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City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING THE ADMINISTRATION OF EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP) FUNDS; AND (2) TAKE ALL STEPS NECESSARY FOR THE ERAP FUNDS ALLOCATED BY THE STATE TO SERVE OAKLAND TENANTS AND RENTAL PROPERTY OWNERS TO BE ADMINISTERED BY THE STATE THROUGH ITS CONTRACTORS: HORNE LLP AND THE LOCAL INITIATIVES SUPPORT CORPORATION**

**WHEREAS**, Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) established the federal Emergency Rental Assistance Program (ERAP) and authorized the direct allocation of 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**, the City of Oakland received a direct allocation of said ERAP funds from the U.S. Treasury in the amount of \$12,874,764, which funds were accepted by the City and awarded in grants to various non-profits to administer rental assistance programs to Oakland tenants in accordance with the Keep Oakland Housed Program (Resolution #88520 CMS); and

**WHEREAS**, the State of California also received a direct allocation of ERAP funds from the US Treasury Department in the amount of \$1.2 billion and a proportional share of said funds in the amount of \$13,856,365 was allocated by the State to serve Oakland tenants and rental property owners (State allocation); and

**WHEREAS**, Senate Bill No. 91 (“SB 91”) was signed into law on January 29, 2021, establishing the State’s program for administering its allocation of ERAP funds and the State engaged Horne LLP and the Local Initiatives Support Corporation (LISC) to implement the statewide rental assistance program.

**WHEREAS** SB 91 provided three options for State allocatees to choose from: (1) City remits its direct allocation to the State to be administered by Horne LLP and LISC along with State

allocation in accordance with State regulations; (2) City receives State allocation and administers both direct allocation and State allocation in accordance with State regulations; and (3) City administers its direct allocation in accordance with City regulations and Horne LLP and LISC administer State allocation in accordance with State Regulations; and

**WHEREAS**, on February 2, 2021, staff recommended and the City Administrator approved Option 3. This option will facilitate the City moving forward with the continuation and expansion of the successful Keep Oakland Housed Program model with the City’s direct allocation of \$12,874,764, while ensuring the State allocation of \$13,856,365 is dedicated to City tenants and rental property owners using the State model administered by Horne LLP and LISC; and

**WHEREAS**, the City must act quickly to meet the significant financial needs of households impacted by the COVID-19 pandemic; and

**WHEREAS**, as a prerequisite to the implementation of the State rental assistance program, the City must enter into a Memorandum of Understanding with the State Department of Housing and Community Development regarding the administration of both the direct allocation and the State allocation to prevent the duplication of assistance; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator or designee to enter into a Memorandum of Understanding with the State Department of Housing and Community Development regarding the administration of ERAP funds; and be it

**FURTHER RESOLVED:** that the City Council authorizes the City Administrator or designee to take all steps necessary for the ERAP funds allocated by the State to serve Oakland tenants and rental property owners to be administered by the State through its contractors: Horne LLP and LISC.

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