

City of Oakland, Housing & Community Development
Notice of Funding Availability New Construction 2023 - NOFA
Questions & Answers, Response #2 (2/27/23)

Q1: If the developer qualifies under the experience criteria, would they qualify as an emerging developer knowing that Oakland Housing Authority requires the First Right of Refusal as a condition of their partnership investment?

A1: In order to receive points in this category, the emerging developer would need to be offered the Second Right of Refusal after Oakland Housing Authority (or another public government agency with a similar requirement).

Q2: Other grant applications allow the applicant to state the number of units for the application which could be a subset of the full project units so long as the stated units are consistent throughout the application. Can the applicant do the same for the City's NOFA application?

A2: Yes, you can submit a subset of project units if you are planning to phase the construction of the units in that manner. However, if you're planning to build the units as one phase, then you must submit the full number of project units.

Q3: Our project does not align with the categories of the Urban Displacement California Estimated Displacement Risk Model that the City is using. Can our project be considered or including in the neighboring census tracts?

A3: The City has determined to use the updated Urban Displacement Project mapping and unfortunately cannot change the published NOFA scoring to accommodate projects that border neighboring census tracts. However, the City will look at the geographic displacement map criteria and scoring for future NOFAs.

Q4: We currently have site control and working on extending our Exclusive Negotiating Agreement and negotiating our Lease Disposition Development Agreement. Is this acceptable site control for application submittal?

A4: Yes, if the ENA with a public agency is not expired, it is still considered acceptable site control. At the time a development proposal is submitted, the developer must demonstrate that it has site control for the property for which funding is being requested and will maintain site control until the land is acquired.

Q5: What happens if the development team changes in the Exclusive Negotiating Agreement?

A5: The revised partnership will need to be established in a written agreement and City staff will need to review such agreement to confirm that that all parties still met the developer requirements through a joint venture or similar partnership/contract agreement, so long as the rights and responsibilities of all parties are clearly delineated, and the proposed development team still meets or exceeds that for which the project received points in the NOFA. Depending on the timing and nature of development team changes, this might or might not require City Council approval.

Q6: Will there be additional funds allocated through the City's Measure U Bond for this NOFA round?

A6: At this time, we cannot guarantee that there will be additional funds allocated in this NOFA round. We continue to have stakeholder engagement sessions as part of the HCD's strategic planning process on the bond spending in months to come.