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

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September 23, 2024

**Notice of Funding Availability**  
**(NOFA)**

**for New Construction of**  
**Multifamily Affordable Rental Housing**

**2024**

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**City of Oakland**  
**New Construction of Multifamily Affordable Rental Housing Program**  
**September 23, 2024**

***NOTICE OF FUNDING AVAILABILITY (NOFA)***

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On behalf of the City of Oakland, the Housing and Community Development Department (HCDD) is pleased to announce that it is accepting applications for funding for the new construction of multifamily affordable rental housing developments serving low-income households including homeless households.

Up to approximately \$66,000,000 is projected to be available for the current budget cycle (2024-25) in local affordable housing funds from some or all of the following sources: *Affordable Housing Trust Funds, HOME Funds, Low and Moderate Income Housing Asset Funds, Excess Redevelopment Bond Funds, Redevelopment Agency Bond Funds, and Measure U Bond Funds or reprogrammed funds.*

Of this amount, up to \$15,000,000 will be made available in a set-aside for developments substantially invested in or owned by the Oakland Housing Authority (or its affiliates), the balance, or approximately \$51 million, will be allocated in a general pool.

Separately from the \$66 million of local affordable housing funds, Oakland Housing Authority will make available up to \$10,000,000 in operating, pre-development, capital assistance and/or Project-based Vouchers or other operating assistance to developments selected through the City's competitive processes including the Homekey/R2H2 RFP, based upon Oakland Housing Authority criteria as provided in this NOFA. This collaborative approach allows City capital funding to be deployed where needed and for OHA sources to supplement the City's lack of operating subsidy. Applications submitted under the general pool and under the OHA set-aside pool are both eligible to be considered for OHA funding if awarded through this NOFA.

Although applicants should plan to vigorously pursue non-City subsidies for their projects, applicants should request the **entire amount reasonably needed to ensure feasibility** of their project, up to the maximum amount described on page 24. Funding award recommendations may be less than the total amount of funds requested by applicant but in no event shall funding allocations exceed the amount requested by applicant. Applicants are encouraged to show the number of Special Needs or Permanent Supportive Housing units that will be set aside in the projects, however only committed rental operating subsidies should be shown in the proforma. Applicants may show a self-funded Capitalized Operating Subsidy Reserve that can support Special Needs units if no rental subsidies are committed at application. If future operating subsidies are awarded to the project, the COSR can be reduced or eliminated accordingly for project feasibility. Oakland HCD staff reserve the right to reduce funding commitments if a project becomes over subsidized according to Oakland HCD staff review.

Projects that apply to this NOFA and meet threshold will be reviewed and ranked based on scoring criteria described in this NOFA. Staff will publish the ranked list of projects and amount of funds to be awarded per project up to the total amount authorized by City Council. Top ranking projects will be awarded from current fiscal year funds. In order to build the City's pipeline of affordable housing, projects that submit complete applications, meet all threshold requirements, and achieve a minimum score of 53 points will remain in the City's Funding Pipeline for future consideration. Please carefully review important changes to the City's threshold requirements as incomplete applications or applications that do not meet threshold will not be reviewed.

This NOFA may be used to determine which projects the City will support in seeking additional financial resources, including supporting applications for programs such as the State Strategic Growth Council's Affordable Housing and Sustainable Communities (AHSC) Grantmaking Program.

#### **NOFA Set-Aside Pool for Projects with Oakland Housing Authority Participation**

Up to \$15,000,000 in funds available through this NOFA will be made available in a set-aside for developments substantially invested in or owned by the Oakland Housing Authority (or its affiliates) (the OHA Set-Aside pool). The balance of NOFA funds will be allocated in a general pool. To be eligible to apply for the OHA Set-Aside, applicants must provide evidence of an OHA commitment. Applicants that elect to participate in the OHA Set-Aside will be evaluated according to the same thresholds and scoring criteria as the NOFA general pool. Projects within the OHA Set-Aside pool will first be ranked against other applicants within the pool. If a project is unsuccessful in the OHA Set-Aside pool, they will then compete in the general pool.

An applicant requesting their project to be considered for the OHA Set-Aside Pool must limit their capital request to no more than \$15 million. If a project funding request is in excess of \$15 million, then the project will not be considered under the OHA Set-Aside and instead the project would be considered under the NOFA general pool. If the selected OHA Set-Aside project does not require the full \$15 million, the unneeded balance will be added to the general pool for allocation.

#### **Federal Funds**

Of the total funding available in this NOFA, approximately \$2.3 million is available as HOME funds. Applicants wishing to be considered for HOME funds will need to indicate this in the online application and will need to structure the project to align with HOME funding requirements. Applicants that select the option for HOME fund consideration shall not take any action that would be considered a Choice Limiting Action prior to the completion of the NEPA.

**Choice-Limiting Actions are prohibited prior to NEPA review:** Applicants for Federal funding must refrain from undertaking activities, including acquisition, that would have an adverse environmental impact or would otherwise limit the choice of reasonable alternatives between the time of application submittal and when the City has completed its environmental review process. Failure to comply with this requirement may result in cancellation of funding commitments. If the applicant has entered into a purchase agreement or other contract prior to applying for NOFA funds, the actions pursuant to that contract are allowed prior to completion of the NEPA review. But that contract may not be amended, and no new contracts may be entered into.

City loans are provided for new construction of affordable rental and permanent supportive housing projects and are intended to partially or fully fill the gap between development costs and financing available from private and other public sources. Applicants are expected to pursue financing from all available sources and are encouraged to contact the City's Housing Development Services Unit with questions regarding program requirements and the application process.

## **NOFA PROCESS AND TIMELINE**

**Applications must be received no later than 5:00 p.m. on Monday, November 4, 2024. Applications submitted after this deadline will not be accepted. Award recommendations are expected to be announced in January 2025.**

**FOR THIS APPLICATION ROUND, ALL APPLICATIONS MUST BE SUBMITTED THROUGH CITY DATA SERVICES (CDS), HCDD's on-line database system.**

Applicants should review the entire NOFA package, as the application includes a certification that the applicant will comply with all requirements. Prior to the application deadline, please check the HCDD website regularly for any updates, corrections, or posted questions and answers regarding this NOFA at

<https://www.oaklandca.gov/resources/2024-25-new-construction-of-multifamily-rental-affordable-housing-notice-of-funding-availability-nofa>

- ♦ All application materials must be submitted through City Data Services (CDS), HCDD's on-line database system.
- ♦ All applicable City forms/templates related to this NOFA may be downloaded from the City's website at <https://www.oaklandca.gov/resources/2024-25-new-construction-of-multifamily-rental-affordable-housing-notice-of-funding-availability-nofa>
- ♦ Please submit signed Certifications Form (Checklist Item #18 and is located beginning on Page 38 of the Application and Instructions for Housing Development Financing document).
- ♦ **Applications that are deemed incomplete will be rejected.**

Loan commitments will be issued to selected projects and will be contingent upon on applicant's achievement of certain development benchmarks or performance goals such as applying for gap financing sources in a timely fashion, securing remaining gap funding sources, and making progress with necessary approvals to commence construction of the proposed project. Closings and disbursements of funds will be contingent upon applicant's securing of complete project financing, and loan closing. Construction may not start until all required items have been received and approved by the City, and the City has issued a Notice to Proceed.



## **STEPS PRIOR TO APPLICATION**

**NOFA Pre-Application Meeting:** Applicants are strongly encouraged to attend the NOFA pre-application meeting to be held via video conference on October 7, 2024, at 2:00 p.m. Staff will also hold “Office Hours” via video conference to address additional questions on October 11<sup>th</sup> and 18<sup>th</sup>, at 11:00 a.m.

At the Pre-Application Meeting, City Planning staff will explain California Environmental Quality Act (CEQA) and National Environmental Policy Act (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.

**Environmental Review:** If you are seeking readiness points for tax credits or other State funding that requires federal environmental review, please notify Planning staff and start the NEPA process early. Federally funded projects such as HOME and Oakland Housing Authority funded projects will require NEPA review.

The CEQA review process must be completed before a project's funding can be disbursed; see the *Program Description, Environmental Review and Assessment*, for more information.

**Applications become public records:** Applicants should understand that all documents submitted in response to this NOFA, including financial information, become a matter of public record, and shall be regarded by the City as public records disclosable upon request under the California Public Records Act and/or the City of Oakland Sunshine Ordinance after the application deadline, unless specifically exempted under the law. The City shall not in any way be liable or responsible for the disclosure of any such records or portions thereof if the disclosure is made pursuant to a request under the California Public Records Act or the City of Oakland Sunshine Ordinance.

**City reservation of rights:** The City reserves the right to:

1. Withdraw, suspend, or modify this NOFA at any time without prior notice; and
2. Waive any irregularities in the NOFA process, and reject any or all submissions not in the best interest of the City; and
3. Negotiate directly with an applicant, or request additional information and material from an applicant; and
4. Award less than the full amount of funding available; and
5. Retain all submitted applications as property of the City.

Selection or rejection of an applicant’s proposal does not affect these rights. Please be advised that the City makes no representation that any contract will be approved or that funds will be awarded to any respondent to this solicitation. In addition, it must be understood that no binding action is in effect until the required City approval process is completed. This NOFA does not commit the City to pay any costs incurred in the preparation of any proposal.

*The City of Oakland is an Equal Housing Opportunity and Accessible Housing provider.*



## **SCORING CRITERIA**

Complete applications will be scored in the following categories. Maximum points in each category are noted. The description following contains a more detailed description of the criteria. Some categories are not applicable for certain types of projects. As a result, scores are calculated as the percentage of points attained out of the total points possible for each project type. Please note that points will be rounded to the nearest ¼ point. **In all cases, points are awarded for exceeding, rather than meeting, the threshold requirements for the category. See Scoring descriptions below for further information.**

	<i>Rental</i>		<i>Self Score</i>
<b>I. Readiness and Financial Feasibility</b>	<b>73 pts</b>		
A. Competitive State Resources	25		
B. Funding Commitments	15		
C. Discretionary Land Use Approvals	20		
D. Leveraging	10		
E. Land Donation	3		
<b>II. Location</b>	<b>14 pts</b>		
A. Geographic Equity	5		
B. Neighborhood Revitalization	3		
C. Proximity to Public Transit	3		
D. Proximity to Grocery or Healthcare Access	3		
<b>III. Target Population and Project Attributes</b>	<b>40 pts</b>		
A. Income Targeting	20		
B. Households with Special Needs	20		

<b>IV. Developer Experience and Capacity</b>	<b>27 pts</b>		
A. Developer Experience Exceeds Minimum	8		
B. Emerging Developer	10		
C. Developer Financial Strength	6		
D. Strength of the Development Team and Staffing Capacity	3		
<b>V. Sustainability</b>	<b>5 pts</b>		
<b>VI. Penalty for Nonperforming Previously Funded Projects</b>	<b>-10 pts</b>		
<b>Total Possible Points</b>	<b>159</b>		

## SCORING CRITERIA

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### I. **Readiness, Financial Feasibility, and Leveraging Potential** (73 points)

#### A. **Competitiveness for Affordable Housing Tax Credits** (25 max points)

Due to an increasingly competitive environment for State affordable housing resources, and especially for tax exempt bonds, the City is instituting a new scoring subcategory. Projects can receive up to 25 points in this subcategory.

#### **Projects structured to pursue a tax-exempt bond allocation and 4% tax credits in 2025 or 2026 (25 points)**

- (Option 1) Will score 120 points, apply in the New Construction Pool, and have a tiebreaker score of no less than 80%; or
- (Option 2) Will score 120 points, apply as New Construction in the BIPOC Pool, and have a tiebreaker score of no less than 80%;
- (Option 3) Have been selected by CalHFA to compete to receive an allocation of tax-exempt bonds under the Mixed-Income Program Set-aside; or

#### ***OR for (15 points)***

Projects that will apply in the New Construction Pool with a score of at least 119 points, apply without a request for state tax credits, and:

- (Option 1) Meet the requirements for the ELI/VLI set aside, and have a Tiebreaker of no less than 70%; or
- (Option 2) Meet the requirements for the Homeless set aside, have at least 45% homeless units, and will have a tiebreaker score of no less than 84%; or

#### **Projects structured to pursue 9% tax credits in 2025 or 2026 (15 points)**

Projects must demonstrate competitiveness by providing their LIHTC request amount, identifying set aside or geographic pool in which they plan to apply, and must have a tiebreaker score of at least 75% if competing in the geographic region, or a tiebreaker score of at least 60% if competing in the Nonprofit or Special Needs set-asides.

B. Funding Commitments: Degree to which project funding has been committed as follows:(15 points max)

**(0-1 Points)**

One (1) point for commitment of construction period financing that is sufficient to cover project hard costs and other project costs through conversion to permanent financing.

**(0-10 Points)**

Up to 10 points for commitments of permanent funding as follows:

For projects with partial funding commitments, points will be given based on the percentage of capital financing (excluding the value of capitalized public rental/operating subsidies) committed to the project, as follows:

Committed Permanent Sources as a Percent of TDC Greater than:	Points
5%	1
10%	2
15%	3
20%	4
25%	5
30%	6
35%	7
40%	8
45%	9
50%	10

**(0-4 Points)**

Up to four (4) points for commitment of long-term public operating subsidy based on the capitalized value of public rent and public operating subsidy commitments as follows:

Total Capitalized Public Rental/Operating Subsidy as Percent of TDC Greater than:	Points
1%	1
4%	2
7%	3
10%	4

Only rental/operating subsidy commitments from public sources will be considered. Any project sponsor-funded capitalized operating subsidy reserve commitments will not be considered.

The capitalized value of the public rental/operating subsidy is based on the total subsidy/rent differential over the contract term. In calculating the capitalized value of rent differentials attributable to committed public rent/operating subsidies, the City will utilize the project application information as described in the NOFA Application Instructions.

C. Land Use Approvals (20 points max)

- Twenty (20) points are awarded for Projects that have obtained land use approvals **through ministerial process** by the time of the application due date.
- Ten (10) points are awarded for Projects that have obtained discretionary land use approvals by the time of the NOFA application due date.
- Five (5) points are awarded for Projects that have submitted their application for land use approvals and have been deemed eligible for a ministerial process **or** planning application has been deemed complete by the time of t h e NOFA application due date.

**Note:** Obtaining building permits is not necessary to score points.

D. Financial Leveraging Potential: Degree to which outside funding will be pursued (10 points max)

Points will be awarded for limiting City of Oakland resources as a percentage of the total development costs. (Non-City of Oakland Funding /TDC expressed as a percentage). The financial leveraging point score shall be based upon existing funding commitments and upcoming funding opportunities for which a project is realistically competitive including realistic assumptions around Low Income Housing Tax Credit Equity pricing.

- City resources include loan and grant funds received by or committed to the project by the City and the value of City land donations. The higher the percentage of leveraged funding sources, the higher the score. Points will be awarded based on the table below.

Non-City Financial Resources as a Percent of TDC	Points
95%	10
90%	8
85%	6
80%	4
75%	2
65% to 74%	1

- Failure to be awarded funds from proposed sources after two rounds of application or failure of developer to pursue proposed sources shall require reevaluation of feasibility. If the project’s feasibility is in question the City reserves the right to rescind or reduce the funding commitment.

E. Land Donation (3 points max)

Projects developed on public land owned by the City of Oakland, or any local public entity such as BART and or Alameda County or projects developed on land under fee simple ownership at the time of application by a Faith Based Organization that meets both of the following conditions:

- Land must be offered at a nominal sale price to the project or offered under a long-term ground lease paid only to the extent of available surplus cash.
- Applicant must provide within the application a fully executed Purchase and Sale Agreement or Exclusive Negotiating Agreement between the seller and purchaser. Agreement shall contain purchase price or lease payment structure and all relevant terms and conditions.

II. Location (14 points max)

A. Geographic Equity (5 points max)

Displacement Risk:

Points will be awarded for projects based on the estimated displacement risk to very low income renter households (VLI) within the census tract in which the project is located using the Urban

Displacement Project's California Estimated Displacement Risk Model (see the Application Instructions and Exhibit 29 for applicable scoring points).

By census tract, points will be awarded as follows for level of VLI estimated displacement risk:

- Extreme = 5 points
- High = 3 points
- Elevated = 2 points

Provide census track number in which the project is located by using the map at [https://www.urbandisplacement.org/maps/california-estimated-displacement-risk-model/and\\_to\\_referring\\_the\\_NOFA\\_Application\\_Instructions](https://www.urbandisplacement.org/maps/california-estimated-displacement-risk-model/and_to_referring_the_NOFA_Application_Instructions) and to refer to Exhibit 29 of the NOFA Application Instructions.

B. Neighborhood Revitalization (3 points max)

Points will be awarded in one of two Neighborhood Revitalization categories as evidenced in the Neighborhood Narrative and Revitalization Description of the Application.

- Three (3) points - If the project is located in, and furthers the goals of, an existing or in-progress neighborhood specific revitalization plan that was developed with community participation. Examples of such plans could include: the East Oakland Neighborhoods Initiative (EONI), the San Pablo Avenue Revitalization Collective effort (SPARC), the Transformative Climate Communities (TCC) Better Neighborhoods, Same Neighbors Initiative, or a Specific Plan area such as the Downtown Oakland Specific Plan, West Oakland Specific Plan, Coliseum Area Specific Plan, Broadway Valdez Specific Plan, or Lake Merritt Station Area Plan; or
- Three (3) points - If the project is located in a City Priority Development Area. Please see the City's most recently Adopted Priority Development Area map, here: <https://www.oaklandca.gov/documents/priority-development-areas-pdas-1>.

C. Proximity to public transportation (3 points max)

- Three (3) points will be awarded for a project located within 1/3 mile of multiple bus lines with a frequency of service interval of 15 minutes or less during peak hours, a ferry terminal station, Bus Rapid Transit, and/or BART station; or
- One (1) point will be awarded for a project location within 1/3 mile of a single bus line or shuttle; or
- One (1) point will be awarded for a project location within 1/2 mile of High Quality Transit as defined



under the Affordable Housing & Sustainable Communities (AHSC) Guidelines, generally meaning a Bus Rapid Transit bus stop, and/or BART station, and/or a ferry terminal station with a frequency of service interval of 15 minutes or less during peak hours and service seven days a week.

D. Proximity to grocery, farmers' market or healthcare access (3 points max)

- Three (3) points will be awarded for a project location within 1/2 mile of a full-service grocery store (where staples, fresh meat, and fresh produce are sold), farmers' market, qualifying medical clinic as defined by CTCAC, or pharmacy; or
- One (1) point will be awarded for a project location within 1 mile of such a business.

III. Target Population (40 points max)

A. Income Targeting: (Maximum 20 points)

Minimum threshold requirement, 20% of units must be set aside serving extremely low income households with rents no more than 30% of 30% of AMI. Points are awarded for projects providing more extremely low-income rental units than the threshold requirement.

- One (1 point) will be awarded for each additional full one-percent of affordable units with restricted rents at or below 30% of 30% of AMI.
- Seven-tenths (.7 point) will be awarded for each additional full one-percent of affordable units with restricted rents at or below 30% of 40% of AMI.

B. Housing for Households with Special Needs (20 points max)

***Units targeting homeless and at risk of homelessness and households with any other special needs are counted in the same category. All such housing must include appropriate services and supports for the target population(s).***

- One (1) point awarded for each 1% of the affordable units set aside for households with special needs, including homeless and at risk of homelessness households, up to a maximum of 20 points.
- To receive points, the following requirements must be met and supporting documentation included in the application:
  - A Resident Services Plan or Supportive Services Plan that demonstrates how essential supportive and social service needs of the population will be provided and funded. Providing accessible units will not in and of itself be sufficient to score points.
  - An executed MOU with a service partner that will deliver the services. If the owner is

providing direct services, a commitment letter or a board resolution will satisfy this requirement.

- The Lead Service Provider must have at least three years of experience providing supportive services in supportive housing across at least two projects and serving at least twenty households in total.
- The Property Manager must be identified and have at least three years of experience managing supportive housing units in at least two projects of no fewer than ten units each.
- Developers planning to serve households exiting homelessness must agree to follow the State of California’s housing first principles, Welfare and Institutions Code (WIC), Division 8, Miscellaneous [Sections 8255 (d)(1) and (2)(A) and (B)].

#### **IV. Developer Experience and Capacity (27 points max)**

##### **A. Developer Experience Exceeds Minimum (8 points max)**

- The development entity applying for funding must have experience successfully completing at least three affordable housing development projects. At least one of the completed projects must be similar to the project for which funding is being sought.
- Three (3) points will be awarded for completing more than one Affordable Rental Housing Development that is equivalent to the proposed Affordable Rental Housing Development in size, scale, level of amenities, and occupancy by the Developer entity within the last ten years.
- One (1) point will be awarded for each additional Affordable Rental Housing Development that is equivalent to the proposed Affordable Rental Housing Development in size, scale, level of amenities, and occupancy by the Developer entity within the last ten years. (up to 5 points).

##### **B. Emerging Developer (10 points max)**

“Emerging Developer” is defined as a developer who, in the City’s reasonable discretion developed, owned, or operated at least one (1) but not more than four (4) completed Affordable Rental Housing Developments that are equivalent to the proposed Affordable Rental Housing Development in size, scale, level of amenities, and occupancy. The City may determine experience by evaluating the experience of the entity itself or the experience of senior staff within the organization.

- Ten (10) points will be awarded for Projects wholly owned by an Emerging Developer entity.
- Five (5) points will be awarded to applicants joint venturing with an Emerging Developer if within a joint venture partnership with an Emerging Developer member is allowed first right of refusal to purchase the land and/or building after the 15-year tax credit compliance period. Joint venture partnerships without an emerging developer within the partnership are not eligible for these points.

C. Developer Financial Strength (6 points max)

- Up to six (6) points are awarded based on evidence that the Developer is financially sound and will be able to sustain the costs of effectively following through with the current proposal, based on review of current interim and previous years audited financial statements. **The lead applicant must provide a non-consolidated financial statement.** Financial statement review will evaluate the organization's net assets, debt equity ratio, current assets and liabilities ratio, and other factors, using the Organizational Underwriting tool developed by Alameda County.

D. Strength of Development Team and Development Staffing Capacity (3 points max)

- Three (3) Points will be awarded based on evidence that the Development Team members (Developer Principals, Property Manager, Attorney, Architect, Financial Consultant, etc.) exceed the minimum requirements and the Developer Capacity Worksheet provides a staffing plan for day to day management and completion of the project with not less than .75 FTE Project Management staff and .25 FTE supervisory staff for the proposed project.

V. Sustainability (5 points max)

New construction projects are required to be all-electric and have no connection to the natural gas system for any onsite energy uses. Induction stoves are recommended but any electric cooktop is allowed. Projects must score at least the minimum points in each required category of GreenPoint Rated or LEED and must certify the project during the design and construction process according to the chosen method.

- Five (5) points will be awarded to new construction projects scoring higher than 139 points (Platinum standard) on the Build It Green - GreenPoint Rated Checklist or at the Platinum or above level for LEED (see the *Application Instructions*); or
- Two (2) points will be awarded to new construction projects scoring between 110-139 points (Gold standard) on the build it Green – GreenPoint Rated Checklist or at the Gold standard for LEED; or
- One (1) point will be awarded to new construction projects scoring between 80-109 points (Silver standard) on the Build It Green – GreenPoint Rated Checklist or at the Silver standard for LEED.

**VI. Penalties for Nonperforming Previously Funded Projects (-10 points max)**

Within 24-months preceding a funding application, events occurring in connection with projects with City funding under the control of the sponsor will be used as the basis for penalties. Events will not result in negative points if they have been fully resolved as determined by, or to the satisfaction of, the City as of the date of application.

Points may be deducted at the City's discretion for each occurrence below with a maximum deduction of 10 points for the following reasons:

- Failure to properly maintain a project as determined by the City's property site inspections.
- Failure to comply with prevailing wage/Davis-Bacon, living wage, or other City contracting and employment programs.
- Unresolved defaults under any City agreement or on any agreement for a project that has City funding.
- On-going failure to comply with City Data Service quarterly project reporting obligations for Sponsor projects with a funding commitment.

Points may also be deducted for other significant violations of requirements of the City's housing development programs, programs of other public agencies, or agreements with private lenders. Such violations may include the following if they have not been cured within a reasonable time period as determined by the City: inadequately maintaining books and records; failure to comply with fair housing requirements; failure to achieve sustainability criteria; failure to properly certify tenant income eligibility; failure to adequately qualify prospective first-time homebuyers; or failure to cure an event of default.

**VII. NOFA Tiebreaker Scoring**

In the event that multiple projects in this NOFA round receive the same score, the City will give a preference to projects that have demonstrated the highest percentage of commitments of permanent funding as a percentage of total development cost in order to determine project rank (the NOFA tiebreaker). In case of a tie for the tiebreaker score, the HCDD Director or her designee shall make a final determination.

## ***PROGRAM DESCRIPTION AND UNDERWRITING REQUIREMENTS***

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The City of Oakland provides financial assistance to developers of low and moderate income housing. These programs are administered by Oakland's Housing and Community Development (HCD) Department.

City requirements are generally consistent regardless of the original source of funding. However, for certain requirements, one source of funds may allow greater flexibility than others (e.g., Affordable Housing Trust Fund compared to HOME).

### **ELIGIBILITY**

#### **ELIGIBLE APPLICANTS**

- ♦ For-profit or non-profit corporations, general or limited partnerships, or limited liability companies with demonstrated experience and capacity in the development and management of affordable rental housing may apply. Applicants without the necessary experience must enter joint venture agreements with experienced developers. Applicants should refer to the Addendum, *Minimum Developer Qualifications*, which is incorporated into this NOFA by reference, for specific requirements.

#### **ELIGIBLE & INELIGIBLE PROJECTS, ACTIVITIES, AND COSTS**

- ♦ New construction of rental property, including permanent supportive housing for persons with special needs, intended for occupancy by lower income households are eligible. Development of emergency shelters or other emergency housing is not eligible. Projects must be at least 30 units in size. Mixed use projects (containing both residential and non-residential space) are eligible. Living space should make up the majority of the development.

In any case, only the affordable housing portion of the project will be assisted, and commercial costs need to be split out from the residential costs.

### ***Ineligible Projects/Activities***

- ♦ Public housing modernization or operations; and
- ♦ Emergency homeless shelters.

### ***Eligible Costs***

- ♦ Property acquisition;
- ♦ Demolition;
- ♦ On-site improvements;
- ♦ Off-site utility connections;
- ♦ Construction costs necessary to construct a non-luxury project with suitable amenities in accordance with the property standards described below;
- ♦ Soft costs associated with the development and financing of the project;
- ♦ An initial operating reserve during the period in which the project is initially marketed (not to exceed 18 months after completion);
- ♦ Reasonable developer fees (see Addendum, *Developer Fee Guidelines*, which is incorporated into this NOFA by reference); and
- ♦ Relocation costs.

### ***Ineligible Costs/Uses***

- ♦ Costs associated with construction items or materials of a luxury nature;
- ♦ Furnishings (except where required for special needs projects);
- ♦ Most off-site improvements (utility connections into the adjacent street are eligible costs);
- ♦ Developer/sponsor administrative costs (other than included in the developer fee);
- ♦ Marketing events such as groundbreakings and grand openings;
- ♦ Substitution of City funds for any source of funds that has been previously committed to the project, or represented to any other funding source as being available for the project, is not permitted; and
- ♦ Capitalized replacement reserve.

## **AFFORDABILITY TARGETING**

Current affordable rent and income levels must be used in the application. See Addendum, *Income, Rent and Housing Payment Limits*, which is incorporated into this NOFA by reference, for current rent and income levels. Maximum rents must be adjusted downward by an allowance for tenant- paid utilities in accordance with the federal Section 8 program published by the Oakland Housing Authority; or another method for calculating utility allowance may be used, subject to the City’s review and approval of the alternative methodology and calculations. If a project proposes the use of HOME funds, the [www.huduser.org/portal/resources/utilallowance.htm](http://www.huduser.org/portal/resources/utilallowance.htm) Model must be used. If HOME funds are not awarded to a project, an allowance for tenant paid utilities in accordance with the federal Section 8 program published by the Oakland Housing Authority; or another method for calculating utility allowance may be used, subject to the City’s review and approval of the alternative methodology and calculations.

Rents, utility allowances and tenant incomes will be annually reviewed for compliance by the City’s Asset Monitoring Unit.

### **MINIMUM AFFORDABILITY - RENTAL PROJECTS**

#### ***Project Requirements***

- ◆ One hundred percent (100%) of City-assisted units must be restricted to low income households, with rents no greater than 30% of 60% of AMI.
- ◆ Rents for affordable units must be the lesser of the designated restricted rent limit or ten percent (10%) below market rate within a one-mile radius.
- ◆ At least twenty percent (20%) of the affordable units must have annual rents plus utility allowance of no more than 30% of 30% of AMI, and be reserved for extremely low income households.
- ◆ No more than fifteen percent (15%) of unassisted affordable units may be designated for moderate-income households.
- ◆ It is staff’s understanding that in order to be competitive for CA HCD Multifamily Housing Program (MHP) funds, a portion of units must be restricted to households at or below 70% of AMI. Please mark these units as unassisted affordable units in the City NOFA Financial Workbook submittal.

### ***HOME Restricted Units***

- ♦ Ninety percent (90%) of designated HOME-assisted affordable units must have annual rents plus utility allowance of no more than 30% of 60% of AMI and be reserved for households earning no more than 60% of AMI (“high HOME rent units”). Up to ten percent (10%) of designated HOME-assisted affordable units may be rented to households at or below 80% of AMI, and must have annual rents plus utility allowance of no more than 30% of 60% of AMI.
- ♦ Twenty percent (20%) of designated HOME-assisted affordable units must have annual rents plus utility allowance of no more than 30% of 50% of AMI and be reserved for households earning no more than 50% of AMI (“low HOME rent units”).

### ***City Funding in Combination with Section 8***

Projects may not increase rents above the City formula rents for tenants with tenant-based rental assistance (such as Section 8 vouchers). Units with project-based rental assistance (such as Project-Based Section 8), however, can rent for the maximum rent allowed under the rental assistance program provided they are rented to an extremely low income household and the tenant contribution to rent is no more than 30% of household income.

### ***Additional Information***

Priority will be given to projects that exceed the threshold affordability minimums. Affordability restrictions apply for the full term of the regulatory agreement, regardless of whether another subsidy source (such as Project-Based Section 8 subsidy) continues to be available.

### ***Annual Recertification of Tenant Income***

Owners are required to re-examine tenant incomes annually for all restricted units to ensure that tenants continue to meet the income requirements of this and other applicable funding programs. Rent schedules and utility allowances, including any increases, must be reviewed and approved annually by City HCD’s Asset Monitoring Unit.



## **FINANCING GUIDELINES**

### **MINIMUM AND MAXIMUM LOAN AMOUNTS**

- The maximum City loan amount is forty percent (40%) of the total residential development cost of the project's *affordable units* (those units subject to long term affordability restrictions).
- If applicable, the value of any City land donations will be counted as part of the maximum allowable subsidy total.
- **Please round requested loan amounts to \$1,000 increments.**
- Other sources of appropriate financing must be identified, but not necessarily committed, at the time of application. Projects will be reviewed to ensure that only the minimum level of City subsidy needed will be provided. All other sources of funding must be committed before closing of the City loan.
- HOME-assisted units are subject to the per unit subsidy limits published by the Department of Housing and Urban Development for Region IX in effect at the time of loan closing. The per unit subsidy limits currently in effect (as of February 13, 2024) are as follows:

Bedrooms	Per-unit maximum
0	\$181,488
1	208,049
2	252,994
3	327,293
4	359,263

### **REASONABLE DEVELOPMENT COSTS**

Projects will be compared to similar projects in this funding round. Projects with abnormally high costs are generally defined as being more than 15% above the median development cost per unit, per bedroom, or per square foot than similar projects. If needed, staff will request justification for the higher costs or request a revised budget to be submitted from the applicant. If staff does not approve the justification or the revised budget, an application may be deemed incomplete or the City could require a reduction in the development budget.

**CONSTRUCTION CONTINGENCY**

A minimum of 8% construction cost contingency for new construction projects is required.

**DEVELOPER FEE AND OTHER ALLOWABLE FEES POLICY**

See Addendum, *Developer Fee and Other Allowable Fees Policy for Housing Development Projects*, which is incorporated into this NOFA by reference, for a detailed breakdown of partnership, asset, incentive management fees, and other allowable fees and the developer fee disbursement schedule.

## **GENERAL LOAN TERMS**

If loan terms other than those listed below are sought for a project, the cover letter must explicitly state the requested terms with a detailed explanation of the reasons you are requesting such terms. Such requests are granted at the sole discretion of the City.

### **TIMELINE OF CITY COMMITMENTS**

City financing commitments are made for 24 months from date of City Council approval. All other sources of funds must be committed within that time frame. A one-year extension can be requested with sufficient justification and are due no less than three months prior to the commitment expiration date. If necessary, please state the request to extend the timeline of the City's commitment in the cover letter. Housing Development staff will review the project for feasibility and assess the likelihood of receipt of proposed funding. Contact Housing Development staff for more information about what is required for an extension request. If the extension period elapses without the commitment of full project financing, the City funding commitment will be revoked, and the project must re-compete for funds through the NOFA. Further extensions will only be granted in extraordinary circumstances. The inability to meet a project schedule may also result in negative points for future NOFA applications.

**Projects funded with HOME must complete construction within four years of signing loan documents with the City.**

**Rental units assisted with HOME funds must be occupied within 12 months of project completion.**

### **MONTHLY UPDATES**

Upon commitment of funds from the City, the borrower must provide written monthly updates to City staff regarding general progress of projects. Monthly updates will allow City staff to anticipate upcoming approvals needed and to stay informed about efforts to move the project forward on schedule.

In addition, borrowers are expected to provide a comprehensive update three times a year within City Data Services regarding project status, and any revised timelines and funding or approval milestones. If HOME funds are awarded, the CDS updates should include a schedule projection related to the four-year completion deadline required by HUD.

## **SUBORDINATION**

The City will not subordinate the priority of the City's regulatory agreement to the deeds of trust of private lenders and will require in subordination agreements that private lenders agree to subordinate the priority of their deeds of trust to the City's regulatory agreement. The City's Regulatory Agreement controls, among other things, the maximum income of tenants occupying specific project units, and the maximum rents allowed for each project unit.

## **LOAN TERMS - RENTAL PROJECTS**

Loans for rental projects are typically provided at a simple interest rate of three percent (3%) per annum, for a term of fifty-five (55) years. Applicants may request a reduction in the interest rate upon submission of financial projections indicating that the 3% rate is not feasible for the true debt test and/or results in a negative capital account for 4% tax credit projects. The City must approve any reduction in interest rate below 3% on its loans. Payments of interest and principal will be due from excess cash flow from operations after payment of operating costs, senior debt, reserves, and deferred developer fee. To the extent payments cannot be made in any year, they will be deferred for the term of the loan. All loans are due on sale, refinancing, transfer (except to a related entity, such as a limited partnership, subject to City approval) or at the end of the fifty-five (55) year term.

City loans will be evidenced by a promissory note and secured by a deed of trust on the project. A loan agreement will specify all development obligations. Loan documents will be drafted and reviewed by City staff and the City Attorney's Office, and reviewed by the applicant, with final approved form by the City. The City may require a completion guaranty in connection with the loan. Post-occupancy use restrictions will be enforced through a regulatory agreement recorded against the project – including both the land and the improvements. The minimum term for affordability restrictions is 55 years.

**LOAN FEES (SUBJECT TO CHANGE ANNUALLY PER THE CITY’S MASTER FEE SCHEDULE)**

- Origination fee: A fee of two percent (2%) of the loan amount will be charged for all loans. Ordinarily, this fee will be collected from loan proceeds at the initial funding. This fee may be waived for projects receiving Measure KK/U bond funds and will not be charged to the HOME portion of City commitment with mixed HOME/non-HOME sources.
- Monitoring Fee: After project completion, all projects will be required to pay a monitoring fee as established by the Master Fee Schedule, as amended from time to time. Per the City of Oakland Master Fee Schedule for 2024-2025, a \$628.30 plus \$8.24 per unit per year monitoring fee must be factored into the annual operating budget.
- Subordination Fee: \$1,514 subordination fee if after project completion, the owner requests subordination of the City’s deed of trust.
- Modification Fee: \$3,460.80 modification fee if after project completion, the owner requests modification of the City’s deed of trust or regulatory agreement and lender’s title policy insuring the continued priority of the City’s deed of trust.
- Resale Fee: \$1,730
- Assumption Fee: \$2,163

**DISBURSEMENT OF FUNDS**

Funds will be disbursed to borrower only for costs incurred. Payment for construction costs will be made on a progress payment basis, subject to approval of each draw request by the City. The City will retain \$200,000 (if the loan amount is under \$5 million) or \$300,000 (if the loan amount is \$5 million or more) as a performance retention, to be released upon recordation of a Notice of Completion, release of all liens, and satisfactory compliance with any other City requirements, including City contracting programs. Additionally, the developer fee will be disbursed per Addendum, *Guidelines for Developer Fees on Housing Development Projects*, which is incorporated into this NOFA by reference.

## **ADDITIONAL FINANCING GUIDELINES FOR RENTAL PROJECTS**

### **OAKLAND HOUSING AUTHORITY FUNDING**

The Authority will make available up to \$10 million for projects that receive a funding award from the City of Oakland NOFA provided that the projects are reviewed and found to have met the Authority's standards and requirements and provide high quality services and amenities to the low-income population served. 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 the project has already received a commitment from OHA. The City does not award PBVs.

The City will notify OHA of projects that are successfully awarded through the City of Oakland NOFA, and OHA will subsequently evaluate projects for potential funding awards based on its priorities, established process, and funding availability. At that 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.

## OPERATING BUDGET

Operating budgets and 30-year proformas must meet the following criteria:

- The operating budget must show positive cash flow inclusive of all fees within 18 months of initial rent-up and first year Debt Service Coverage ratio shall not be less than 1.10:1. Ideally, the budget should show sufficient cash flow to make a modest payment to residual receipt loans.
- Include operating and replacement reserves (See Replacement and Operating Reserve Requirements below).
- Include Asset Monitoring Fee of \$628.30 plus \$8.24 per unit per year (per City of Oakland Schedule of Fees for 2024-2025).
- 5% annual vacancy/collection loss for family, senior, and preservation projects and 10% annual vacancy/collection loss for SRO or special needs projects.
- 3.5% annual increase for expenses (other than property taxes and replacement reserves deposits) and 2.5% annual increase for income.
- The operating budget will be reviewed to ensure it is sufficient for proper maintenance and management but is not excessive compared to other similar properties.
- If the project has a commitment for rental assistance, two operating proformas must be provided, one assuming rental assistance will be renewed and one assuming rental assistance will expire after the initial contract term. Rents must remain restricted per City requirements even if the rental assistance is no longer available.
- For non-tax credit projects, asset management fees may not exceed \$12,500 annually. Tax credit projects are allowed a combined partnership/asset management fees, including fees paid to investors, of no more than \$25,000 with a no escalation are only allowed to the extent cash flow is available after payment of operating expenses, debt service, and deposits to reserves. The general partner will be required to pay the cost for an annual audited financial statement for the project.

## **CASH FLOW/INCENTIVE MANAGEMENT FEE**

If a project has no monitoring findings or other violations of City or other agreements, and reserves are fully funded, residual receipts (after payment of operating costs, reserves, senior debt, and current partnership/asset management fee) will be split between the developer/sponsor and the City, with 60% of residual receipts paid to the City as a residual receipts loan payment and 40% for the developer/sponsor as an Incentive Management Fee.

If the project is owned by a partnership, the partnership agreement should clearly indicate that the Incentive Management Fee will be paid to the developer/sponsor. This fee shall be used for projects and activities contributing directly to the developer's (or its affiliate's) affordable housing programs and community development activities. If other lenders also require residual receipts payments, the 60% of residual receipts will be split with these lenders based on relative loan amounts. Staff should be included in any negotiations of residual receipts loan payments. Deferred developer fees and partnership/asset management fee can only be paid from the developer sponsor's portion of the Incentive Management Fee.

## **REPLACEMENT AND OPERATING RESERVE REQUIREMENTS**

City financing is generally in place far longer than other financing sources. As a result, the owner's ability to maintain and repair the project over the long term is extremely important to the City.

Exceptions to the stated requirements will be granted in rare cases only. Use of replacement and operating reserves is subject to prior review and approval by the City.

- Replacement Reserves: 0.5% of the replacement cost of the structure annually, up to \$500 per unit. For rehabilitation projects, developers will be required to submit a third-party replacement cost analysis in which the lifecycle and cost of major building systems is estimated and amortized over the number of units and years. Gut rehab projects should use reserve standards for new construction projects. The City reserves the right to request an updated replacement reserve analysis every five years.
- Operating Reserves: An upfront capitalized operating reserve is required in an amount equal to at least three months of estimated operating expenses and must-pay debt service under stabilized occupancy. Annual deposits of no less than 2% of annual gross rental income are required until an operating reserve has been capitalized. The operating reserve must be maintained at the level of three months of operating costs and must-pay debt service during the term of the City regulatory agreement.

If a rental subsidy transition reserve is included in the project budget, that transition reserve shall be in addition to the operating reserve minimum described above. The amount of any transition reserve shall be subject to approval by City staff.



## **DESIGN GUIDELINES**

### **PROJECT SIZE AND UNIT TYPE REQUIREMENTS**

Projects must be at least 30 units in size.

### **MARKET DEMAND**

Projects should be planned and designed according to market demand. Demand for the type, location, and size of units at the proposed rents or sales prices must be documented at the time of application. Projects that receive HOME funds (or other projects as requested) are also required to submit a complete market study prior to loan closing, according to HUD requirements. A market study, rental survey, recent sales comparables, or an alternative acceptable to the City must also be submitted, according to the guidelines in the Application Instructions. Market studies should be prepared at the sponsor's expense by an independent individual or firm and follow the guidelines of the California Tax Credit Allocation Committee or of the state Department of Housing and Community Development.

### **LIVABILITY STANDARDS**

The City's provision of affordable housing financing is a long-term investment. Underwriting includes assuring that each development will be well-designed and well-constructed to provide decent, safe affordable housing over the long term for a population that does not have a wide range of housing choices.

The quality and marketability of any housing unit is affected by its size and the livability of the space including the space's ability to accommodate the potential number of occupants and the necessary furniture. A larger unit does not guarantee the successful accommodation of a particular furniture layout over a more efficiently laid out smaller one. The project must meet all Zoning Code requirements imposed by the Planning Bureau, but it may be appropriate to exceed these requirements for certain projects.

- Unit layout and size – Housing & Community Development staff will carefully review unit size and layout for livability.
- Windows/Lighting/Ventilation – Units must be designed so that there is adequate natural light and ventilation.
- Parking – Secure resident bicycle parking should be provided to meet or exceed the City's bicycle parking ordinance. Level 1 electric vehicle (EV) charging capability at minimum should be available for each parking space. Car sharing facilities are encouraged.
- Building Shape and Appearance – The structure should respond to its context, enhance the neighborhood, and create a pride of place for its residents.

- ♦ Landscaping – The design should be appropriate for the intended use of all the residents. Landscaping should maximize vegetation and permeable surfaces and minimize water use through appropriate plant selection and siting and maximized compost and mulch use.
- ♦ Quality of Building Materials – Materials must be of a quality and durability to assure long term viability of the structures.
- ♦ Open Space/Storage Space - The project must address adequate levels of the following, based on the type of project, location and target group. Examples of acceptable open space/storage space include:
  - common space (e.g. community room);
  - secure, on-site laundry facilities;
  - children's play area (family projects);
  - Greenspace, specifically vegetated space, focusing on low-water plants with the exception of edible plants and fruit trees;
  - storage space (both inside and outside of the unit); and
  - open space (space within the housing complex).

## **SUSTAINABLE DEVELOPMENT**

In 1998, Oakland adopted a Sustainable Development Initiative to direct attention to sustainable development principles for environmental, economic, and social equity considerations. And in 2020, Oakland adopted its 2030 Equitable Climate Action Plan to improve climate resilience, reduce greenhouse gas emissions from all sectors, and do both in ways that prioritize racial and economic equity. These apply to any NOFA project receiving over \$100,000. Sustainable development issues are often described as encouraging the Three E's:

- ♦ Environmental sustainability guidelines address site and design, construction waste, water impacts, materials selection, waste reduction, reuse and repair initiatives, indoor air quality, energy sources and impacts, carbon sequestration, and alternative (non-single occupancy and non-vehicular transportation solutions).
- ♦ Economic dimensions address affordable housing, employment, food access, and local ownership.
- ♦ Equity considerations address the relationship, both physical and social, of the project to its community and neighborhood.

## **DECARBONIZATION AND CARBON NEUTRALITY:**

In 2020, Oakland adopted its 2030 Equitable Climate Action Plan (ECAP) as well as a carbon neutrality target of 2045. For additional information and to read the ECAP and Carbon Neutrality Resolution, please visit <https://www.oaklandca.gov/topics/sustainable-oakland-1>. The ECAP outlines critical and steps to equitably fight the climate crisis and increase resilience. Requirements in support of these goals taken to date include:

- Plug-in electric vehicle infrastructure requirements for all new construction (<https://cao-94612.s3.amazonaws.com/documents/PEV-Installation-2017-08-04-FINAL.pdf>)
- Requirements to follow the ECAP Consistency Checklist (<https://www.oaklandca.gov/resources/ecap-consistency-checklist>) for all new developments.
- Additional regional requirements for drought-tolerant landscaping (<https://www.stopwaste.org/resource/brochures/bay-friendly-landscape-guidelines-sustainable-practices-landscape-professional>).

To support the City's climate equity and resilience goals, in addition to compliance with these adopted requirements, new affordable housing projects should include the following decarbonization measures:

- All-electric construction and appliances: Buildings should be all-electric and have no connection to the natural gas system for any onsite energy uses. Induction stoves are recommended but any electric cooktop is allowed.
- Energy efficiency: Onsite energy uses should exceed Title 24 energy efficiency requirements for energy efficiency and building performance where practicable, such as through efficient lighting, passive solar design, and induction cooking.
- Car-share: If on-site parking is included, provide at least one parking space with a DC Fast Charger installed that will remain dedicated to electric carshare vehicles for use by tenants when such vehicles or carshare programs are available. Provide a "right of first refusal" to all "Qualified Car Share Operators (QCSO)" operating in Oakland to provide electric car sharing services at no parking cost to the car share operator (the Operator may be billed for electricity). The list of QCSOs can be obtained by emailing: [carshare@oaklandca.gov](mailto:carshare@oaklandca.gov). If more than one car share Operator is willing to provide the service, the housing provider may choose the QCSO.
- Level 2 (240-V) electric vehicle chargers installed in at least 50 percent of EV-Ready (i.e. "Full Circuit") parking spaces.
- Dedicated charging space for tenant-owned electric bikes and electric scooters.
- Induction stoves/cooktops installed in residential units;
- Dedicated secure parking for tenant-owned bicycles and scooters.

Projects should include the following additional sustainability measures:

- Minimize impervious surfaces in outdoor areas;
- Maximize native, drought-tolerant planting;
- Ensure ½" of compost is applied to all landscaped areas; and
- Design and built projects with deconstruction in mind, to reduce demolition waste and maximize material reuse.
- Where possible, maximize deciduous shade trees on south-and west-facing sides of buildings to minimize the need for summer mechanical cooling.

**Green Building Ordinance:**

The City of Oakland has adopted a Green Building Ordinance that will apply to all projects. For more information about the Ordinance, go to the following City of Oakland Green Building website: <https://www.oaklandca.gov/topics/green-building>.

***Multi-family Recycling Program:***

All multi-family buildings (5+ units) are required by state and local law to arrange for recycling and compost collection services for residents and provide information at least annually to employees, tenants, and contractors describing how to properly use the recycling, composting and trash containers. All residents in multi-family buildings or complexes may recycle bottles, cans, jars, rigid plastic containers, paper, cardboard, and they may compost yard waste, food scraps, and food-soiled paper. For information about your recycling rights and requirements under both state and local law, go to the following websites: State and Local Organics & Recycling Law | StopWaste - Home, Work, School - <https://stopwaste.org/rules>.

**Certification Programs:**

**New Construction:** As a minimum threshold for funding, new construction projects are required to be certified under either the Build It Green-GreenPoint Rated or LEED certification systems. 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. Applications must include a preliminary checklist for either GreenPoint Rated or LEED and the sponsor must confirm in the application that they will be certified under the selected program.

It is understood that most proposals are in early stages of design development, and therefore, the applicants are asked to complete the GreenPoint or LEED checklist based on their intent to incorporate green building components. However, projects awarded City funding will be evaluated for the actual design prior to start of construction.

The projects will be required to achieve the same GreenPoint score range as was achieved for NOFA scoring, and to have compliance certified by the appropriate entity at construction completion. If the project does not achieve the score range initially proposed, the developer may be assessed negative points on the next NOFA application submitted.

### **Green Building Guidelines and Technical Assistance:**

A wealth of information regarding green building techniques can be found from the following resources:

- ♦ Oakland's Green Building Resource Center (2nd Floor, 250 Frank Ogawa Plaza), or <https://www.oaklandca.gov/topics/green-building>
- ♦ StopWaste, at [www.stopwaste.org](http://www.stopwaste.org)
- ♦ Build It Green, at [www.builditgreen.org](http://www.builditgreen.org), especially for information about the GreenPoint Rated program.
- ♦ Switch Is On – Statewide resource with local directories for building electrification: <https://switchison.org/>
- ♦ Building Decarbonization Coalition: <https://buildingdecarb.org/resource-library>
- ♦ Bay Area Multifamily Building Enhancements (energy efficiency and electrification assistance for multifamily buildings, with “kicker” incentives for properties in high-heat, high-pollution, and low-income communities: <https://aea.us.org/programs/bay-area-multifamily-building-enhancements-program-bambe/>
- ♦ California Energy Design Assistance – utility-funded new construction decarbonization resource for multifamily buildings: <https://energyassistance.willdan.com/CEDA>

### **INCLUSION OF COMPUTER TECHNOLOGY AND TUTORING SPACE**

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. Projects are strongly encouraged to go beyond this minimum by providing and maintaining computers in a common area, providing computer training, or providing free high-speed internet access to all units as an element of their Resident Services Plan. Designing spaces to make available for tutoring programs is also highly encouraged.

## **OTHER GUIDELINES AND CITY REQUIREMENTS**

### **SITE CONTROL**

At the time a development proposal is submitted, the developer must demonstrate that it has, and will maintain until the land is acquired, site control of the property for which funding is being requested. See the Application Instructions for acceptable documentation.

Minimum Leasehold Security Requirements: For applications where the applicant/borrower proposes to control the Project land through a long-term ground lease, the provisions of the State's Uniform Multifamily Regulations regarding security apply. Current provisions are available on the State's website: <https://www.hcd.ca.gov/grants-funding/already-have-funding/uniform-multifamily-regulations/docs/uniform-multifamily-regulations-2017.pdf> (Section 8316)

### **APPRAISALS**

If acquisition is included in the development budget, applicants are required to submit a recent appraisal of the project site and any existing improvements as part of the application. Appraisals must have been completed within six months of the 2024 NOFA application submission date of September 23, 2024. If the property is already owned by the sponsor, appraisals must have been completed within 6 months of its purchase.

See the *Application Instructions* for more specific guidelines.

### **DONATED PROPERTY**

If land or buildings have been donated for the project, the value of the donated property should be included in the total development cost both as an acquisition cost and as a source of funds. If the property was donated by the City, the value of the donated property will be included when calculating the percentage of City subsidy. The value of the donated property should be documented in, and consistent with, the appraisal. The appraisal must have been completed within 90 days of the date of donation, contribution or transfer.

### **PHASE I AND II**

Applications must include a Phase I Environmental Assessment. If recommended by the Phase I, a Phase II must be provided before a project will be recommended to the City Council. With the Phase II, applicants must also provide a discussion of mitigation measures, the impact of any recommendations on the project budget, design, etc.

## **CITY COUNCIL MEMBER MEETINGS**

City of Oakland staff should attend and be included in the planning of all meetings with City Council members or their staff regarding affordable housing development projects. Please ensure enough advance notice is given to housing development staff prior to scheduling any meeting with a member of the City Council or their staff.

## **MARKETING AND MANAGEMENT**

Basic information about the project's marketing and management must be completed in the application form. A Marketing and Management Plan is not required the time of application; such plans must be submitted to the City for review 180 days prior to construction completion, and a Management Contract (for rental projects) must be submitted to the City 90 days prior to construction completion. The Marketing and Management Plan must be approved by the City prior to commencement of leasing activities, including advertisement of the Project.

Applicants may be required to lease vacant units through a housing portal administered by the Alameda County Department of Housing & Community Development, Bay Area Housing Finance Agency, or another public agency. As of the date of the issuance of the NOFA, the City's designated partner portal is the Doorway Regional Housing Portal operated by the Bay Area Housing Finance Agency and the City expects all non-Coordinated Entry units to be leased via this portal. If the City adopts a fee in connection with the administration of a housing portal, applicant may be required to pay such fee as shall be specified in the City's Master Fee Schedule. If the City's designated partner portal requires the payment of fees, the project developer shall be responsible for making such fees directly to the partner portal.

By submitting the application, the applicant acknowledges that its Marketing and Management Plan will meet, at a minimum, the following requirements:

- Name and contact information for the Management Agent;
- The role and responsibility of the Sponsor and its delegation of authority, if any, to the Management Agent;
- Staffing arrangements and personnel policy;
- Marketing and management procedures for consistent with Affirmative Fair Marketing Procedures outlined in Addendum, *Affirmative Fair Marketing Procedures*, which is incorporated into this NOFA by reference;
- Tenant selection criteria;
- Lottery and waitlist procedures, including Oakland preferences;
- Acknowledgement of City of Oakland Fair Chance Housing Ordinance;
- Income certification procedures;



- Plans for carrying out maintenance and repair of the Project;
- Procedures for addressing lease violations;
- Procedures to prevent conflicts of interest by and among staff and tenants;
- Table of rent/income restrictions from all funding sources identifying most restrictive requirements and final rent schedule;
- Identification of all application fees, move-in fees, refundable deposits, required utilities, and optional fees;
- Sample advertisements and flyers;
- Sample application; and
- List of outlets and community organizations to receive marketing materials.

If the project includes housing for homeless or special needs households, the Marketing and Management Plan must also incorporate the following:

- If vacancies are filled through a third-party referral system, name of system, referral procedures, and preferences to be applied by referral agency;
- Homelessness verification procedures;
- Tenant selection and property management criteria consistent with Housing First principles;
- Credit and tenant history screening criteria appropriate to homeless or special needs households;
- Procedures for consideration of mitigating circumstances; and
- Appropriate rent-to-income standards that take into consideration factors such as in-kind payments.

For more information about how to adopt Housing First principles, please refer to the following resources:

[EveryOne HOME Property Management Partner Guidelines](http://www.everyonehome.org) - <http://www.everyonehome.org>.

[CSH Housing First Fact Sheet](http://www.csh.org) - <http://www.csh.org>

A market study, rental survey, recent sales comparables, or an alternative acceptable to the City must also be submitted, according to the guidelines in the Application Instructions. For projects funded by HOME funds, a complete market study for the project must be reviewed and approved by the City of Oakland prior to loan closing. Projects must be marketed in accordance with the City's Affirmative Fair Marketing Procedures.

## **COST CERTIFICATION**

Developers must arrange for an independent cost certification on completion of a project. Approval of this certification is a requirement for the City's release of a substantial portion of the developer fee. This likely will require additional information from what is provided in a California Tax Credit Allocation Committee (CTCAC) cost certification. At a minimum, the City Cost Certification should include:

- ♦ **Cost Reconciliation Schedule:** The analysis must include a final sources and uses budget based on all the line items of the original City approved budget. The borrower must show all sources in lien order and include limited and general partner contributions, if applicable. This should include loans or equity contributions that were spent and expenses that were incurred during the development period. The borrower must show the total proposed initial sources and uses and the actual sources and uses by line item. The analysis must explain any difference for line items that are over or below 10% of the original sources and uses budget. Please note that the City's approved budget must be used for this analysis. For HOME projects, ensure that all the City's final uses were spent on eligible costs.
- ♦ **Analysis of Reserve Accounts:** The borrower must show the total proposed initial reserve amounts and the actual initial reserve deposit. The analysis must explain any difference between the proposed reserve amount and the deposited amount.

It is recommended that project sponsors check with City staff to ensure the format and information provided will be acceptable to the City prior to starting the Cost Certification.

**FAITH BASED ORGANIZATION**

For NOFA scoring purposes, the City will utilize the definition of “Religious Institution” meaning an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110), or as a corporation sole pursuant to Part 6 (commencing with Section 10000), of Division 2 of Title 1 of the Corporations Code.

**RELOCATION**

State or federal relocation law will apply for projects that will temporarily or permanently displace current business or residential occupants, and relocation assistance and benefits may be required which can add substantially to the project cost. See the *Application Instructions* for more information.

**RESIDENT SERVICES COORDINATION**

For rental projects, supportive and social service coordination reasonable for the population being served may be included as a cost paid by building operations. Costs associated with case managers providing more intensive services to the residents may not be paid by building operations.

**SPECIAL NEEDS HOUSING**

For NOFA scoring purposes, the City will utilize the definition of “Special Needs Populations” (not including agricultural workers) from the MHP Regulations of the state Department of Housing and Community Development, Sections 7301 (z) and 7302 (g) (3), which can be found at [https://www.hcd.ca.gov/grants-funding/already-have-funding/uniform-multifamily-regulations/docs/mhpandshregs5\\_14\\_05.pdf](https://www.hcd.ca.gov/grants-funding/already-have-funding/uniform-multifamily-regulations/docs/mhpandshregs5_14_05.pdf)

**HOMELESSNESS DEFINITION**

For NOFA scoring purposes, the City will utilize the definition of "homelessness" from the MHP Regulations of the state Department of Housing and Community Development, Section 7301 (Definitions), which can be found at [https://www.ca.gov/grants-funding/already-have-funding/uniform-multifamily-regulations/docs/mhpandshregs5\\_14\\_05.pdf](https://www.ca.gov/grants-funding/already-have-funding/uniform-multifamily-regulations/docs/mhpandshregs5_14_05.pdf)

## **PERMANENT SUPPORTIVE HOUSING**

Permanent Supportive Housing (PSH) is an evidence-based housing type that combines supportive services and housing that is affordable to families and individuals who are experiencing homelessness. Key attributes of PSH include:

- It is tenancy housing in which the tenant holds a lease or rental agreement and is responsible for payment of their rent;
- It is permanent housing, wherein the tenant has all rights of tenancy pursuant to Federal, State and local laws; and
- Services are voluntary and not a condition of tenancy.

The City encourages PSH projects that will demonstrate the following core values:

- Tenant screening and selection practices that seek to affirmatively reduce barriers to entry such as poor credit/financial history, lack of rental history, and criminal history (notwithstanding other funder requirements/criteria);
- Acceptance of referrals directly from shelters, street outreach, drop-in centers, and other parts of the crisis response system;
- Supportive services that emphasize engagement and problem solving and service plans that are highly tenant-driven; and
- Supportive services that are informed by a harm-reduction philosophy.

The Corporation for Supportive Housing's website includes useful resources regarding the development, financing, and management of permanent supportive housing, [www.csh.org](http://www.csh.org).

## **EVIDENCE OF COMMUNITY OUTREACH**

Developer must submit evidence of community outreach to residents surrounding the proposed development and to relevant community groups. See the Application Instructions for a list of required items.

## **MIXED-USE PROJECTS**

The City strives to create new retail space that is well-designed, marketable and well-located. Developers of mixed-use projects are encouraged to contact the City's Planning Bureau to understand Planning Code requirements and standards for ground floor spaces. Please call 510-238- 3911 for more information about applicable requirements.

## **MIXED-INCOME PROJECTS**

In mixed income properties, the affordable units must not be substantially different from the market-rate units. The affordable units must be of equal quality to other project units with equivalent amenities (including materials, finishes, fixtures, and appliances of equal quality and grade) as provided in other project units. Tenant households in affordable units must have equal access to services and facilities as tenant households in all other project units. The exterior of the affordable units must be indistinguishable from the exterior of the market rate units. Affordable units should be reasonably distributed throughout the project and should not be isolated or segregated in only one portion of the project.

## **LABOR STANDARDS AND BUSINESS INCLUSION REQUIREMENTS**

Successful applicants must comply with the following City of Oakland Labor Standards and Business Inclusion programs. Applicants should refer to Addendum, *Labor Standards and Business Inclusion Requirements*, which is incorporated into this NOFA by reference, for further details.

- ♦ 50% Local and Small Local Business Enterprise Program (L/SLBE);
- ♦ 50% Local Employment Program;
- ♦ 15% Oakland Apprenticeship Program;
- ♦ Prevailing Wages;
- ♦ City of Oakland Living Wage Ordinance;
- ♦ City of Oakland Equal Benefits Ordinance; and
- ♦ Electronic Certified Payroll Submittals.

More information can be found at the City of Oakland's website at <https://www.oaklandca.gov/departments/contracts-compliance> and at the meeting with Department of Workplace & Employment Standards (DWES) staff to be held prior to the NOFA deadline. It is recommended that sponsors who receive City funding awards meet with DWES staff early in the predevelopment process to ensure a complete understanding of all the options regarding how the project may meet the requirements. Submission of documentation regarding the above requirements and a meeting with the contractors and Contract Compliance staff will also be required prior to construction start.

## **OAKLAND DISPLACEE, NEIGHBORHOOD RESIDENT, OAKLAND RESIDENT AND WORKER PREFERENCE**

The City of Oakland has established a policy granting preference to Oakland displacees, neighborhood residents, Oakland residents and Oakland workers in the selection of tenants or homebuyers for affordable housing projects and programs assisted by City housing NOFA funds. See the Oakland Displacee, Neighborhood Resident, Oakland Resident and Oakland Worker Preference Regulation for Multifamily Affordable Housing for more detail at [Chapter 15.63 - OAKLAND RESIDENT/WORKER PREFERENCES AND REQUIREMENTS IN CITY AFFORDABLE HOUSING PROGRAMS](#) | [Code of Ordinances | Oakland, CA | Municode Library](#).

## **FAIR CHANCE ACCESS TO HOUSING ORDINANCE**

Owners must comply with the Ronald V. Dellums and Simbarashe Sherry Fair Chance Access to Housing Ordinance set forth in City of Oakland Ordinance No. 13581, and codified at Chapter 8.25 of the Oakland Municipal Code. In accordance with this ordinance, the owner may not inquire about an applicant's criminal history, require an applicant to disclose criminal history, require an applicant to authorize the release of criminal history or, if such information is received, base an adverse action in whole or in part on an applicant's criminal history.

## **INSURANCE**

During development, developers must obtain comprehensive general liability and property (hazard) insurance coverage of at least \$2 million. The City also requires property damage or builder's risk insurance in an amount equal to 100% of the replacement cost of the structure, with a lender's loss payable endorsement in favor of the City. Construction contractors will be required to obtain liability and builders risk insurance in an amount equal to \$2 million. Automobile insurance, professional liability, workers compensation, and employer's liability coverage are also required. See Addendum, *Insurance*, which is incorporated into this NOFA by reference, for complete insurance requirements.

After completion, similar levels of liability and hazard coverage are specified by the regulatory agreement. All policies must name the City as an additional insured; property insurance must have a lenders loss payable endorsement. For more information on insurance requirements, please contact Housing Development staff.

## **PAYMENT AND PERFORMANCE BONDS**

General contractors will be required to provide payment and performance bonds, naming the City of Oakland as insured, equal to 100% of the construction contract amount. General contractors shall be required to maintain the bonds in full force and effect until the work is accepted by the City and until all claims for material and labor are paid, and shall otherwise comply with the Civil Code.

## REVIEW AND APPROVAL OF DESIGN PLANS

Because the HCD Department may have different concerns about the physical structure than the Planning Bureau addresses, HCD staff must be involved throughout the planning/design review process. It is the obligation of the developer to provide adequate notification to HCD staff of all upcoming meetings with Planning Bureau staff and with the Design Review Committee and Planning Commission regarding the project.

## PLANNING AND ZONING

Unless the applicant has entitlements for the project, include evidence of Planning application submission for land use approvals for the development. For new land use entitlement requests, applicants will need to submit a Zoning Worksheet (ZW) through the City's Online Permit Center at this url: <https://www.oaklandca.gov/services/online-permit-center>. Along with the Zoning Worksheet, you will need to upload your completed "[Basic Application for Development Review](#)" and all required project plans and documents.

**S-13 Combining Zone:** The S-13 Combining Zone is an optional program that allows for a height bonus, the relaxation of other development standards and an elimination of any maximum residential density standards for projects including 100% of extremely low-, very low-, low-, and/or moderate- income households and meet other requirements. The provisions of the S-13 Zone are separate from other development bonuses available such as the Density Bonus Chapter in the Planning Code and Incentive Procedure and State Density Bonus Law. For project consideration of a "By Right Residential Approval" under the new S-13 Combining Zone, please review the Planning Code for project consistency.

**S-14 Housing Sites Combining Zone:** The S-14 Housing Sites Combining Zone is intended to facilitate housing production on those sites that the City identified in its 2023-2031 Housing Element. All projects located within an S-14 Zone must meet the requirements of this overlay zone as well as the base zone. Please review the Planning Code for project consistency.

## ENTITLEMENTS/ENVIRONMENTAL REVIEW AND ASSESSMENT (CEQA & NEPA)

**CEQA:** 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> 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.

**California Senate Bill 35:** For project consideration of a streamlining determination per California Senate Bill 35, please download the *Notice of Intent to Apply for SB 35*, available at <https://cao-94612.s3.us-west-2.amazonaws.com/documents/SB-35-Notice-of-Intent-Preapplication-4-1-24.pdf>, and the *SB 35 Streamlining Checklist*, available at <https://cao-94612.s3.us-west-2.amazonaws.com/documents/SB-35-Streamlining-Checklist.pdf>. SB35 projects are required to submit a pre-application AND complete the tribal consultation process prior to submittal of land use application. Per state law this cannot be done concurrently. Furthermore, while SB35 eligible projects do not require CEQA review, these projects will require analysis pursuant to the NEPA regulations for federal funding.

**NEPA:** If the proposed project is financed with federal funds, the project must also be assessed in accordance with the National Environmental Policy Act of 1969 (NEPA) prior to loan closing. NEPA review should be completed subsequent to project approval but coordinated with the CEQA review to the extent possible. Projects must receive funding or have conditional awards for funding prior to submittal of a NEPA application. The applicant will be required to retain an environmental consultant with expertise in the NEPA thresholds to prepare the environmental document. Consultant knowledge of HUD's HEROS program and submittal through that portal could be necessary.

**Choice-Limiting Actions Prohibited During NEPA Review.** Because of the likelihood that federal funds will be awarded, applicants must refrain from undertaking activities that would have an adverse environmental impact or would otherwise limit the choice of reasonable alternatives between the time of application submittal and when the City has completed its environmental review process. Such activities include acquiring, rehabilitating, converting, leasing, repairing or constructing property, any kind of site preparation, or committing or expending HUD or non-Federal funds for HOME program activities with respect to any project eligible under this NOFA. If the applicant has entered into a purchase agreement or contract for any of the above activities prior to applying for NOFA funds, work may continue pursuant to that contract. But amendments to the contract or new contracts may not be entered into. HOME funds may not be used to reimburse an applicant for project related costs incurred after the applicant has submitted the application for funding and before the completion of the City's environmental review process except for activities that are excluded and



not subject to federal environmental review requirements, and for certain relocation costs.

Applicants must sign a certification that they understand this restriction (see *Application*). The prohibition against choice-limiting actions begins on the date that the application is submitted to the City. Applicants are encouraged to check with the City's HCD staff regarding eligible expenditures after the submission of an application. Failure to comply with this requirement could result in a project being ineligible for City funding.

However, **if you are seeking readiness points for the first round of Low Income Housing Tax Credits or other sources**, please contact housing staff prior to submitting your NOFA application to discuss the NEPA timeline. Completing the NEPA review, including local and federal noticing periods, takes a minimum of 8-12 weeks after receipt of all necessary information.

**Public Art Ordinance and Documents:** In 2014 the City adopted a new requirement for .5% of residential or 1% of nonresidential private development project costs for public art, including affordable housing developments. In June of 2018, the Oakland Municipal Code (OMC) was amended to adopt [Chapter 15.78, Public Art Requirements for Private Development \(13491 C.M.S.\)](#).

A Public Art plan and artist contract(s) must be submitted and approved by the Public Art Program prior to building permit issuance. Applicants are encouraged to review the OMC language and Public Art for Private Development Submittal Checklist early in planning for their project, to confer with City staff on project feasibility and to consider ways to integrate art at the onset of project design. The supplemental Submittal Checklist is available at: <https://www.oaklandca.gov/topics/ordinances-guidelines>.

Applicants are encouraged to review the OMC language and Public Art supplemental checklist in planning for their project, and to consider ways to integrate art at the onset of project design. Note: Projects developed for City-owned property and the Public Right of Way should be coordinated with City staff and require Public Art Program and Public Art Advisory Committee Approval.

For further questions, please contact Kristen Zaremba, Public Art Coordinator, ([kzaremba@oaklandca.gov](mailto:kzaremba@oaklandca.gov)).

## FEDERAL REQUIREMENTS

If the applicant may be receiving federal funding (such as HOME funds), they will be required to comply with applicable federal statutes and laws, including, but not limited to:

- ♦ Section 3 of the U.S. Housing Act of 1968, as amended
- ♦ Equal Opportunity and related requirements in 24 CFR Section 982.53
- ♦ Section 504 of the Rehabilitation Act of 1973
- ♦ Americans with Disabilities Act of 1990
- ♦ Architectural Barriers Act of 1968
- ♦ Fair Housing Act of 1988
- ♦ National Environmental Protection Act (NEPA)
- ♦ Federal prevailing wage requirements (please note that projects will be required to meet the higher of Federal or State prevailing wage requirements).

## DISABLED AND SENIOR ACCESSIBILITY

Developments assisted by the City must meet the requirements of the Americans with Disabilities Act and the Fair Housing Act, among other local, state, and federal laws. Projects with any federal funds must also meet the more stringent accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (24 CFR 100.205 and Part 8). Section 504 sets minimum percentages of accessible units, and calls for fully accessible common areas, among its numerous requirements. For projects funded with HOME, 5% of the total number of units must be accessible to people with physical disabilities, and an additional 2% of units must be accessible to people with auditory and visual disabilities, as defined in the Uniform Federal Accessibility Standards (UFAS).

**Where Section 504, the Fair Housing Act, or ADA apply, the developer and project architect must make a written certification of compliance.**

## ACCESS TO BROADBAND SERVICES

Projects must ensure that each unit is capable of reliably receiving broadband service, which is defined by this program as internet access services offering speeds that meet or exceed 100/100 Mbps, or the most current broadband definition speed standard set by the Federal Communications Commission, whichever broadband service speeds are greater.

## **LEAD-BASED PAINT**

The use of lead-based paint on City funded projects is prohibited. Testing and abatement of lead-based paint in demolition projects may be required. Projects typically must follow the federal guidelines, which require lead-safe work practices and notification to prospective residents of potential lead-based paint hazards, among other requirements. If applicable, project sponsors should be aware of the EPA regulation that requires all renovators of pre-1978 homes and child-occupied facilities to be trained in lead-safe work practices and certified by the EPA. For more information go to [www.epa.gov/lead](http://www.epa.gov/lead). Training is available through the Alameda County Lead Poisoning Prevention Program and other EPA accredited training providers.

Alameda County Lead Poisoning Prevention Program may have funds available for lead hazard control work at family rental properties (1-bedroom units or larger) built before 1978 that are either vacant or occupied by low-income tenants. More information is available at <http://www.achhd.org>.

## **RESTRICTION ON CONDOMINIUM CONVERSIONS**

Project owners may not convert restricted rental units to condominium or cooperative ownership or sell condominium or cooperative conversion rights for the Property during the term of the 55-year regulatory agreement. Oakland will give reasonable consideration to any proposal to convert project units to limited-equity cooperative ownership.

## **LIMITATION ON CAMPAIGN CONTRIBUTIONS**

The Oakland Campaign Reform Act prohibits parties doing business or seeking to do business with the City of Oakland from making campaign contributions to Oakland candidates between commencement of negotiations and either 180 days after completion of, or termination of, negotiations. Applicants are required to submit the *Acknowledgement of Campaign Contributions Limits* form and agree to comply with Oakland Municipal Code Chapter 3.12.

## **OAKLAND BUSINESS LICENSE**

Applicant must maintain a current Oakland Business License if it is engaging in business activities in the City of Oakland. If awarded, Applicant shall insert in each of its agreements for the project (i.e., construction contract agreement, architect agreement) a provision which requires the contractor or consultant to present proof that the contractor or consultant has obtained a current Oakland Business License during the term of the contract.

**NONDISCRIMINATION/EQUAL EMPLOYMENT PRACTICES**

All applicants must agree not to discriminate on the basis of race, color, ancestry, national origin, religion, sex, gender, sexual orientation, gender identity or expression, creed, age (except lawful senior housing), marital status, family status (presence of child under age of 18 and pregnant women), source of income, physical or mental (including cognitive, developmental or emotional) disability, Acquired Immune Deficiency Syndrome (AIDS) or AIDS-related conditions (ARC), immigration status, any arbitrary basis, or any other status protected by federal, state or local law. Please refer to the NOFA Application Instructions for further detail.

**CERTIFICATIONS AS TO CONFLICTS OF INTEREST**

As part of the application, applicants are required to make the certain certifications relating to their compliance with federal, state, and local conflict of interest laws. Download the Certification, sign and upload it to CDS.