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Approved as to Form and Legality


Celso Ortiz (Jun 23, 2022, 13:28 PDT)

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 89310 C.M.S.

RESOLUTION:

- 1) **ACCEPTING AND APPROPRIATING AN AWARD OF UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT GRANT FUNDS IN THE AMOUNT OF \$14,878,176 FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENTS PARTNERSHIP (HOME), EMERGENCY SOLUTIONS GRANT (ESG), AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAMS FOR FISCAL YEAR 2022-2023;**
- 2) **AUTHORIZING THE CITY ADMINISTRATOR TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2022-2023;**
- 3) **APPROPRIATING \$850,000 IN REVOLVING LOAN PROGRAM INCOME AND ANY AMOUNTS COLLECTED IN EXCESS THEREOF FOR HOUSING REHABILITATION ACTIVITIES AND OTHER CDBG-ELIGIBLE ACTIVITIES AND PROJECTS;**
- 4) **AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE GRANT AGREEMENTS FOR THE FISCAL YEAR 2022-2023 CDBG, HOME, ESG, AND HOPWA PROGRAMS;**
- 5) **AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE CDBG FUTURE FUNDING RECOMMENDATIONS TO BE SUBMITTED UNDER THE 2022/2023 CDBG REQUEST FOR PROPOSALS PROCESS WITHOUT RETURNING TO COUNCIL; AND**
- 6) **AUTHORIZING THE USE OF GENERAL-PURPOSE FUNDS TO PAY CENTRAL SERVICE OVERHEAD CHARGES FOR THE EMERGENCY SOLUTIONS GRANT AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAMS**

WHEREAS, on May 13, 2022, the United States Department of Housing & Urban Development (HUD)/Community Planning & Development (CPD) announced HUD/CPD allocation of formula grants to the City of Oakland as an Entitlement Grantee in the following amounts for 2022 CPD Programs:

Community Development Block Grant (CDBG)	\$ 7,449,871
HOME Investment Partnership (HOME)	\$ 3,384,815
Housing Opportunities for Persons With AIDS (HOPWA)	\$ 3,391,991
Emergency Solutions Grant (ESG)	<u>\$ 651,499</u>
Total	<u>\$14,878,176</u>

; and

WHEREAS, Title 24, Part 91, Subpart A of the Code of Federal Regulations (24 C.F.R. 91.1, et seq.) requires the City of Oakland to prepare and submit to HUD an Annual Action Plan (AAP) consisting of the information set forth in 24 C.F.R. 91.220 in order to receive the above-noted HUD CPD funding awards; and

WHEREAS, HUD released CPD Notice 22-05 in March 2022 as guidance to CDBG, HOME, HOPWA, and ESG formula grantees for submitting Annual Action Plans (AAP) for Fiscal Year (FY) 2022/2023 including a waiver to allow for Virtual Public Hearings in preparation of the FY 2022/2023 AAP; and

WHEREAS, CPD Notice 22-05 instructs all CDBG, HOME, HOPWA and ESG grantees that Plans (AAP or Consolidated Plans) should not be submitted to HUD until sixty (60) days after the date HUD CPD allocations have been determined and announced by HUD; and

WHEREAS, per CPD Notice 22-05, all CDBG, HOME, HOPWA and ESG grantees with July 1 and August 1 program year start dates must submit the AAP to HUD by July 12, 2022 based on the May 13, 2022 HUD/CPD allocation announcement; and

WHEREAS, \$1,577,409 in CDBG funds is set-aside and recommended for the provision of legal assistance for homeless prevention, housing stability services and to support the acquisition of property to be utilized for affordable housing for unsheltered and low- to moderate-income residents of Oakland; and

WHEREAS, as an alternate option is to utilize the set aside to fund the City's Community Development District Board CDBG Request For Proposal (RFP) process at FY 2021/2022 levels for FY 2022/2023, if staff recommendation above is not accepted; and

WHEREAS, a public hearing will be held July 5, 2022 to solicit public comment on the AAP, which includes categorical allocation of CDBG, HOME, HOPWA, ESG, and Revolving Loan Program Income (RLF/PI) funds for Fiscal Year FY 2022/2023; and,

WHEREAS, the Residential Lending/Rehabilitation Division of the City’s Department of Housing & Community Development expects to collect \$850,000 in Revolving Loan Program Income from loan fees and payments under the City’s CDBG-funded Residential Lending and Housing Rehabilitation Program; and

WHEREAS, said Revolving Loan Program Income is utilized and reported annually to HUD as leveraging for CDBG funds awarded to the City; and

WHEREAS, staff recommends and seeks approval to use RLF/PI collected that is in excess of the anticipated \$850,000 and deposited into Fund 2108; Organization 88939, Project (Various), be used for housing rehabilitation activities and other CDBG-eligible activities, including but not limited to *CDBG Backup Activities* authorized under Oakland City Council Resolution No.88710 – *The First Amendment To the City Of Oakland Five Year Consolidated Plan For FY 2020/2021 – 2024/2025*; and

WHEREAS, not more than 7.5 percent of ESG funds awarded and not more than 3 percent of HOPWA funds awarded to the City may be used to cover grantee (the City’s) administration costs; and

WHEREAS, the limited ESG and HOPWA grantee administrative funds are necessary to cover personnel and operations costs for the Community Housing Services (CHS) Division of the Human Services Department, payment of Central Services Overhead (CSO) may cause CHS to exceed the 7.5 percent and 3 percent caps mandated by ESG and HOPWA grants; now therefore be it

RESOLVED: That the City Council hereby accepts and appropriates CDBG, HOME, HOPWA, and ESG funding for FY 2022/2023 as follows:

Community Development Block Grant (CDBG)	\$ 7,449,871
HOME Investment Partnership (HOME)	\$ 3,384,815
Housing Opportunities for Persons With AIDS (HOPWA)	\$ 3,391,991
Emergency Solutions Grant (ESG)	<u>\$ 651,499</u>
Total	<u>\$14,878,176</u>

; and be it

FURTHER RESOLVED: That the CDBG grant funds in the amount of \$7,449,871 shall be appropriated to Fund 2108 (HUD-CDBG Fund), HOME grant funds in the amount of \$3,384,815 shall be appropriated to Fund 2109 (HUD-HOME Fund), and the HOPWA and ESG grant funds in the total amount of \$4,043,490 shall be appropriated to Fund 2103 (HUD-HOPWA and HUD-ESG Fund); and be it

FURTHER RESOLVED: That the City Council hereby appropriates \$850,000 in Revolving Loan Fund Program Income to Fund 2108, to be used for housing rehabilitation services for FY 2022/2023; and be it

FURTHER RESOLVED: That the City Council hereby appropriates any Revolving Loan Program Income collected from Oakland Residential Lending/Rehabilitation Division programs that is in excess of above-noted \$850,000 to Fund 2108, and directs that any such excess funds shall be used solely for housing activities and other CDBG-eligible projects and activities, including but not limited to any backup projects authorized under Oakland City Council Resolution 88710 C.M.S., passed June 15, 2021; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to take any and all actions necessary to timely prepare and submit to HUD the City's Annual Action Plan (AAP) for FY 2022/2023 and any related documents for the purpose of securing HUD approval; and be it

FURTHER RESOLVED: That City Council hereby authorizes a contribution from the General-Purpose-Fund to be included in the City's Adopted FY 2021-23 Biennial Budget for Central Service Overhead (CSO) costs related to the HOPWA and ESG programs in amounts equivalent to the Department of Human Services FY 2022/2023-CSO costs estimated to be \$11,777 for ESG and \$15,691, for HOPWA; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into agreements with the third-party contractors and sub recipients for projects and activities as set forth in **Exhibit A** attached hereto, including \$1,577,409 in CDBG funds for homeless prevention/housing stability activities and the support of acquisition cost for affordable housing, and be it

FURTHER RESOLVED: An alternate use of the \$1,577,409 in CDBG funds, if the staff recommendation above is not accepted will be used to fund projects to be determined at a later date through the City's CDBG RFP process for the seven community development districts; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into agreements

FURTHER RESOLVED: That project numbers in **Exhibit A** for each project and activity listed is subject to change based on the availability of requested project numbers in the City's Oracle Finance System; 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 shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 5 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~MM~~ GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 7

NOES - 1 *Fp2*

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

CDBG, HOME, ESG, HOPWA 2022/23 ALLOCATIONS

Exhibit A

PROJECT	AWARDEE	Project Numbers (2022/2023 funding)*	CDBG FY 22/23	CDBG CARRY-FORWARD	REVOLVING LOAN PROGRAM	HOME	HOME CARRY-FORWARD	HOPWA	ESG	TOTAL
City of Oakland Housing & Community Development HOPWA	1 City of Oakland /Human Services Department (HSD)Request For Proposals Applicants for Alameda County Projects	1005609						\$ 2,273,487.00		\$ 2,273,487.00
City of Oakland Housing & Community Development HOPWA	2 Contra Costa County	1005609						\$ 1,016,744.00		\$ 1,016,744.00
City of Oakland Housing & Community Development HOPWA	3 City of Oakland /HSD/CHS	1005609						\$ 101,760.00		\$ 101,760.00
City of Oakland Housing and Community Development Minor Home Repair Program	4 Alameda County Healthy Homes Department	1006231	\$ 90,580.00	\$ 68,620.00						\$ 159,200.00
City of Oakland Access Improvement Project and Lead Safe Painting	5 City of Oakland HCD Residential Lending/Rehabilitation	1006235	\$ 185,755.00	\$ 254,665.91						\$ 440,420.91
Affordable Housing Funding New Construction/Rehabilitation of Affordable Rental	6 City of Oakland HCD/ Housing Development Services	1000394				\$ 338,481.00				\$ 338,481.00
Affordable Housing Funding New Construction/Rehabilitation of Affordable Rental	7 City of Oakland HCD/ Housing Development Services	1000394				\$ 3,046,334.00				\$ 3,046,334.00
Emergency Home Repair Program & Home Maintenance & Improvement	8 City of Oakland HCD Residential Lending/Rehabilitation	1006234 CDBG 1006236 (RLPI)	\$ 69,891.00		\$ 850,000.00					\$ 919,891.00
Department of Human Services/ EOCP Shelter Operation	9 East Oakland Community Project	1005715	\$ 158,244.00							\$ 158,244.00
Department of Human Services/ Admin	10 Community Housing Services Administration	1005590	\$ 495,462.00							\$ 495,462.00
Department of Human Services/ Program Delivery	11 Community Housing Services Program Delivery	1005592	\$ 240,327.00							\$ 240,327.00
Department of Human Services/ PATH Set Aside	12 Community Housing Services PATH 3rd Party Agreements	1005594	\$ 246,772.00							\$ 246,772.00
City of Oakland Business Assistance	13 Economic Workforce Development	1006328	\$ 310,858.00							\$ 310,858.00
City of Oakland HCD Fair Housing	14 East Bay Community Law Center	1006230	\$ 261,476.00							\$ 261,476.00
City of Oakland HCD Fair Chance Ordinance	15 To Be Determined	1006448	\$ 90,000.00							\$ 90,000.00
Affordable Housing Funding New Construction/Rehabilitation of Affordable Rental	16 City of Oakland HCD/ Housing Development Services - Affordable Housing 95th/International	1004668					\$ 1,433,821.00			\$ 1,433,821.00
Affordable Housing Funding New Construction/Rehabilitation of Affordable Rental	17 City of Oakland HCD/ Housing Development Services- Affordable Housing Acora Place	1004439					\$ 2,371,571.00			\$ 2,371,571.00
Affordable Housing Funding New Construction/Rehabilitation of Affordable Rental	18 City of Oakland HCD/ Housing Development Services - Affordable Housing Aurora Apartments	1004673					\$ 200,000.00			\$ 200,000.00
Code Compliance Relocation Program	19 City of Oakland HCD/Community Development Engagement	1006447	\$ 262,000.00							\$ 262,000.00
AntiDisplacement Info and Referral - CDE Supervisor	20 City of Oakland HCD/Community Development Engagement	1005477	\$ 230,000.00							\$ 230,000.00
Rehabilitation Program Delivery	21 City of Oakland HCD/Res. Lending - Rehabilitation	1006241	\$ 785,826.00							\$ 785,826.00

CDBG Program Administration	22	City of Oakland Community Development & Engagement	1006242	\$ 742,623.00							\$ 742,623.00
CDBG Program Delivery	23	City of Oakland Community Development & Engagement	1006242	\$ 601,635.00							\$ 601,635.00
Earthquake Safe Homes Program (1-4 units)	24	City of Oakland/HCD Seismic Retrofit	1006252, 1000523 (Carry forward)	\$ 20,000.00	\$ 76,000.00						\$ 96,000.00
Safer Housing for Oakland Program (25	City of Oakland/HCD Seismic Retrofit	1006253, 1000532 (Carry forward)	\$ 125,000.00	\$ 125,000.00						\$ 250,000.00
Commercial Lending	26	Main Street Launch	1006233	\$ 300,000.00							\$ 300,000.00
Housing Stability/Housing Related Legal and Rental Assistance*	27	Various external agencies	1006449	\$ 656,013.00							\$ 656,013.00
Alternative #1: Housing prevention, housing related legal service and acquisition for affordable housing	28	City of Oakland/HCD Protection and Preservation	1006239	\$ 1,577,409.00							\$ 1,577,409.00
PATH ESG Admin	29	City of Oakland /HSD/CHS	1005599							\$ 48,862.43	\$ 48,862.43
PATH ESG Grant Agreements	30	City of Oakland /HSD/CHS	1005594							\$ 602,636.57	\$ 602,636.57
		Totals		\$ 7,449,871.00	\$ 524,285.91	\$ 850,000.00	\$ 3,384,815.00	\$ 4,005,392.00	\$ 3,391,991.00	\$ 651,499.00	\$ 20,257,853.91
Alternative #2 to line 28. Community Development District Request For Proposals or City Recommended.	28	Various City and external agencies selected by the 7 CD District Boards	1006239	\$ 1,577,409.00							\$ 1,577,409.00