



# Economic Development

## **BRIDGE TO HOME Round Seven**

### **AFFORDABLE HOUSING NOTICE OF FUNDING AVAILABILITY**

Applications must be received no later than:

**April 6, 2026, by 5:00 p.m. (PDT)**

Deliver applications electronically to:

[CMarcella@sandiego.gov](mailto:CMarcella@sandiego.gov)

**ATTN: Christie Marcella, Deputy Director**

Economic Development Department

1200 3<sup>rd</sup> Avenue, Ste. 1400

San Diego, CA 92101

(619) 236-6700

## Table of Contents

1. INTRODUCTION .....	1
2. APPLICATION TIMELINE .....	2
3. PROJECT GOALS – CITY OBJECTIVES .....	3
4. APPLICANT ELIGIBILITY .....	4
5. PROJECT ELIGIBILITY.....	5
6. EVALUATION CRITERIA.....	8
7. SELECTION PROCESS.....	10
8. APPLICATION INSTRUCTIONS .....	11
9. REQUEST FOR INFORMATION AND QUESTIONS .....	12
10. GENERAL.....	12
11. EXHIBITS - REQUIRED APPLICATION FORMS.....	17
12. INFORMATIONAL ATTACHMENTS.....	17

## 1. INTRODUCTION

The City of San Diego ("City") has received your submittal in response to its recent or any previous issuances of its Request for Qualifications for Affordable Housing Developers and NOFA Application Guidelines ("RFQ"), beginning July 21, 2025. Either your Statement of Qualifications submittal passed the RFQ "Pass/Fail" criteria or you have been placed on the City's New and Emerging Development Partner List. As described in the RFQ, the City is sending this Notice of Funding Availability ("NOFA"), exclusively to the eligible pre-qualified RFQ applicants and New and Emerging Development Partners, announcing the availability of funds for the purpose of developing affordable housing in the City of San Diego.

The amount of NOFA Round Seven funding currently available to the City is \$16.5 million. Additional funding may become available during the application and review time period for this NOFA. The City will add any additional funding available during the NOFA application and review time period to its total funding available for this NOFA, however if you currently have been awarded NOFA funds in the past two Bridge to Home (BTH) rounds, you will be less likely to be awarded in this Round.

Of the currently available NOFA funding, twelve million (\$12,000,000) is from the City's Low and Moderate Income Housing Asset Fund ("LMIHAF"). The LMIHAF is eligible to support the new construction of multifamily affordable rental housing to individuals and families paying rents applicable to households earning between 30% and 60% of the Area Median Income ("AMI") or less, pursuant to incomes and rents issued by the California Tax Credit Allocation Committee ("CTCAC"). There is four and a half million (\$4,500,000) of currently available NOFA funding derived from the State Permanent Local Housing Allocation ("PLHA") funds, that will support new construction or acquisition and rehabilitation, providing affordable rental units for persons experiencing, or at risk of, homelessness and with household incomes at or below 30% AMI.

It is the intent of the City that as the NOFA funds are replenished periodically, there will be more NOFA rounds to follow over the next 12 to 24 months.

Each funding source identified above has distinct allowable uses and requirements. The overview of those uses and requirements as described in this NOFA is not intended to be comprehensive. Applicants should be aware of the applicable uses and requirements prior to submittal, and developers that are awarded funds shall comply with all local, state, and federal laws and regulations applicable to the funding.

### **NOFA Purpose:**

The City's available funding under this BTH NOFA Round Seven is in accordance with the City's Strategic Plan, the City's 2023 Affordable Housing Master Plan Update ("AHMP"), Senate Bill 341, the Permanent Local Housing Allocation (PLHA) Plan, and the FY 2023-2026

Economic Development Strategy. The available funding will support, as applicable to the funding source, either new construction, or property acquisition and rehabilitation of housing that will provide long-term affordability (55 years) to individuals and families. This NOFA is intended for current pipeline projects that will promptly create affordable units and is intended to represent **gap financing** at below-market interest rates in order to leverage the City's investment between the projected total development costs and other available funding sources. Other available funding sources may include, but are not limited to: private bank loans, low-income housing tax credits, owner equity, Multi-Family Housing Program/ Affordable Housing Program (MHP and AHP respectively), other Federal, State and local funding, grants, and other public and private sources of funds. Applicants should disclose all intended or awarded sources of funding at the time of application.

Applicants are responsible for reviewing and becoming familiar with all contents and requirements of this NOFA.

## 2. APPLICATION TIMELINE

Applications will be accepted from Pre-Qualified Developers upon publication of this NOFA after submission of a complete NOFA application and all required materials. The table below highlights key milestones for this NOFA and the anticipated schedule. The City may change dates at its sole discretion and issue addenda to reflect changes.

Action	Date
<b>Issuance of NOFA</b>	<b>February 3, 2026</b>
Notify City of Intent to attend Pre-submittal Meeting	February 20, 2026
Pre-submittal Meeting & Emerging Developer Networking Opportunity (non-mandatory)	February 26, 2026
RFQ Applications Accepted to become qualified for submittal to this Round 7 NOFA, anytime up to:	March 23, 2026, at 5:00 p.m. PDT
Questions and Comments Due	March 27, 2026
<b>NOFA Applications Accepted anytime up to Due Date and Closing Time (Closing Date)</b>	<b>April 6, 2026 at 5:00 p.m. PDT</b>
Application Review	April/May 2026
Interviews of Shortlisted Teams	May 2026
Notice to Successful Applicants	May/June 2026
City Loan Agreement Finalizing	Beginning in June 2026 through December 2026
City Council Consideration	July-December 2026

A non-mandatory, pre-submittal conference is scheduled for February 26, 2026, at 4:00 p.m. The pre-submittal meeting will be held at the Cal Coast Credit Union Spectrum Innovation

Center located at 9201 Spectrum Center Blvd., Suite 105, San Diego, CA 92123. This conference will provide an opportunity for the City to discuss aspects of the NOFA and the selection process, as well as respond to questions. Following the pre-submittal conference will be an opportunity for developers, emerging developers and potential non-profit applicants to meet one another and explore potential opportunities to partner. Prospective applicants, their representatives and primary team members are strongly encouraged to attend. In order to join the pre-submittal conference and Emerging Developer Networking Session, a notification must be sent to Christie Marcella via email at [cmarcella@sandiego.gov](mailto:cmarcella@sandiego.gov) no later than 5:00 p.m. PDT on February 20, 2026. The notification must include names, employers and email addresses of all individuals joining the pre-submittal conference.

### **3. PROJECT GOALS – CITY OBJECTIVES**

The City seeks to incentivize the production and increase the supply of affordable multifamily housing, remove barriers to housing at all income levels (especially low, very-low, and extremely-low income households, including individuals experiencing homelessness or those at risk of homelessness), and to participate financially in the most expeditious creation of affordable housing by providing local gap financing to be used as leverage for additional funding sources. This includes supporting emerging developers by encouraging Qualified experienced developers to include small, emerging, minority-owned or women-owned developers as part of the development team and providing mentoring, and opportunities for growth and development experience. The NOFA evaluation criteria includes extra scoring for applications that include any of these types of firms.

The issuance of this NOFA serves the objective of reaching the broadest array of qualified developers, supporting capacity building to grow the community of qualified developers, benefiting underserved residents, all while encouraging transparency and competitiveness.

#### **City Goals and Objectives**

This NOFA will assist in implementing the following City goals and objectives of the AHMP, the Permanent Local Housing Allocation (PLHA) Plan, the FY2023-2026 Economic Development Strategy, EDD's Tactical Equity Plan, Climate Action and the General Plan Housing Element:

- Increase and preserve the City of San Diego's affordable housing stock for households at or below 80% of area median income.
- Facilitate housing affordability, particularly for lower- income households.
- Maximize quality unit production with limited resources.
- Leverage City resources with other funding sources to provide affordable housing.
- Effective, efficient use of City housing funds while optimizing unit production for lower-income households.

- Produce permanent housing for and/or assist persons experiencing or at risk of homelessness.
- Revitalize neighborhoods and provide catalyst for neighborhood improvements.
- Provide neighborhood amenities, and positive economic impacts.
- Activate streets and contribute to neighborhood revitalization.
- Provide environmental sustainability and resource efficiency.
- Increase, protect and preserve affordable rental housing opportunities by improving access to a diverse set of affordable housing, accessible in design and energy efficient, with proximity to job centers, schools, parks and services.
- Continue to implement current incentive programs that have helped spark housing projects that work for all income levels, especially lower-income, and that assist in meeting the City's Regional Housing Needs Allocation ("RHNA") goals and to meet the demand for job growth in the region.
- Focus housing construction in multi-family and mixed-use commercial areas served by transit in Transit Priority Areas (TPA).
- Prioritize housing construction in Opportunity areas including Moderate, High and Highest Resource Areas.
- Assist with the growth and experience of minority-owned, women-owned and small and emerging local development firms.
- Support opportunities for affordable childcare located within affordable housing developments.

## 4. APPLICANT ELIGIBILITY

### **Pre- Qualified Applicants Eligible**

Applications for the LMIHAF or PLHA funding will be accepted from developers that have passed the RFQ requirements and may also be partnering with new and emerging firms. The passing RFQ applicants will have demonstrated financial capability and experience in designing, building, and managing affordable multifamily housing employing various public and private funding sources.

Through the RFQ the City also encouraged new and emerging developers, property owners or interested parties to submit as a party interested in partnering with more highly experienced developers and the City placed these firms on its RFQ list of such firms. Applicants who wish to assist with the growth and experience of minority-owned, women-owned and small and emerging local development firms are encouraged to review the City's [RFQ list](#) of these firms for potential addition to their NOFA application team, or include other developer-chosen minority-owned, women-owned and small and emerging local development firms. The NOFA evaluation criteria includes extra scoring for applications that include any of these types of firms.

## **NOFA Applicant Requirements**

Applicant's development team must have completed one of the following: 1) be on the City's list of developers that were pre-qualified through the City's RFQ process and requirements; or 2) [become qualified](#) at least two weeks before this NOFA due date; or 3) be on the City's list of emerging developers or be eligible as a minority-owned, women-owned or small and emerging local development firms and be partnering with a pre-qualified developer.

Applicants must also demonstrate the capacity and willingness to work cooperatively with the community in the design and development of the project, as well as the long-term management of the project;

- Demonstrate knowledge of the impacted community and include plans to conduct outreach and gain support from community organizations;
- Demonstrate familiarity with the unique attributes and opportunities of the project's neighborhood; and
- Demonstrate support and intention to include firms with local expertise and opportunities to participate in the development process.

## **5. PROJECT ELIGIBILITY**

Through this NOFA, the City is seeking applications from the pre-qualified RFQ Applicants for the funding and construction of residential rental projects located within the City of San Diego, that include affordable or a mix of affordable and market rate units. Multi-family residential and commercial daycare uses are encouraged; however, only the new construction affordable housing portion of the project can be eligible for LMIHAF funding, and only the property acquisition cost and development costs for a new construction or rehabilitation affordable housing project can be eligible for PLHA funding under this NOFA.

This NOFA is only intended to finance a portion of the local funding gap. The City seeks to leverage its limited funding resources to provide the largest number of affordable multifamily units. Along with the NOFA Evaluation Criteria in Section 6, the City intends to prioritize projects needing less funding per unit, and may elect to place a cap on the total amount awarded per project based upon demand and available funds.

### **A. Project Factors**

To be considered for funding under this NOFA, applications must demonstrate:

- Consistency with applicable NOFA goals and objectives.
- Affordable housing units will be rent and income restricted by deed restriction and covenants recorded against the property for 55 years and the lien of the affordability restrictions will not be subordinated.

- Site control through fee title, an option to purchase, a purchase and sales contract, a lease agreement, or other site control documents.
- Provide for expedited deployment of NOFA funds and demonstrate achievement of occupancy within three years or less (by providing schedule milestones and narrative describing schedule feasibility of obtaining project entitlements, permitting, financing, and construction).
- Include prevailing wage requirements for the entire project in compliance with Federal, State and/or local prevailing wage laws in accordance with the applicable funding regulations.
- Demonstrate leverage and/or inclusion of other capital resources and provide a pro forma with reasonable costs.
- Be soundly underwritten to establish the ability to compete in securing competitive funding sources where applicable.

The following factors, while not eligibility criteria, are City preferences and strongly encouraged to maximize scoring:

- Be located near transit, employment centers, and/or services that are convenient for the target population.
- Be located within a Moderate, High or Highest Resource Area as defined by the California Tax Credit Allocation Committee.
- Include an Emerging Developer as part of the Development Team.
- Include building(s) that incorporates energy sustainable building practices and materials; and/or that certifies for LEED Silver or above, or Green Point Rating.
- Enhance the neighborhood setting.
- Strive to achieve the maximum development density allowed.
- Incorporate community spaces, amenities, and services for the target population.
- Incorporate affordable on-site childcare for ages 0 to 5 years for project tenants and/or surrounding community residents, enabling parents to improve their economic success while attending work or school, and increase the children's success through quality early care and education services.

## **B. City Funding Source Summary Requirements and Eligible Uses**

The following table summarizes the major categories of eligible uses for LMIHAF and PLHA funding available with this NOFA. Please see further below for more detailed descriptions of funding source requirements and eligible uses.

USES	LMIHAF	PLHA
New construction	X	X
Acquisition		X
Rehabilitation		X



Demo/Site Clearance (includes Environmental)	X	
Relocation during rehabilitation		
Site Improvements	X	X
Removal of Lead-based Paint/hazardous materials		X

### 1. New Construction - LMIHAF Requests

The City has twelve million (\$12,000,000) of LMIHAF available for this NOFA. Senate Bill 341 (SB 341), enacted on October 13, 2013, and included in California Health and Safety Code section 34176.1(a)(3), requires that the LMIHAF be expended for the development of housing affordable to, and occupied by, households earning 80 percent or less of area median income (AMI), with incomes and rents as determined by the California Tax Credit Allocation Committee, be for new construction, and must provide the following 55-year rental affordability levels:

- **At least 30 percent** of the housing units affordable to and occupied by households earning 30 percent or less of AMI ; and

**Not more than 20 percent** of the housing units are affordable to and occupied by households earning between 60 percent and 80 percent of AMI.

### 2. New Construction or Acquisition/Rehabilitation - PLHA Requests

The City has \$4.5M available from the State's PLHA program. The City's PLHA application plan includes the funding of permanent supportive housing for homeless persons or those at risk of homelessness. PLHA funds will be allocated only towards the 30 percent AMI units within any mixed income project. Applications for PLHA funds can be for new construction, acquisition or rehabilitation, and must provide the following:

- 55-year affordability for 30 percent AMI or less households, pursuant to PLHA definitions and requirements with incomes and rents as determined by the California Tax Credit Allocation Committee; and
- Provide supportive housing for homeless or those at risk of homelessness.

### 3. Affordable Income and Rent Definitions and Monitoring

All loan agreements will provide for 55 year affordability, and household incomes and rents will be as determined by the California Tax Credit Allocation Committee (CTCAC), which can be found on the State's website at: [2025 Income and Rent Limits - CTCAC](#) .

Any future Loan Agreement with the City is subject to ongoing monitoring during the 55-year affordability term. Prior to City loan closing, developers or managers of the housing will be required to enter into a reporting and monitoring agreement. In accordance with that agreement, the developer or manager shall pay customary annual monitoring fees and shall submit annual reports for each affordable unit. The current monitoring fee is

\$157.50 per monitored affordable unit on an annual basis. The City reserves the right to revise the monitoring fee annually based on costs for monitoring functions.

## **6. EVALUATION CRITERIA**

### **A. Threshold Evaluation Criteria**

The City will evaluate applications based on project eligibility for funding sources requested by applicant, prior local public loan compliance, San Diego City Council adopted Affordable Housing Master Plan, Permanent Local Housing Allocation Plan project goals and housing priorities, project and cost feasibility, and industry standards.

The City will consider or evaluate applications that meet all of the following requirements:

- 1) Applications must be responsive to the requirements of the NOFA and contain all required elements and forms;
- 2) At least one team member must have passed the City's RFQ requirements at least 2 weeks before the NOFA application date, or be listed on the [City's Pre-Qualified Developers List](#).

### **B. Evaluation Criteria**

The following criteria is used for the initial scoring of applications to this NOFA and in determining an Applicant interview list:

- 1) Feasibility, including Pro-forma (60%);
- 2) Project Approach and Concept (25%);
- 3) Community Support and Benefits (15%); and
- 4) On-site Day Care (Bonus 5 points)
- 5) Teaming with Emerging Developers (Bonus 5 points)
- 6) Location in Moderate or High Resource Area (Bonus 5 points)
- 7) Location in Highest Resource Area (Bonus 10 points)

#### **1. Financial Feasibility and Pro Forma**

Likelihood of the Applicant and the proposed project meeting the City's objectives in an expedient manner, as indicated by:

- 1) Amount of total NOFA funding request, and per unit request.
- 2) City funding source request conforms with funding source eligible uses.
- 3) Overall project proforma, including transparency of project underwriting and feasibility of proforma assumptions.
- 4) Competitive project proforma, including reasonable cost, operating income/expense, and underwriting assumptions that will be able to compete for proposed funding sources.

- 5) Leveraged project financing plan that includes a variety of public and private capital funding sources.
- 6) Cash flow projections demonstrating that the proposed project, once operational, will meet all debt service or other operational expense obligations for a minimum period of 20 years.
- 7) Extent to which Project has secured enforceable reservations of permanent financing sources, including evidence of awards.

The City reserves the right to cap the total amount awarded to any one development, which will be determined based on demand and the available funds.

The City reserves the right to prioritize another development if the Applicant has been awarded funds in the previous two Rounds of NOFA funding.

## **2. Project Approach and Concept**

Application is consistent with the community plan, and the City's NOFA Goals and Objectives, as indicated by:

- 1) Possessing complete project entitlements, or timeline and probability of obtaining necessary approvals based on the proposed project's design and regulatory constraints.
- 2) Overall project concepts, layout, extent of neighborhood enhancement, provision of green building or sustainable elements and green certification.
- 3) Number of affordable units, AMI levels, target populations, transitional or supportive units and services plans.
- 4) Evidence of site control.
- 5) Extent to which the project meets or maximizes base density.
- 6) Location near transit, within Transit Priority Area, near amenities, neighborhood services.
- 7) Project readiness, including, but not limited to, entitlements and permits and overall project schedule for delivery of affordable units within three years.

## **3. Community Support and Benefits**

Future benefits to the community as demonstrated by:

- 1) Agreement to comply with the City's Equal Employment Opportunity Program and commitment to make meaningful and wide-range sub-contracting and employment opportunities available to all interested and qualified firms and individuals on this project, including local firms, sub-contracting opportunities, and local participation on the development team.
- 2) Demonstrated support and intention to include firms with local expertise and opportunities to participate in the development process.

- 3) Other community or economic benefits, or community amenities based on proposed project uses.
- 4) Community outreach plan to solicit neighborhood input.

#### **4. Onsite Day Care**

Application includes space for onsite day care serving tenants and/or surrounding neighborhood. Preference for childcare facilities for children, birth through age five to meet regional unmet early care needs. Includes childcare provider team members, or letters from childcare providers indicating willingness or intention to participate in the project. Includes details on whether the Developer will provide warm or cold shell space, and tenant improvements, or whether the childcare provider will manage the design and construction of the tenant improvements themselves.

#### **5. Teaming with Emerging Developers**

Application includes any small or emerging development team partners from either the City's RFQ list of such firms or developer's selected firm that would be considered small or emerging according to City's RFQ requirements.

#### **6. Moderate or High Resource Area**

Project is located in a Moderate or High Resource Area as defined by the Tax Credit Allocation Committee (TCAC). Application should include a screenshot of the TCAC map showing the project site within the Moderate or High Resource Area.

#### **7. Highest Resource Area**

Project is located in a Moderate or High Resource Area as defined by the Tax Credit Allocation Committee. Application should include a screen shot of the TCAC map showing the project site within the Highest Resource Area.

### **7. SELECTION PROCESS**

The City will review and evaluate only complete and responsive applications from Applicants that include an RFQ pre-qualified member. Applications that do not include a member that was pre-qualified through the RFQ, or that do not comply with the City's NOFA goals will not be considered.

Incomplete applications will not be considered. All application materials must be complete and included with the application, including the required applicable NOFA exhibits.

A City staff evaluation panel assisted by affordable housing industry and subject matter experts, will review, evaluate and recommend a short-list of Applicants for selection from the applications received, based upon information contained in each application. The City may request additional information to complete its review and intends to hold virtual interviews with short-listed Applicants. Short-listed Applicants will be given at least one week notice of virtual interview dates.

The City reserves the right to deploy funds from this NOFA, at its sole discretion and evaluation of qualified project proposals.

Any funding recommendation will be presented to the San Diego City Council for approval of funding. It is expected that once selected, the applicant will be available to provide a comprehensive presentation of its proposed project to any discretionary body or for any noticed public meeting.

## **8. APPLICATION INSTRUCTIONS**

Each Applicant is required to submit an application clearly addressing all the requirements outlined in this NOFA. Applications will be accepted upon publication of this NOFA after submission of the following material by providing **one (1) “high quality” digital PDF file** containing the Application information, and completed exhibits listed below.

The items listed below in this Section 8 are required elements of a responsive proposal:

### **A. Exhibit 5 - NOFA Application**

As requested in Exhibit 5 NOFA Application form, the following information must be included in the form:

- 1) NOFA Funding Request
- 2) Development Team
- 3) Project Description
- 4) Project Narrative
- 5) Site Information
- 6) Project Schedule Summary
- 7) Applicant Certification

### **B. Exhibit 6 – Pro forma Template**

Applicants must include Exhibit 6 Pro forma Template with all sections applicable to the project and its financing completed.

### **C. Other Application Supporting Materials**

- 1) The following other items are required to be submitted with the NOFA application for all funding requests:
  - a. Cover Letter
  - b. Development Schedule
  - c. Site Photos
  - d. Graphic Illustrations and Elevations

- e. Board of Directors list, if applicable
- f. Community Outreach Plan
- g. Community Support

**D. Other Exhibits – Only Substantial Changes from RFQ Submittal**

**Please note:** Application Exhibits 1, 2, 3, and 4 listed below are only required to be submitted with the application if any material changes have occurred in the Development Team members or its information that was submitted with the RFQ response.

**Required only if substantial changes from RFQ submittal:**

- Exhibit 1 - Financing Relationships, Litigation and Bankruptcy
- Exhibit 2 – Disclosure Statement
- Exhibit 3 – Equal Opportunity – Work Force Report
- Exhibit 4 – Project Financing History

**9. REQUEST FOR INFORMATION AND QUESTIONS**

All requests for information, clarifications, changes, exceptions, or deviations to or from the terms and conditions set forth in this NOFA must be submitted electronically via email to Christie Marcella, Deputy Director, Economic Development, at [cmarcella@sandiego.gov](mailto:cmarcella@sandiego.gov). Any substantive changes in the application requirements by the City, if any, may be made and issued in the form of an addenda. Such addenda, if any, will be posted on the Economic Development Department page on the City's [website](#). All questions and answers will be posted on the same page of the City's website and will be updated as necessary.

To ensure fairness and avoid misunderstandings, all communications must be in written format and addressed only to the individual set forth above. Any verbal communications will not be considered or responded to. Written communications must be submitted via e-mail to the address provided above.

No additional information, whether written or oral, of any type will be accepted or considered after the application deadline for any reason. It is the Applicant's responsibility to ensure that applications are complete, accurate and clearly understandable in all respects.

**10. GENERAL**

**A. Additional Information from Applicants**

The City reserves the right to request information from any Applicant to clarify submitted information.

**B. City's Rights to this Solicitation**

This NOFA does not create any legal rights or obligations between the City and any Applicant and does not include an obligation to proceed with negotiations. It is intended that any and all legal rights and obligations between the City and an Applicant will come into existence if and only when a definitive agreement is signed and delivered by both parties. The City accepts no financial responsibility for any cost incurred by the Applicant during the solicitation process. Applicants to this NOFA shall bear all expenses in connection with their applications and responses. All Applications become the property of the City and may be used in any way deemed appropriate.

**C. Incurred Costs**

Each Development Team is solely and fully responsible for all costs associated with submitting its application package in response to this NOFA. The City is not responsible for any costs incurred in the preparation, submission, or both, of the NOFA application.

**D. Addenda**

The City may issue addenda to this NOFA as necessary. All addenda are incorporated into this NOFA. Each Applicant is responsible for determining whether addenda has been issued prior to an application submission. Failure to respond to or properly address the addenda may result in the rejection of the application.

**E. Public Records**

By submitting an application, the Applicant acknowledges that any information submitted in response to this NOFA is a public record subject to disclosure unless the City determines that a specific exemption in the California Public Records Act (CPRA) applies. If the Applicant submits information clearly marked confidential or proprietary, the City may protect such information and treat it with confidentiality to the extent permitted by law. However, it will be the responsibility of the Applicant to provide to the City the specific legal grounds on which the City can rely in withholding information requested under the CPRA should the City choose to withhold such information. General references to sections of the CPRA will not suffice. Rather, the Applicant must provide a specific and detailed legal basis, including applicable case law, that clearly establishes the requested information is exempt from disclosure under the CPRA. If the Applicant does not provide a specific and detailed legal basis for requesting the City to withhold the Applicant's confidential or proprietary information at the time of application submittal, City will release the information as required by the CPRA and the Applicant will hold the City, its elected officials, officers, and employees harmless for release of this information. It will be the Applicant's obligation to defend, at the Applicant's expense, any legal actions or challenges seeking to obtain from the City any information requested under the CPRA withheld by the City at the Applicant's request. Furthermore, the Applicant shall indemnify and hold harmless the City, its elected officials, officers, and employees from and against any claim or liability, and defend any action brought against the City, resulting from the City's refusal to release information requested

under the CPRA which was withheld at Applicant's request. Nothing in the agreement resulting from the application creates any obligation on the part of the City to notify the Applicant or obtain the Applicant's approval or consent before releasing information subject to disclosure under the CPRA.

**F. City's Right to Modify and Withdraw NOFA and Reject All Applications**

The City reserves the right to modify and withdraw the solicitation and to reject all NOFA applications for any legally permissible reasons without indicating the reasons. The City makes no representation that any agreement will be awarded to any Applicant. Additionally, the City expressly reserves the right to postpone opening applications to this solicitation for its own convenience or waive any informality or irregularity in the applications received.

**G. Non-Discrimination Notice**

The selected Applicant, and each of its subcontractors, shall comply with Title VII of the Civil Rights Act of 1964, as amended; Executive Orders 11246, 11375, and 12086; the California Fair Employment Practices Act; San Diego Municipal Code sections 22.2701 through 22.2707, and any other applicable federal and state laws and regulations hereinafter enacted. The selected firm shall not discriminate against any employee or applicant for employment based on race, religion, color, ancestry, age, gender, sexual orientation, medical condition, or place of birth. The selected Applicant shall cause the above provisions to be inserted in all subcontracts for any work covered by the contract so that such provisions will be binding upon each subcontractor, if used.

It is the policy of the City not to discriminate against the disabled in employment or provision of services. The information contained in this NOFA will be made available in alternative formats to disabled persons upon request. It is the policy of the City to encourage equal opportunity in its contracts and leases. The City endeavors to do business with firms sharing the City's commitment to equal opportunity and will not do business with any firm that discriminates based on race, religion, color, ancestry, age, gender, gender expression, gender identity, sexual orientation, disability, medical condition or place of birth.

In addition to the foregoing, every person or organization awarded a contract by the City must acknowledge and agree to comply with Council Policy 100-04, adopted by Resolution No. R-282153, relating to the federally mandated Americans with Disabilities Act (ADA). Applicants will be individually responsible for their own ADA programs.

**H. Protests**

The City's protest procedures for this NOFA are set forth in Municipal Code section 22.3017.

**I. Insurance**

The Applicant(s) selected at the conclusion of the NOFA stage will be required to provide evidence of public liability and property damage insurance with limits of not less than \$5



million for injury to, or death of, persons and/or property damage arising out of a single accident or occurrence, insuring against all liability the City, their agents, officers, and employees, arising out of, or in connection with, the performance of work under contract with the City. In addition, the selected Development Team will be required to provide evidence of automobile insurance and Workers' Compensation Insurance. The insurance shall be provided at the sole cost and expense of the firm selected unless the requirement is modified or waived by the City. Additionally, Applicant must meet, and provide evidence of, all City standard insurance requirements in connection with any loan agreement resulting from this NOFA.

**J. Confidential Solicitation**

Unless legally required to do so, the City will not share details of individual applications to this solicitation with competing Applicants during the evaluation and selection process. After the selection process ends and prior to legislative action on the funding agreement, all solicitations become public information (except portions otherwise deemed confidential as noted above).

Additionally, the Applicant shall not attempt to influence the decision process by lobbying or otherwise influencing decision makers, be it elected officials, City officials or staff, or any other member of the decision-making body. By submitting an application to this NOFA, the Applicant agrees to keep their application confidential and not engage in any activity in an attempt to influence the decision outside of the process outlined in the NOFA, as may be amended from time to time.

**K. News Releases/Public Comment**

The Applicant agrees that, during the NOFA process and if selected, the City will review and approve all news releases and other public comment pertaining to this solicitation, subsequent agreement(s), or both, prior to release. All news releases will be submitted in writing to the City project manager for the solicitation. No news releases or public comment pertaining to this NOFA, the applications and responses, and subsequent agreement(s) shall be released or made public without the prior approval of the City.

**L. Indemnification**

The Applicant agrees, if selected, to indemnify and hold harmless the City and all officers, agents and employees of each entity from any and all liability, claims, costs (including reasonable attorneys' fees), demands, damages, expenses, and causes of action.

**M. Examination of Solicitation**

The Applicants understand that the information provided herein is intended solely to assist each Applicant in application preparation. To the best of the City's knowledge, the information provided is accurate. However, the City does not warrant such accuracy, and any errors or omissions subsequently will not invalidate this solicitation. Further, by submitting

an Application to this solicitation, the Applicant represents that the NOFA has been thoroughly examined and is familiar with the work required in the solicitation and is capable of performing quality work and achieving the objectives of the City.

*The date and time of application submission is fixed, and extensions will not be granted. Applications received after the deadline shown will be rejected and will not receive further consideration. Copies sent by fax will not be accepted.*

**N. Environmental Review and Assessment**

Prior to the City's funding commitment, projects must be assessed in accordance with the California Environmental Quality Act (CEQA).

## **11. EXHIBITS - REQUIRED APPLICATION FORMS**

In addition to the Application Supporting Materials listed in Section 8.C, follow all submittal requirements as detailed in Section 8, including submittal of Exhibits 5 and 6 that must accompany all applications. Exhibits 1, 2, 3 and 4 are only necessary if there are any substantial changes since the applicant's RFQ submittal.

### **A. Exhibits Required only if substantial changes from RFQ submittal:**

Exhibit 1 - Financing Relationships, Litigation and Bankruptcy

Exhibit 2 – Disclosure Statement

Exhibit 3 – Equal Opportunity – Work Force Report

Exhibit 4 – Project Financing History

### **B. Exhibits Required for ALL APPLICATIONS:**

Exhibit 5 – NOFA Application

Exhibit 6 - Pro forma Template

## **12. INFORMATIONAL ATTACHMENTS**

The following documents are included on the [City's Bridge to Home NOFA website](#) for the applicant's information during application preparation:

[Attachment A- City's Affordable Housing Master Plan](#) (2023 Update)

[Attachment B – FY2023-2026 Economic Development Strategy](#)