



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Shola Olatoye  
Director, HCD

**SUBJECT:** Oakland Housing Secure Program  
Contracts for Services

**DATE:** July 6, 2020

---

City Administrator Approval

Date: July 9, 2020

---

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Enter Into The Following Two Professional Services Agreements For Oakland Housing Secure Anti-Displacement Program Activities:**

- 1) A One-Year Contract With Centro Legal De La Raza (“CLR”) To Provide Anti-Displacement Program Services To Low-Income Tenants In The Amount Of \$1,275,000 From August 1, 2020 Through September 30, 2021; And**
- 2) Waiving The Competitive Procurement Process For Fair Chance Access To Housing Ordinance Outreach Services So That These Services May Be Included In The One Year Contract With CLR; And**
- 3) A One-Year Contract With Housing And Economic Rights Advocates (“HERA”) To Provide Anti-Displacement Program Services To Low Income Homeowners In The Amount Of \$525,000 From October 1, 2020 Through September 30, 2021.**

## **EXECUTIVE SUMMARY**

In Fall 2018 the City of Oakland entered into a Professional Services Agreement with Centro Legal de la Raza (CLR) to administer an anti-displacement program. The program provides legal services, emergency financial assistance, and outreach and education to low-income tenants and homeowners to assist residents facing evictions, foreclosures, or other events that jeopardize housing stability, to remain housed and prevent homelessness. The program was based on a proposal brought to the City Council by Our Beloved Community Action Network in 2018 and is also modelled on the Alameda County anti-displacement program called Alameda County Housing Secure.

The Oakland program has been operating since October 2018, and in 2019 was named Oakland Housing Secure (OHS). A one-year program performance report was presented to the Community and Economic Development Committee (CED) on January 28, 2020 (**Attachment**

City Council  
July 14, 2020

A) and reflects strong performance in preventing evictions and foreclosures with 513 tenants and homeowners receiving legal services, 17 households receiving emergency financial assistance and 1,942 people receiving outreach and educational materials. The report also highlights areas where improvement was needed, and the action steps being taken to make those improvements. In March and April 2020, Housing and Community Development (HCD) staff conducted a competitive procurement process to select the most qualified Oakland Housing Secure program administrator and retool program requirements, program design, and expectations for this program. The Request for Proposal (RFP) was issued on February 28, 2020 and emphasized the need for program outreach and service delivery that targets and meets the needs of African American residents who are most heavily impacted by displacement threats. It also requested a support services component which is not a part of the current program.

Two proposals were submitted, one from CLR and one from Housing and Economic Rights Advocates (HERA). Both are strong proposals and complement each other. CLR is strong in its approach to tenants and HERA is strong in its approach to homeowners, and as such, HCD staff recommend awarding contracts to each to provide the services that they are best equipped to deliver.

Staff also recommend that the CLR OHS contract include Fair Chance Access to Housing Ordinance outreach activities funded with State CARES Act funding. Pursuant to the 2020/21 midcycle budget adopted by the Council on June 23, 2020, \$100,000 was allocated for Fair Chance Ordinance outreach. Just Cities, a CLR OHS partner, would perform this outreach under this contract. While the Fair Chance Ordinance outreach services were not contemplated in the RFP, CLR and HERA were the only two respondents to the previous RFP, and staff believes that these services are appropriate for including in the CLR contract for outreach to tenants. In addition, the fact that the funding identified to pay for these services is State CARES Act funding which must be expended by December 30, 2020 warrants immediate action. As such staff is recommending that the City Council waive the competitive procurement process for these services.

### **BACKGROUND / LEGISLATIVE HISTORY**

On July 24, 2018, the City Council approved Resolution No. 87304 C.M.S., authorizing an a contract with CLR in the amount of \$2,200,000 to administer a two year anti-displacement program.

On December 11, 2018, the City Council approved Resolution No. 87466 C.M.S., authorizing a First Amendment to CLR's Anti-Displacement Program contract to incorporate six months of Rent Adjustment Program (RAP) legal services commencing January 1, 2019 and expiring June 30, 2019 in order to facilitate the continuation of those services while a new competitive procurement process could be conducted for future RAP legal services activity.

On February 28, 2020, an RFP was released seeking a new program administrator for the Oakland Housing Secure program. A Pre-Proposal meeting was held on March 9, 2020 and representatives from three groups attended. The initial due date for proposals was March 27,

2020, but was extended to April 24, 2020, due to the impact of the Shelter In Place Order. Two proposals were submitted on the due date; one from CLR and one from HERA.

On February 4, 2020, the City Council adopted the Fair Chance Access to Housing Ordinance No. 135181, Code Chapter 8.25 ("Fair Chance Ordinance") to remove barriers to housing for residents with criminal records and on June 23, 2020 adopted the 2020/21 midcycle budget that allocated State CARES Act funding in the amount of \$100,000 for Fair Chance Ordinance outreach.

## **ANALYSIS AND POLICY ALTERNATIVES**

### ***Description of Current OHS Program***

The OHS program delivers anti-displacement services and is based on a proposal brought to the City Council by Our Beloved Community Action Network in 2018 and is also modelled after Alameda County's anti-displacement program. OHS currently consists of the following elements:

- Tenant Services
  - Legal services, including Asian language legal services
  - Emergency Financial Assistance
  - Outreach and Education
- Homeowner Services
  - Legal services
  - Emergency Financial Assistance

OHS is a collaboration, with CLR serving as the program administrator and provider of legal services, along with the following partners:

- East Bay Community Law Center (EBCLC)
- Asian Pacific Islander Legal Outreach
- HERA
- Alliance of Californians for Community Empowerment (ACCE)
- Causa Justa: Just Cause

### ***OHS First-Year Program Performance***

The program provided legal services to 513 people in the first twelve months. Of these, 172 tenants received legal representation and in all of these cases, tenants either did not lose their housing or were provided with the time and resources to move to another home.

The areas of performance weakness that were identified in the program were: 1) an initial low rate of utilization of services by African Americans, and 2) an ongoing low rate of homeowner program utilization of emergency financial assistance. In addition, the OHS partners identified the need for services to assist clients with non-legal, non-financial matters such as navigating the service delivery system and in identifying alternative housing options, assistance with habitability issues, and other supportive services.

HCD staff worked closely with CLR to make various program improvements to address the low utilization rate of African Americans. These included: a targeted outreach strategy with a focus on West and East Oakland and coordinating with community-based organizations, engaging

ACCE to join the outreach team, developing partnerships with libraries, and holding clinics in West and East Oakland. Before the Shelter-In-Place Order, CLR held 26 clinics at the Eastmont and West Oakland libraries. These efforts have been effective as demonstrated in the steadily increasing utilization of the program by African Americans over the course of the contract.

**Attachment B** depicts the increased rate of program utilization by African Americans as a result of these program changes, divided between legal services and emergency financial assistance (EFA), over the first six quarters. The rate of legal service utilization increased from a low of 29 percent in the very first quarter to 53 percent in the second quarter of the second year. EFA began in the third quarter of the program and has generally been utilized by African American households at a proportional level.

In addition, CLR has leveraged their clinic infrastructure by incorporating pro bono attorneys and law students at their clinics. CLR staff form the core clinic staff, but by incorporating pro bono attorneys, CLR can serve more people more efficiently and diversify their base of attorneys., East Bay Community Law Center (EBCLC) has a similar program that allows them to leverage their resources to better meet the intense demand for tenant legal services.

### **RFP Process**

The RFP process included outreach to identify and encourage all qualified entities to respond. In addition to advertising in several newspapers and through placement on the City’s Contracts webpage, HCD staff reached out directly to 47 non-profits and churches, as well as 26 law offices and law associations including the Charles Houston Bar Association, informing them of the RFP as potential contractors. An information session was held on March 9, 2020, and three groups attended. Staff received proposals from two groups.

Staff reviewed the proposals for compliance with the RFP and found them both to be fully compliant and responsive to the services and work set forth in the RFP document.

### **Evaluation of Program Proposals and Proposed Awards**

A three-person staff team reviewed the two proposals and scored and ranked them. Both proposals met the requirements of the RFP and were responsive. **Table 1** below describes the strengths of each proposal.

**Table 1. Proposal Strengths**

<b>HERA</b>	<b>CLR</b>
<ul style="list-style-type: none"><li>• Depth of experience working on homeowner issues</li><li>• Depth of experience working in the African American community</li><li>• Innovative approach to support service components</li></ul>	<ul style="list-style-type: none"><li>• Depth of experience working on tenant issues</li><li>• Addition of Eviction Defense Center</li><li>• Addition of Just Cities to the team to address racial equity through their support in creating a community advisory council</li></ul>

<ul style="list-style-type: none"> <li>• Use of a third-party fiscal administrator since HERA is a small organization</li> </ul>	<ul style="list-style-type: none"> <li>• Detailed work plan for outreach in African American communities</li> <li>• Strong plan for support services</li> </ul>
--	---

Staff believes that each group has significant strengths and that these strengths are complementary. As such, staff is recommending that each organization be awarded a one-year contract that focuses on the delivery of the services that best matches their strengths, experience, and expertise.

**Table 2** below describes the proposed HERA scope of services and **Table 3** the CLR proposed scope of services.

**Table 2. HERA Proposed Scope of Services**

Services	<ul style="list-style-type: none"> <li>• Legal services to homeowners</li> <li>• Outreach and education</li> <li>• Support services</li> </ul>
Key Highlights	<ul style="list-style-type: none"> <li>• Social stability services</li> <li>• One-on-one financial wellness coaching</li> <li>• Foreclosure prevention clinics</li> <li>• Multi-lingual legal staff</li> </ul>
Partners	<ul style="list-style-type: none"> <li>• Oakland Private Industry Council</li> </ul>
Budget Total	\$525,000
Services/Admin	\$380,000
Emergency Financial Assistance	\$145,000

**Table 3. CLR Proposed Scope of Services**

Services	<ul style="list-style-type: none"> <li>• Legal services to tenants</li> <li>• Outreach and education</li> <li>• Support Services</li> </ul>
Key Highlights	<ul style="list-style-type: none"> <li>• Community advisory council to monitor program's racial and social equity performance</li> <li>• Leverage of services and clinics through pro bono attorneys and law students</li> <li>• Outreach model involves embedding tenants' rights expertise within the community, utilizing community-based networks to provide information and resources to address unlawful housing practices</li> </ul>

Partners	<ul style="list-style-type: none"> <li>• EBCLC</li> <li>• Eviction Defense Center</li> <li>• APILO</li> <li>• Causa Justa::Just Cause</li> <li>• Just Cities</li> <li>• The Unity Council</li> </ul>
Budget Total	\$1,175,000
Services/Admin	\$1,031,716
Emergency Financial Assistance	\$ 143,284

In addition, as part of the contract negotiation process, HCD staff will confer with Department of Race and Equity staff to conduct a race and equity analysis prior to executing the contract. This process would ensure that the program design and outcome metrics for reporting are aligned with the City’s intention of ensuring racial equity in the use of these funds.

***Fair Chance Access to Housing Outreach***

Ensuring that the public is aware of and exercising their rights under the Fair Chance Ordinance is an anti-displacement strategy and fits well within the OHS framework of programs. As notifying formerly incarcerated people who are at high risk of homelessness and COVID19 of their new rights to access of housing is an urgent, time-sensitive matter, staff recommends incorporating that activity into the CLR OHS contract. While the Fair Chance Ordinance outreach services were not contemplated in the RFP, staff believes that these services are appropriate for including in the CLR contract. In addition, the fact that the funding identified to pay for these services is State CARES Act funding which must be expended by December 30, 2020 warrants immediate action. As such staff is recommending that the City Council waive the competitive procurement process for these services.

Just Cities had been identified as a partner in the CLR OHS program and is well suited to perform this outreach work. The Just Cities led Fair Chance Housing Collaborative includes Oakland's leading re-entry organizations: All of Us or None, Building Opportunities for Self-Sufficiency (BOSS), Communities United for Restorative Youth Justice (CURYJ), and Asian Prisoner Support Committee, which are both led by formerly incarcerated people and work directly with formerly incarcerated residents and their family members, including Black, Latinx, and Asian residents. Just Cities has raised additional private foundation funds for Fair Chance Housing outreach to be conducted by itself and Collaborative members, which enables the City's funds to be strategically leveraged. The Collaborative members are best situated to be able to reach the intended beneficiaries of the City's new Fair Chance Housing ordinance.

***COVID-19 Related Activities***

The impact of the COVID-19 pandemic is poised to exponentially exacerbate the City of Oakland’s displacement crisis. The services being provided under the current OHS contract have been expanded to assist individuals and households impacted by COVID-19. HERA and CLR will include this focus and provide a targeted approach to addressing COVID-19-related

impacts from both a health and economic standpoint. This approach will use COVID-19 health data to target outreach and service delivery to those hardest hit by this pandemic, as well as pull data from sources that can identify those at risk of foreclosure and eviction as a result of the COVID-19 health and economic crisis.

To further this work, HCD staff is also examining ways to expand the resources available for Emergency Financial Assistance, including a focus on rental and property owner assistance, potentially using Coronavirus Aid, Relief and Economic Security Act of 2020 (CARES Act) and Community Development Block Grant – CARES (CDBG-CV) funding available in the Fiscal Year 2020/21 Budget. In addition, Keep Oakland Housed (KOH) continues to provide a similar suite of services that has also been adjusted to meet the demands presented by COVID-19 (although KOH does not provide services to homeowners).

**Alternatives**

An alternative to accepting these two proposals is to reissue the RFP to attempt to attract additional respondents. This alternative would result in a lapse of services for approximately four months and does not guarantee a different outcome.

**FISCAL IMPACT**

Approval of this resolution authorizes the City Administrator to award a professional services agreement contract to Centro Legal De La Raza in an amount not to exceed one million two hundred seventy-five thousand dollars (\$1,275,000.00) from August 1, 2020 through September 30, 2021 and Housing and Economic Rights Advocates in an amount not to exceed five hundred and twenty-five thousand (\$525,000) from October 1, 2020 through September 30, 2021 to administer anti-displacement programs.

Available funding for the professional services agreements are identified in the following table:

FUNDING SOURCE	AMOUNT
Affordable Housing Trust Fund (1870); Housing and Community Development Org (89919); Oakland Anti-Displacement (1004815)	\$1,700,000
CARES Act Relief Fund (1870); ; Housing and Community Development Org (89919); CARES Anti Displacement Project (1005401)	\$100,000

There is no impact to the General Purpose Fund and no additional funding is requested.

**PUBLIC OUTREACH / INTEREST**

The RFP was released on February 28, 2020 and was advertised in five (5) local newspapers (Oakland Tribune, Argus, Daily Review, El Mundo, and Oakland Post) and distributed by the iSupplier website to 116 suppliers registered with the City. Direct emails were sent to 47 non-profit organizations and churches as well as 26 law offices and law associations.

## **COORDINATION**

Staff produced this report and resolution in coordination with the City Attorney's Office and the Budget Bureau.

## **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Staff monitor program performance through bi-monthly meetings with the program administrator and review of quarterly reports that include numerous utilization data points related to client race, ethnicity, income, and household status, as well as information on how the program performed in meeting established outcome metrics. The program administrator also produces a detailed annual report. Following the completion of the program's first year, staff presented a performance report to the CED Committee on January 28, 2020, which is attached as **Attachment A**. Highlights from that report are presented below.

The program provided legal services to 513 people in the first twelve months. Of these, 172 tenants received legal representation and in all of these cases, tenants either did not lose their housing or were provided with the time and resources to move to another home.

The areas of performance weakness that were identified in the program were: 1) an initial low rate of utilization of services by African Americans, and 2) an ongoing low rate of homeowner program utilization of emergency financial assistance. In addition, the OHS partners identified the need for services to assist clients with non-legal, non-financial matters such as navigating the service delivery system and in identifying alternative housing options, assistance with habitability issues, and other supportive services.

HCD staff worked closely with CLR to make various program improvements to address the low utilization rate of African Americans. These included: a targeted outreach strategy with a focus on West and East Oakland and coordinating with community-based organizations, engaging ACCE to join the outreach team, developing partnerships with libraries, and holding clinics in West and East Oakland. Before the Shelter-In-Place Order, CLR held 26 clinics at the Eastmont and West Oakland libraries. These efforts have been effective as demonstrated in the steadily increasing utilization of the program by African Americans over the course of the contract.

**Attachment B** depicts the increased rate of program utilization by African Americans as a result of these program changes, divided between legal services and emergency financial assistance (EFA), over the first six quarters. The rate of legal service utilization increased from a low of 29 percent in the very first quarter to 53 percent in the second quarter of the second year. EFA began in the third quarter of the program and has generally been utilized by African American households at a proportional level.

In addition, CLR has leveraged their clinic infrastructure by incorporating pro bono attorneys and law students at their clinics. CLR staff form the core clinic staff, but by incorporating pro bono attorneys, CLR can serve more people more efficiently and diversify their base of attorneys., East Bay Community Law Center (EBCLC) has a similar program that allows them to leverage their resources to better meet the intense demand for tenant legal services.



### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Execution of these contracts will help prevent displacement and/or homelessness of low-income residents. The experience of displacement or homelessness presents severe negative impacts on the ability of residents to improve their employment and overall economic circumstances.

***Environmental:*** Studies have demonstrated that the lack of affordable housing opportunities in job centers such as Oakland leads to longer commutes from more affordable areas creating an environmental impact resulting from carbon emission-producing cars rather than being able to utilize local public transport and other less polluting commute options.

***Race and Equity:*** Demographic data evidences that Oakland's housing crisis has disproportionately impacted Oakland's lower-income residents and in particular the African American community. The City's anti-displacement program activities have been focused on increasing outreach to these communities to ensure full access to the services offered that prevent displacement. The execution of these contracts will redouble these efforts in the coming year.

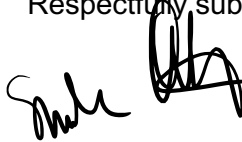
**ACTION REQUEST OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Designee To Negotiate And Enter Into The Following Two Professional Services Agreements For Anti-Displacement Program Activities:

- 1) A One-Year Contract With Centro Legal De La Raza (“CLR”) To Provide Anti-Displacement Program Services To Low-Income Tenants In The Amount Of \$1,275,000 From August 1, 2020 Through September 30, 2021; And
- 2) Waiving The Competitive Procurement Process For Fair Chance Access To Housing Ordinance Outreach Services So That These Services May Be Included In The One Year Contract With CLR; And
- 3) A One-Year Contract With Housing And Economic Rights Advocates (“HERA”) To Provide Anti-Displacement Program Services To Low Income Homeowners In The Amount Of \$525,000 From October 1, 2020 Through September 30, 2021.

For questions regarding this report, please contact Maryann Leshin, Deputy Director, Housing and Community Development Department at (510) 238-6225.

Respectfully submitted,



---

SHOLA OLATOYE  
Director, HCD

Prepared by:  
Maryann Leshin, HCD, Deputy Director

Cookie Robles-Wong, HCD, Community  
Development Program Coordinator

Attachments (2):

- A: Informational Report On The first Year Of The City Of Oakland’s Anti-Displacement Program
- B: Utilization of OHS Services by African American Residents as a Percentage of Total Services Delivered