at least 3 previous projects, including the address, number of units, total cost, completion date and funding sources.
- Resumes of the assigned project staff.

36. Audited Financial Statements and Financial Analysis Worksheets

Financial statement review will evaluate the organization's net assets, debt equity ratio, and current assets and liabilities ratio, and other factors using the Organizational Underwriting Tool developed by Alameda County.

Provide, for all lead and/or joint venture project sponsors, the following documents regarding financial strength and capacity. Upload the Financial Analysis Worksheets via CDS.

- Complete the financial Organization Underwriting Tool with data with audited financial statements for the organization from the past two years (**if these are consolidated financial statements, they must also include the standalone financial statements for sponsor/parent organization**).
- If particular circumstances about an organization's financial position or capacity require explanation, provide a narrative summary in addition to the financial statements.

37. Preliminary Resident Services and Technology Plan and Service Provider MOUs

Please upload the Resident Services Plan via CDS. The Resident Services Plan should be well defined, identify committed or proposed funding sources (projects with committed funding receive preference), have an identified provider, and show evidence of consultation with established service providers. A preliminary budget, or sources and uses of funds, should be included if possible. Please add services sources and uses information to the services summary table in the Application Form in the New Construction Workbook. Services may include free or sliding-scale services such as computer classes and the provision of a common computer room, credit counseling, childcare, employment and training programs, ESL classes, after school programs, individual case management, counselors, health services, or other services relevant for the community served. See **Exhibit 37 – Supportive Services Plan Sample Template** for more information.

Resident service coordination for the programs provided and size and type of population being served may be funded as an operating cost. However, case management services are not an eligible cost. For questions about potential sources of services funding towards homeless services you may apply to the homeless services

City of Oakland Request for Qualifications (RFQ) in the City of Oakland's Department of Human Services at oaklandhsdRFQ@oaklandca.gov. For additional information:

<https://www.oaklandca.gov/services/request-for-qualifications-rfq-for-homeless-services>.

Technology Plan: Projects must provide the capacity for high-speed internet access in each unit by a means that does not impede use of the primary telephone line. In CDS, please address how the project will meet or exceed this requirement. Descriptions of tutoring, training, and computer facilities provided for residents should also be included as an element of the Resident Services Plan.

Residence Services Plan: If a project reserves units for Special Needs and/or Homeless populations, the Resident Services Plan must state clearly how many special needs and/or Homeless set-aside units there will be in the project and the exact population that will be targeted; must demonstrate that the essential supportive and social service needs of the target population will be met (e.g., health services for people with chronic health conditions; mental health services for people with mental illness) and must include individual case management services. The developer must agree to follow the State of California's housing first principles, Welfare and Institutions Code (WIC) [8255 (d)(1) and (2)(A) and (B)]. The Resident Services Plan must be uploaded in CDS. Developers are also encouraged to use the Alameda County's Home Stretch Coordinated Entry System in their tenant selection processes to fill designated permanent supportive housing units for homeless individuals with disabilities.

Memorandum of Understanding: Upload any current MOU's or other agreements with supportive service providers for the project, or information regarding contacts made with services providers. Provide information on potential and committed services funding to be used for the project. The Corporation for Supportive Housing's website, www.csh.org, can provide useful resources on development of Supportive Services Plans, as well as on the development, financing, and management of permanent supportive housing projects.

38. Sustainability Plan

All applicants must upload an initial checklist with their application for either the GreenPoint Rated, <https://www.greenpointrated.com/greenpoint-rated>, or LEED certification, <http://www.usgbc.org/leed>. All new construction projects are required to be either GreenPoint Rated or LEED certified. For more information, see the NOFA Scoring Criteria and Program Description sections.

Other rating or certification systems may also be acceptable, but the equivalency of the proposed system and the score to be achieved must be reviewed and approved by City staff.

It is understood that most proposals are in early stages of design development, and therefore, applicants are asked to complete the GreenPoint or LEED checklists based on their intent to incorporate green building components. Projects that are awarded City funding will be evaluated for the actual design prior to start of construction and will be required to achieve the same GreenPoint or LEED score range as was achieved for NOFA scoring.

Please include the GreenPoint or LEED checklist in the application uploaded via CDS.

CERTIFICATIONS

Applicant hereby certifies:

1. Truth of Application

That the information submitted in the Application and any supporting materials is true, accurate, and complete to the best of its knowledge. Applicant acknowledges and understands that if facts and/or information herein are found to be misrepresented, it shall constitute grounds for the default of the loan for which application is being made.

2. No Conflicts of Interest

- For HUD-funded projects, that, to the best of its knowledge, no "covered person" (as defined below) associated with the City has or will obtain a financial interest or benefit from this loan or the project, or has or will obtain an interest in any contract, subcontract or agreement with respect to the loan, the project or the proceeds thereunder, either for themselves or those with whom they have immediate family or business ties, during that covered person's tenure with the City or for one year thereafter. A "covered person" for purposes of this paragraph includes any employee, agent, consultant, officer, or elected or appointed official of the City who, with respect to activities assisted with HUD funds, (a) exercises or have exercised any functions or responsibilities, or (b) is in a position to participate in a decision making process, or (c) is in a position to gain inside information. No officer, employee, agent, or consultant of Applicant or Applicant's affiliates may occupy a project unit. Applicant's attention is directed to the conflict of interest rules for the HOME program codified in 24 CFR §92.356.
- That no public official of City who has been involved in the making of the loan, or who is a member of a City board or commission which has been involved in the making of the loan, has or will receive a direct or indirect financial interest in the loan or the project in violation of the rules contained in California Government Code Section 1090, et seq., pertaining to conflicts of interest in public contracting. Applicant must exercise due diligence to ensure that no such official will receive such an interest. If Applicant, a general partner of Applicant, or an affiliate of Applicant or Applicant's general partner is a nonprofit corporation, Applicant is certifying that, to the best of its present knowledge, that any such public official of City who is an employee or a non-compensated director or officer of said nonprofit corporation has disqualified himself or herself from participating in the City's decision to make the loan.
- That to the best of its present knowledge and excepting any written disclosures as to these matters made by the applicant to City, that (1) no public official of City who has participated in decision making concerning the loan or the project or has used his or her official position to influence decisions regarding this loan or the project, has an economic interest in Applicant or the project, and (2) neither the project nor

the loan will have a direct or indirect financial effect on said official, the official's spouse or dependent children, or any of the official's economic interests. Applicant shall promptly disclose to City in writing any information it may receive concerning any such potential conflict of interest. Applicant's attention is directed to the conflict of interest rules applicable to governmental decision making contained in the Political Reform Act (California Government Code Section 87100, et seq.) and its implementing regulations (California Code of Regulations, Title 2, Section 18700, et seq.).

- That Applicant has read and is aware of the City of Oakland Government Ethics Act (Oakland Municipal Code Chapter 2.25) (the "Act"), including, without limitation, the provisions prohibiting Conflicts of Interest and Personal Gain set forth at OMC 2.25.040, and those prohibitions applicable to Public Servants (as defined under the Act) relating to (a) the influencing of contracts with former employers and (b) nepotism, as set forth in OMC 2.25.070. Applicant must exercise due diligence to ensure that no Public Servant will have a conflict as a result of Applicant's application, and the applicant shall immediately notify the City in writing of any real or possible conflict of interest described herein.

3. **No Use of Suspended/Disbarred Contractors**

That Applicant its principal and its contractors:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this Application been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; or violation of Federal or State antitrust statutes or commissions of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in the subsection (b) above; and
- (d) Have not within a three-year period preceding this Application had one or more public transactions (Federal, State, or local) terminated for cause or default.

If Applicant is unable to certify as to any of the above statements, Applicant has attached a written explanation to this Agreement.

4. **Nondiscrimination/Equal Employment Practices**

Applicant agrees as follows:

- (a) Applicant shall not discriminate against any employee or applicant for employment because of age, marital status, religion, gender, sexual orientation, gender identity, race, creed, color, national origin, mental or physical disability (including but not limited to Acquired-Immune Deficiency Syndrome (AIDS), and AIDS-Related Complex (ARC)), military or military veteran status, or any other legally-protected class. This nondiscrimination policy shall include, but not be limited to, the following: employment, upgrading, promotion or failure to promote, demotion or transfer, recruitment advertising, layoffs, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- (b) Applicant shall state in all solicitations or advertisements for employees placed by or on behalf of Applicants that all qualified applicants will receive consideration for employment without regard to age, marital status, religion, gender, sexual orientation, gender identity, race, creed, color, national origin, mental or physical disability (including by not limited to AIDS, and ARC), military or military veteran status, or any other legally-protected class.
- (c) Applicant shall make its goods, services, and facilities accessible to people with disabilities and shall comply with the Americans with Disabilities Act and all other applicable federal, state, and local disability rights legislation.
- (d) If applicable, Applicant will send to each labor union or representative of workers with whom Applicant has a collective bargaining agreement or contract or understanding, a notice advising the labor union or workers' representative of Applicant's commitments under this nondiscrimination clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (e) Applicants are required to disclose any disciplinary or investigatory actions against the Contractor by the Equal Employment Opportunity Commission (EEOC), Department of Fair Employment & Housing (DFEH), or the Office of Federal Contract Compliance Programs (OFCCP). Applicant agrees to disclose and has disclosed in its application, any and all such disciplinary or investigatory actions in writing to the City of Oakland.

5. Choice-Limiting Actions During NEPA Review Are Prohibited

That Applicant acknowledges that any choice limiting actions or actions that have environmental consequences as defined in the *Program Description and Requirements* section will not be undertaken during the period between application submittal and the completion of the City's environmental review process.

6. Applicant Will Abide by Program Rules

That if Applicant is successful in receiving funds as a result of this Application, it will abide by all applicable rules and regulations governing the program.

7. Applications are Public Records

That Applicant acknowledges that the information submitted as part of this application may be made available to the public pursuant to a request under the California Public Records Act and the City of Oakland's Sunshine Ordinance.

8. Material Changes to Project.

That Applicant acknowledges that any material changes to the Project not disclosed to and approved by City may result in termination of funding for the Project. Material changes include but are not limited to: changes to the Project's design, amenities, and number and size of units; changes to the development budget; changes to the proposed sales prices, rents or operating expenses; changes to the sources, amounts or terms of financing; changes to the ownership entity or key staff and consultants identified in the Application, or changes to other Application items.

9. Acknowledgement of Financing Commitment Timeline

That Applicant acknowledges their understanding that, 24 months after receiving City Council approval for the Project's City financing commitment, the Project must have received enforceable commitments for all other financing sources, or the Project will risk losing its City financing commitment and risk receiving negative points on future applications for City funding.

10. Status of New Materials Submitted

That Applicant acknowledges that the identified status of submitted materials as either "new" or "unchanged" on the Housing Development Financing Application Checklist is true and accurate as of the date of submission.

11. Financial Guarantees

That Applicant is willing and able to provide all required financing guarantees required by construction lenders, tax credit investors, and the City of Oakland.

12. For LIHTC Tax Credit Projects Only

Negative Points: That Applicant has received no negative points or sanction from a State Allocating Agency for LIHTC and or private activity bonds in the last three years.

CTCAC General Partner Experience Points: That Applicant qualifies for maximum general partner experience points under the 2024 CTCAC Regulations and has (have) not received any negative points from CTCAC since January 2023.

CTCAC Property Manager Experience Points: That Applicant’s proposed property manager qualifies for maximum property manager experience points under the 2024 CTCAC Regulations and has(have) not received any negative points from CTCAC since January 2023.

13. Project Completion On-Time and On-Budget

That all new construction and rehabilitation projects of the Applicant in the last three years completed construction and lease-up on-time and on-budget. If Applicant is unable to certify to this statement, Applicant has attached a written explanation to this Application.

Applicant Name(s):

Title(s):

Signature/Date:

**ATTENTION: CONTRACTORS DOING BUSINESS
WITH THE CITY OF OAKLAND**

IMPORTANT NOTICE OF CAMPAIGN CONTRIBUTION REPORTING REQUIREMENTS

The Oakland Campaign Reform Act prohibits contractors doing business or seeking to do business with the City of Oakland, or the Oakland Unified School District from making campaign contributions to Oakland candidates **between commencement of negotiations and either 180 days after completion of, or termination of, contract negotiations.**

Effective July 27, 1999, if you are a contractor doing business with, or submitting a proposal to do business with, the City of Oakland, you are required pursuant to the City's Campaign Reform Act to sign and date the attached ACKNOWLEDGEMENT OF CAMPAIGN CONTRIBUTION LIMITS FORM at the time you formally submit a bid, proposal, qualification or contract amendment.¹

The attached ACKNOWLEDGEMENT must be received at the same time the bid, proposal, qualification or contract amendment is submitted. **Contracts may not be awarded to any contractors who have not signed this certification.** In addition, failure to file this form with any proposal or submittal subject to section 3.12.140 of the Oakland Campaign Reform Act, or filing a false acknowledgement, shall subject you to the criminal and civil enforcement provisions contained in the Act. The Oakland Public Ethics Commission is charged with enforcement of the provisions of the Act.

The City Clerk shall keep an updated list of current contractors available for inspection. The Campaign Reform Act, Oakland Municipal Code section 3.12, is available for your review at the City Clerk's Office, One Frank Ogawa Plaza, 2nd Floor, Oakland, CA. You may also access the Campaign Reform Act on the City's website at: <https://www.oaklandca.gov/resources/oakland-campaign-reform-act-pec>

¹ The attached ACKNOWLEDGEMENT is required for contractors seeking to do business with the City of Oakland. For contracts with the Oakland Unified School District, please contact the Oakland Unified School District.

Contractor Acknowledgement of City of Oakland Campaign Contribution Limits

To be completed by City Representative prior to distribution to Contractor

City Representative _____ Phone _____ Project Spec No. _____

Department _____ Contract/Proposal Name _____

This is an Original Revised form (check one). If Original, complete all that applies. If Revised, complete Contractor name and any changed data.

Contractor Name _____ Phone _____ - _____ - _____

Street Address _____ City _____, State _____ Zip _____

Type of Submission (check one) Bid Proposal Qualification Amendment

Majority Owner (if any). A majority owner is a person or entity who owns more than 50% of the contracting firm or entity.

Individual or Business Name _____ Phone _____ - _____ - _____

Street Address _____ City _____, State _____ Zip _____

The undersigned Contractor's Representative acknowledges by his or her signature the following:

The Oakland Campaign Reform Act limits campaign contributions and prohibits contributions from contractors doing business with the City of Oakland and the Oakland Redevelopment Agency during specified time periods. Violators are subject to civil and criminal penalties.

I have read Oakland Municipal Code Chapter 3.12, including section 3.12.140, the contractor provisions of the Oakland Campaign Reform Act and certify that I/we have not knowingly, nor will I /we make contributions during the period specified in the Act.

I understand that the contribution restrictions also apply to entities/persons affiliated with the contractor as indicated in the Oakland Municipal Code Chapter 3.12.080.

If there are any changes to the information on this form during the contribution-restricted time period, I will file an amended form with the City of Oakland.

Signature

_____/_____/_____
Date

Print Name of Signer

Position

To be Completed by City of Oakland after completion of the form

Date Received by City: ____/____/____ By _____

Date Entered on Contractor Database: ____ / ____ / ____ By _____