



AGENDA REPORT

TO: FRED G. BLACKWELL
INTERIM CITY ADMINISTRATOR

FROM: Sara Bedford

SUBJECT: Authorizing Signatories for State EHAPCD Legal Documents **DATE:** April 15, 2014

City Administrator
Approval

Date 4-29-14

COUNCIL DISTRICT: Citywide

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing either Fred G. Blackwell as the City Administrator or Henry L. Gardner, as the acting or interim City Administrator, to sign on behalf of the City, legal documents relating to the award of State Emergency Housing and Assistance Program Capital Development (EHAPCD) deferred loans.

EXECUTIVE SUMMARY

The City Department of Human Services has applied and received eight grants in State of California Emergency Housing and Assistance Program Capital Development (EHAPCD) funds in the amount of \$3,012,076. The funds are available for acquisition, construction, or rehabilitation of properties and sites for emergency shelters, transitional housing, or safe haven facilities for homeless persons. Six of the funded projects have been rehabilitated and are currently being used to house homeless families in transitional housing programs. The seventh project has also been completed but is awaiting the close of escrow for loan documents and other legal documents to be executed and recorded and for the City to receive the funds from the State. Architectural designs for the eighth project have been completed and documents are currently being prepared for a formal bid process to select a general contractor. This project will require an extension of the loan term in order for the project to be completed later this year. Due to recent changes in the City Administrator's office, the State is requiring the City Council to pass a new resolution authorizing a City official, by name and title, to execute the legal documents on behalf of the City.

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OUTCOME

Approval of the accompanying resolution will enable staff to close escrow on the Henry Robinson Multi-Service Center (HRMSC) EHAPCD loan and for the City to receive disbursement of \$999,998. In addition, an extension of the period for completing the rehabilitation of the Families in Transition Scattered Site (FIT/SS) single family house will provide a fully functional home for homeless families and the City will receive \$250,000 to cover the cost of the rehabilitation work.

BACKGROUND/LEGISLATIVE HISTORY

Due to the passage of Proposition 46, approximately \$31 million in EHAPCD funds have been made available by the State beginning with fiscal year 2002-2003. These funds are available as forgivable deferred loans for capital development to acquire, construct or rehabilitate sites for emergency shelters, transitional housing and safe haven facilities for homeless persons. The State of California released the Notices of Funds Availability (NOFA) for Emergency Housing and Assistance Program Capital Development (EHAPCD) Loans and each NOFA would specify application guidelines and program requirements. The maximum amount of loan funds that the City or any nonprofit agency is eligible for under the EHAPCD program is \$1,000,000. The City applied for \$999,998 for the HRMSC and \$250,000 for the FIT/SS property.

All the properties for which the City applied and received EHAPCD funds are used to provide transitional housing and supportive services to homeless families and individuals. The City contracts with local nonprofit organizations to operate the programs. These funds have been essential for the upkeep and repair of these City-owned properties as the City does not provide funds for property management. In the past, limited funding sources such as Community Development Block Grant (CDBG) funds and Federal program funds have been used to provide temporary and emergency repairs to the transitional housing facilities. The availability of EHAPCD funds for the replacement of major equipment and other operating systems has been vital to the transitional housing program.

FISCAL IMPACTS

If the Council approves of the proposed resolution, there will be minimal fiscal impact on the City. The EHAPCD loans would obligate the City to continue to use the transitional housing facilities to house the homeless for the term of the loan which is usually seven years. Although there is a risk of loan default if the transitional housing properties are used for another purpose other than housing the homeless, staff assesses the risk of default to be very low. Based on prior agreements and long-standing policy commitments to provide transitional housing for the homeless, and since no other uses of the properties have been identified or are contemplated, it is deemed unlikely that the City would decide to use the facilities for an alternate purpose and thereby incur default penalties. Defaulting on the loans will require the City to pay back the full EHAPCD loans.

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However, if the City does not approve the proposed resolution, the City funds used for the HRMSC rehabilitation and for architectural designs on the FIT/SS property will not be reimbursed by the State.

PROGRAM DESCRIPTION

City's PATH – Transitional Housing Program Strategy

EveryOne Home, Alameda County's Ten Year Plan to End Homelessness, was adopted in 2006 by Oakland and other cities in the County. An Oakland-specific action plan, the Oakland Permanent Access To Housing (PATH) Strategy, was published May 8, 2007. The Plans signaled a significant shift in homeless policy. Rather than focus resources solely on emergency and transitional housing programs, these plans called for redirecting resources towards the development of permanent supportive rental housing units and rent subsidies for the homeless and extremely low income persons, and moving people quickly into permanent supportive housing.

In addition, the City of Oakland has annually received awards under the federal process to fund the City's Families In Transition (FIT) program, the Matilda Cleveland Transitional Housing Program (MCTHP), the Homeless Families Support Network (HFSN) and the Oakland Homeless Youth Housing Collaboration. These programs provide housing to families, young adults and singles for up to twenty-four months with support services to assist them in reaching a sustainable level of self-sufficiency and, ultimately to prepare them for permanent housing. The City now provides a total of 87 units of transitional housing serving 133 single adults and 34 families and 27 units of transition-aged youth housing serving 66 singles and two families.

The rehabilitation of the transitional housing facilities using EHAPCD funds will mean that the City of Oakland and its partner agencies can continue to provide housing services that remain integral to breaking the cycle of homelessness.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach.

COORDINATION

Coordination has occurred between the Department of Human Services, the City Attorney's Office, and Budget Office in the preparation of this report and resolution.

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SUSTAINABLE OPPORTUNITIES

Economic: Integration of homeless clients into the economic mainstream reduces crime and provides economic stability for clients, their families, and the community.

Environmental: Rehabilitation of the City's transitional housing facility will bring the building in line with current code and habitability standards.

Social Equity: Through the provision of decent housing and wrap around services to homeless and re-entry populations, these clients will begin to achieve stability and prosperity and contribute positively to the community.

For questions regarding this report, please contact Susan Shelton, Community Housing Services Manager.

Respectfully submitted,



Sara Bedford, Director
Department of Human Services

COMMUNITY HOUSING SERVICES DIVISION

Reviewed by: Susan R. Shelton, Manager

Prepared by: Gladys Moore, Housing Development
Coordinator

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OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING EITHER FRED G. BLACKWELL AS THE CITY ADMINISTRATOR OR HENRY L. GARDNER, AS THE ACTING OR INTERIM CITY ADMINISTRATOR, TO SIGN ON BEHALF OF THE CITY, LEGAL DOCUMENTS RELATING TO THE AWARD OF STATE EMERGENCY HOUSING AND ASSISTANCE PROGRAM CAPITAL DEVELOPMENT (EHAPCD) DEFERRED LOANS

WHEREAS, per authorizing Resolution No. 80409 C.M.S. and Resolution No. 83552 C.M.S. passed on February 20, 2007 and September 20, 2011, respectively, the City Department of Human Services applied for Emergency Housing and Assistance Program Capital Development (EHAPCD) funds and was awarded \$999,998 for the replacement of equipment and conveyance systems in the Henry Robinson Multi-Service Center (HRMSC) and \$250,000 for the rehabilitation of a single-family house used for the Families in Transition Scattered Sites program (FIT/SS); and

WHEREAS, both facilities are City-owned properties which are used to house homeless families and individuals; and

WHEREAS, all work at the HRMSC was completed in January of this year; all required documentation submitted to the State have been approved and the State is ready to deposit legal documents into escrow to facilitate the execution of the documents and disbursement of the grant funds; and

WHEREAS, the architectural designs for the FIT/SS project are completed and documents are being prepared for a formal bid process to select a general contractor for the rehabilitation work but the Standard Agreement between the City and the State which expires on May 13, 2014, will require an extension to allow for project completion; and

WHEREAS, due to the recent changes in the City Administrator's office, the State is requiring a new resolution from the City specifying the title and name of the authorized person/officer who can sign agreements, contracts and other legal documents on behalf of the City; and

WHEREAS, the City of Oakland wishes to provide such resolution to the State in order to meet the State requirements for the EHAPCD program and to secure the loan funds; now, therefore, be it

RESOLVED: That the City Council hereby authorizes either Fred G. Blackwell as the City Administrator or Henry L. Gardner, as the acting or interim City Administrator to sign on behalf of the City, the Standard Agreement and any subsequent amendments as well as EHAPCD loan documents, including but not limited to promissory notes, deed of trust and regulatory agreements; and be it

FURTHER RESOLVED: That the City Administrator or the acting/interim City Administrator noted above is authorized to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, modifications, payment requests, and related actions which may be necessary in accordance with this resolution's basic purpose; and be it

FURTHER RESOLVED: That said agreements shall be reviewed as to form and legality by the Office of the City Attorney and copies will be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California