


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1. ACCEPTING EMERGENCY RENTAL ASSISTANCE PROGRAM (“ERAP”) FUNDS IN THE AMOUNT OF TWELVE MILLION EIGHT HUNDRED SEVENTY FOUR THOUSAND SEVEN HUNDRED SIXTY FOUR DOLLARS (\$12,874,764) AWARDED BY THE UNITED STATES DEPARTMENT OF THE TREASURY (“US TREASURY”) TO THE CITY OF OAKLAND (“CITY”) TO PROVIDE FINANCIAL ASSISTANCE, INCLUDING RENTAL ASSISTANCE, AND HOUSING STABILITY SERVICES TO ELIGIBLE HOUSEHOLDS IMPACTED BY COVID-19;**
- 2. APPROPRIATING THE TWELVE MILLION EIGHT HUNDRED SEVENTY-FOUR THOUSAND SEVEN HUNDRED SIXTY-FOUR DOLLARS \$12,874,764 IN ERAP FUNDING FROM THE US TREASURY TO BE BUDGETED AND IDENTIFIED AS ONE-TIME STIMULUS FUNDING IN FUND 2071, ORGANIZATION 89919, PROJECT CODE TO BE DETERMINED, ACCOUNT 54011;**
- 3. AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO TAKE ALL STEPS NECESSARY FOR THE CITY TO RECEIVE THE ERAP FUNDS AWARDED BY THE US TREASURY, INCLUDING, BUT NOT LIMITED TO, SIGNING AND SUBMITTING THE US TREASURY ACCEPTANCE OF AWARD TERMS FORM, WITHOUT RETURNING TO COUNCIL;**
- 4. AWARDING GRANT AGREEMENTS FOR THE PROVISION OF RENTAL ASSISTANCE TO ELIGIBLE HOUSEHOLDS TO BAY AREA COMMUNITY SERVICES, INC., CATHOLIC CHARITIES OF THE DIOCESE OF OAKLAND, DOING BUSINESS AS CATHOLIC CHARITIES EAST BAY, CENTRO LEGAL DE LA RAZA, INC. AND COLLECTIVE LEGAL SERVICES – THE EVICTION DEFENSE CENTER, A NON-PROFIT LAW CORPORATION IN A TOTAL AMOUNT NOT TO EXCEED NINE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$9,750,000);**

- 5. AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO SELECT ADDITIONAL ERAP FUND SUB-RECIPIENTS AND TO AWARD GRANT AGREEMENTS TO SAID SUB-RECIPIENTS FOR THE PROVISION OF FINANCIAL ASSISTANCE, INCLUDING RENTAL ASSISTANCE, AND HOUSING STABILITY SERVICES TO ELIGIBLE HOUSEHOLDS, WITHOUT RETURNING TO COUNCIL; AND**

- 6. AUTHORIZING THE CITY ADMINISTRATOR TO AMEND GRANT AGREEMENTS AWARDED PURSUANT TO THIS RESOLUTION TO INCREASE THE AMOUNT OF THE GRANTS OR TO REALLOCATE FUNDING BETWEEN GRANTS IF NECESSARY, TO ENSURE TIMELY EXPENDITURE OF ERAP FUNDS, WITHOUT RETURNING TO COUNCIL.**

WHEREAS, Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (the “Act”) appropriated \$25 billion in Emergency Rental Assistance (“ERA”) funds to States, U.S. Territories, local governments, and Indian tribes to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic; and !

WHEREAS, on January 22, 2021, the United States Department of the Treasury (“U.S. Treasury”) awarded \$12,874,764 in ERA funds to the City of Oakland to provide assistance to eligible households; and **WHEREAS**, as a prerequisite to receiving the ERA funds, the City must sign and submit an acceptance of award terms form; and

WHEREAS, no less than 90% of the ERA funds awarded to the City must be used to provide direct financial assistance, including rental assistance, to eligible households as defined by the Act; and

WHEREAS, in the absence of an extension of time granted by the U.S. Treasury, the ERA funds will remain available for expenditure only through December 31, 2021, and any ERA funds that are not spent by December 31, 2021 must be repaid to the U.S. Treasury; and

WHEREAS, the City must act quickly not only to ensure timely expenditure of the ERA funds but to address the significant financial needs of households impacted by the COVID-19 pandemic; and

WHEREAS, the City, in partnership with Oakland non-profit agencies, successfully deployed over \$4,000,000 in Coronavirus Aid, Relief, and Economic Security (CARES) Act funds from September through December of 2020 to provide direct rental assistance to low income households, with 72% of recipients having incomes at or below 30 percent of area median income and over 75% of recipients residing in neighborhoods most impacted by COVID-19 infections; and

WHEREAS, the nonprofit agencies the City engaged to provide direct rental assistance grants under the CARES Act program continue to receive many requests for rental assistance and remain available to provide direct rental assistance grants under the ERA program; and

WHEREAS, City staff is currently working to identify additional local non-profit agencies to provide direct rental assistance grants under the ERA program; and

WHEREAS, it is not uncommon for non-profit agencies to be able to deploy grant funds faster than expected or to experience unexpected delays in the deployment of grant funds and, therefore, it is critical that the City Administrator have the ability to increase grant awards or reallocate funds between grantees, without returning to Council, to ensure timely expenditure of ERA funds and to provide rapid assistance to eligible households experiencing a financial crisis as a result of the COVID-19 pandemic; now, therefore, be it

RESOLVED: That the City Council hereby accepts the \$12,874,764 in Emergency Rental Assistance funds awarded by the United States Department of the Treasury to the City of Oakland; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to take all steps necessary to receive the Emergency Rental Assistance funds, including, but not limited to, signing and submitting the required acceptance of award terms form; and be it

FURTHER RESOLVED: That the \$12,874,764 in Emergency Rental Assistance funds shall be budgeted and identified as one-time stimulus funding and are hereby appropriated to fund 2071, organization 89919, project code (to be determined), account 54011; and be it

FURTHER RESOLVED: That the City Council awards grants to the following non-profit agencies in the specified “not to exceed” amounts to provide direct rental assistance to eligible households as specified in Section 501 of Division N of the Consolidated Appropriations Act, 2021

Grantee	Not To Exceed Amount
Bay Area Community Services, Inc.	\$3,500,000
Catholic Charities of the Diocese of Oakland, Doing Business As, Catholic Charities East Bay	\$2,500,000
Centro Legal De La Raza, Inc.	\$2,000,000
Collective Legal Services – The Eviction Defense Center, A Non-Profit Law Corporation	\$1,750,000
Total	\$9,750,000

; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to select grantees and award additional grants using ERA funds for the provision of financial assistance, including rental assistance, and housing stability services to eligible households as specified in

Section 501 of Division N of the Consolidated Appropriations Act, 2021, without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to amend grant agreements awarded hereunder to increase the grant award or to reallocated funding between grantees, if necessary, to ensure the timely and rapid expenditure of Emergency Rental Assistance funds; and be it

FURTHER RESOLVED: That the City Council directs the City Administrator to provide regular reporting to the City Council and the public with respect to status of administering funds, names of recipient organizations, status of expenditures, planned expenditures at risk of not being timely spent, reallocations, and other pertinent information to ensure complete transparency with regard to the City’s use of these funds; 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 executed copies of each agreement shall be filed with the City Clerk.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
Acting City Clerk and Clerk of the Council of
the City of Oakland, California