

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

21 DEC -9 PM 5: 28


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 88977 C.M.S.

RESOLUTION:

- 1) ACCEPTING AND APPROPRIATING HOME INVESTMENT PARTNERSHIP ("HOME") GRANT FUNDS IN THE AMOUNT OF ELEVEN MILLION THREE HUNDRED TWENTY-FIVE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS (\$11,325,941) AWARDED TO THE CITY OF OAKLAND BY THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT UNDER THE AMERICAN RESCUE PLAN (ARP) ACT TO PROVIDE HOUSING, RENTAL ASSISTANCE, SHELTER AND OTHER SUPPORT SERVICES TO PERSONS WHO ARE HOMELESS OR AT RISK OF HOMELESSNESS, AND OTHER VULNERABLE POPULATIONS;
- 2) AUTHORIZING THE CITY ADMINISTRATOR TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT A HOME-ARP ALLOCATION PLAN AS PART OF THE CITY'S FIRST SUBSTANTIAL AMENDMENT TO ITS FISCAL YEAR (FY) 2021-22 CONSOLIDATED ANNUAL ACTION PLAN; AND
- 3) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD HOME PROGRAM AGREEMENTS FOR ELIGIBLE ACTIVITIES AS SET FORTH IN EXHIBIT A, ATTACHED HERETO, AND THE CITY'S HOME-ARP ALLOCATION PLAN SUBMITTED AS PART OF ITS AMENDED FY 2021-22 CONSOLIDATED ANNUAL ACTION PLAN SUBJECT TO COMPLIANCE WITH ANY APPLICABLE COMPETITIVE BIDDING REQUIREMENTS, WITHOUT RETURNING TO COUNCIL

WHEREAS, the American Rescue Plan (ARP) Act of 2021 appropriated \$5 billion to provide housing services, shelter to individuals experiencing homelessness and other vulnerable population, to be allocated by formula to jurisdictions that qualified for HOME Investment Partnerships (HOME) Program allocations for Fiscal Year (FY) 2021-22;

WHEREAS, on June 15, 2021, City Council adopted Resolution No. 88709 C.M.S., which, among other things, accepted and appropriated an award of HOME grant funds in the amount of Three Million One Hundred Twenty-Four Thousand Nine Hundred Eighty-Seven dollars (\$3,124,987) and authorized the City Administration to prepare and submit the City's FY 2021-22 Consolidated Annual Action Plan (AAP) to the United States Department of Housing & Urban Development (HUD);

WHEREAS, HUD has awarded the City of Oakland additional HOME grants funds in the amount of Eleven Million Three Hundred Twenty-Five Thousand Nine Hundred Forty-One Dollars (\$11,325,941) under the American Rescue Plan Act of 2021 ("HOME-ARP");

WHEREAS, pursuant to Title 24, Part 91, Section 91.505 of the Code of Federal Regulations (24 C.F.R. § 91.505) the City must amend its AAP whenever it decides to (1) make a change in its allocation priorities or a change in the method of distribution of funds; (2) carry out an activity, using funds from any program covered by the AAP, not previously described in the AAP; or (3) change the purpose, scope, location, or beneficiaries of an activity;

WHEREAS, the City's Citizen Participation Plan defines a substantial amendment to the AAP as (1) a change in the use of funding from one activity to another; (2) funding of an activity type not described in the AAP; (3) changing the priorities contained in the Five-Year Strategy; and (4) an increase or reduction in the amount allocated to an activity by more than twenty-five percent (25%); and

WHEREAS, in order to add the new HOME-ARP funds and activities to the City's FY 2021-22 AAP, the City must prepare and submit a HOME-ARP Allocation Plan as part of a First Substantial Amendment to its FY 2020-21 AAP to HUD for review and approval;

WHEREAS, 24 C.F.R. § 91.105(c)(2) requires the City to provide not less than 30 calendars days for public comment on consolidated annual action plan amendments; and

WHEREAS, Section 3205 of the American Rescue Plan Act of 2021 authorizes the Secretary of HUD to waive applicable regulations for the administration of HOME-ARP funds and pursuant to the Appendix to HUD's Notice CPD-21-10 issued September 13, 2021, the 30-day public comment period is waived provided that no less than 15 days are provided for public review and comments on the HOME-ARP Allocation Plan to be submitted as part of the City's First Substantial Amendment to its FY 2021-22 AAP;

WHEREAS, a public hearing will be held on December 21, 2021, on the First Substantial Amendment to the City's FY 2021-22 AAP; now, therefore, be it

RESOLVED: That the City Council hereby accepts HOME-ARP grant funds in the amount of Eleven Million Three Hundred Twenty-Five Thousand Nine Hundred Forty-One Dollars (\$11,325,941) awarded by HUD to the City of Oakland; and be it

FURTHER RESOLVED: That the HOME-ARP funds shall be appropriated to Fund 2109, Organization 89929, Account 54011, Project (To Be Determined); and be it

FURTHER RESOLVED: That not more than fifteen percent (15%) or One Million Six Hundred Ninety Eight Thousand Eight Hundred Ninety One Dollars (\$1,698,891) of the HOME-ARP funds shall be used to cover the administration and planning costs attributable to the HOME-ARP funding and planned activities as authorized under Community Planning Department (CPD) Notice 21-10; and be it

FURTHER RESOLVED: That the City has provided a period of not less than fifteen (15) days for public review and comment on the HOME-ARP Allocation Plan to be submitted as part of the City's First Substantial Amendment to its FY 2021-22 AAP; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator or designee to review and consider all public comments the HOME-ARP Allocation Plan and authorizes the City Administrator or designee to prepare and submit to HUD the HOME-ARP Allocation Plan as part of the City's First Substantial Amendment to its FY 2021-22 AAP and related documents; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to award agreements to third-party contractors and sub recipients to be determined, for eligible projects and activities as set forth in **Exhibit A** attached hereto and included in the City's First Substantial Amendment to the FY 2021-22 AAP subject to compliance with any applicable HOME-ARP and City competitive bidding requirements, without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to approve any amendments to the FY 2020-21 AAP, amendments, modifications or extensions of FY 2021-22 HOME Program agreements, and to take any other action that is consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That prior to execution, all agreements shall be reviewed and approved as to form and legality by the City Attorney; and be it

FURTHER RESOLVED: That executed copies of all agreements shall be filed with the City Clerk.

3127802v3

DEC 21 2021

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

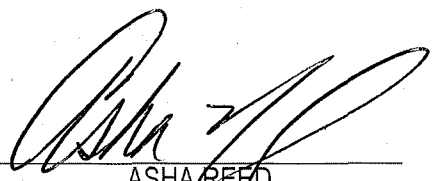
ATTEST: 
ASHA REED
City Clerk and Clerk of the Council
of the City of Oakland, CA

Exhibit A

General Description of Oakland HOME ARP Activities

HOME ARP will be used to acquire, construct, and rehabilitate permanent affordable housing for Oaklanders experiencing homelessness. Funds may be used to acquire hotels, motels, and dorms to permanently house homeless households, especially youth aging out of the foster care system, families, and veterans. Funds may also be used to construct innovative modular permanent units to house people experiencing homelessness.

ELIGIBLE ACTIVITIES Per CPD Notice 21-10

Activity Category	Key
Administration and Planning	1
HOME-ARP Rental Housing	2
Tenant-Based Rental Assistance (TBRA)	3
Supportive Services	4
Acquisition and Development of Non-Congregate Shelter	5
Nonprofit Operating and Capacity Building Assistance	6

<https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-10cpdn.pdf>

Proposed Uses of HOME ARP Funds

Activity	HOME ARP Eligible Category	Fund Up To ¹ :
Acquisition, Construction, & Rehabilitation of Permanent Housing for Oaklanders experiencing homelessness	2 & 5	\$6,000,000
Acquisition of Hotels, Motels, & Dorms	2 & 5	\$9,627,000
Modular Permanent Housing Units	2 & 5	\$4,000,000
Grantee Administration & Planning (15% Cap)	1	\$1,698,891

¹ Total fund allocation will not exceed grant allocation of \$11,325,941

Attachment A

General Description of Oakland HOME ARP Activities

HOME ARP will be used to acquire, construct, and rehabilitate permanent affordable housing for Oaklanders experiencing homelessness. Funds may be used to acquire hotels, motels, and dorms to permanently house homeless households, especially youth aging out of the foster care system, families, and veterans. Funds may also be used to construct innovative modular permanent units to house people experiencing homelessness.

ELIGIBLE ACTIVITIES Per CPD Notice 21-10

Activity Category	Key
Administration and Planning	1
HOME-ARP Rental Housing	2
Tenant-Based Rental Assistance (TBRA)	3
Supportive Services	4
Acquisition and Development of Non-Congregate Shelter	5
Nonprofit Operating and Capacity Building Assistance	6

<https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-10cpdn.pdf>

Proposed Uses of HOME ARP Funds

Activity	HOME ARP Eligible Category	Fund <u>Up To</u> ¹ :
Acquisition, Construction, & Rehabilitation of Permanent Housing for Oaklanders experiencing homelessness	2 & 5	\$6,000,000
Acquisition of Hotels, Motels, & Dorms	2 & 5	\$9,627,000
Modular Permanent Housing Units	2 & 5	\$4,000,000
Grantee Administration & Planning (15% Cap)	1	\$1,698,891

¹ Total fund allocation will not exceed grant allocation of \$11,325,941