

  
City Attorney's Office

## OAKLAND CITY COUNCIL

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

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**RESOLUTION:**

- 1) ACCEPTING AND APPROPRIATING ROUND II EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP II) FUNDS IN THE AMOUNT OF NINETEEN MILLION SIX HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED FIFTY DOLLARS AND THIRTY CENTS (\$19,644,850.30) AWARDED BY THE UNITED STATES DEPARTMENT OF THE TREASURY (U.S. TREASURY) TO THE CITY OF OAKLAND TO PROVIDE FINANCIAL ASSISTANCE, INCLUDING RENTAL ASSISTANCE, HOUSING STABILITY SERVICES AND HOUSING RELATED LEGAL SERVICES TO ELIGIBLE HOUSEHOLDS;**
- 2) AWARDING ERAP II GRANT AGREEMENTS IN A TOTAL AMOUNT NOT TO EXCEED EIGHTEEN MILLION SIX HUNDRED SIXTY-TWO THOUSAND SIX HUNDRED SEVEN DOLLARS AND SEVENTY-EIGHT CENTS (\$18,662,607.78) TO BAY AREA COMMUNITY SERVICES, BUILDING OPPORTUNITIES FOR SELF SUFFICIENCY, CATHOLIC CHARITIES EAST BAY, CENTRO LEGAL DE LA RAZA, EAST BAY ASIAN LOCAL DEVELOPMENT CORPORATION, EAST OAKLAND COMMUNITY DEVELOPMENT CORPORATION, EVICTION DEFENSE CENTER, AND SAFE PASSAGES FOR THE PROVISION OF RENTAL ASSISTANCE TO ELIGIBLE HOUSEHOLDS;**
- 3) AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ALL STEPS NECESSARY FOR THE CITY TO RECEIVE THE ERAP II FUNDS AWARDED BY THE U.S. TREASURY, INCLUDING BUT NOT LIMITED TO, SIGNING AND SUBMITTING THE U.S. TREASURY ACCEPTANCE OF AWARD TERMS FORM, WITHOUT RETURNING TO COUNCIL;**

- 4) AUTHORIZING THE CITY ADMINISTRATOR TO SELECT ADDITIONAL ERAP II FUND SUB-RECIPIENTS AND TO AWARD GRANT AGREEMENTS TO SAID SUB-RECIPIENTS FOR THE PROVISION OF FINANCIAL ASSISTANCE, INCLUDING RENTAL ASSISTANCE, HOUSING STABILITY SERVICES AND HOUSING RELATED LEGAL SERVICES TO ELIGIBLE HOUSEHOLDS WITHOUT RETURNING TO COUNCIL; AND**
- 5) AUTHORIZING THE CITY ADMINISTRATOR TO AMEND GRANT AGREEMENTS AWARDED PURSUANT TO THIS RESOLUTION TO REALLOCATE FUNDING BETWEEN GRANTEEES AND MODIFY THE AMOUNT OF THE GRANT AGREEMENTS ACCORDINGLY WITHOUT RETURNING TO COUNCIL, IF NECESSARY, TO ENSURE TIMELY EXPENDITURE OF ERAP II FUNDS.**

**WHEREAS**, Section 501 of Division N of the Consolidated Appropriations Act, 2021 appropriated \$25 billion in Emergency Rental Assistance Program (ERAP) 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 received \$12,874,764 in Round One ERAP (ERAP I) funds in January 2021, said funds were allocated in City Council Resolution No. 88520 C.M.S. passed on February 16, 2021 and Resolution No. 88520 C.M.S., passed on July 6, 2021; and

**WHEREAS**, in May of 2021, the City successfully applied for a second tranche of ERAP funds, resulting in an award of \$19,644,850.30 in Round Two ERAP (ERAP II) funds to the City of Oakland from the U.S. Treasury to provide assistance to eligible households; and

**WHEREAS**, as a prerequisite to receiving the ERAP II funds, the City must sign and submit an acceptance of award terms form; and

**WHEREAS**, no less than 90% of the ERAP 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 ERAP II funds will remain available for expenditure only through September 30, 2025, and any ERAP II funds that are not spent by September 30, 2025 must be repaid to the U.S. Treasury; and

**WHEREAS**, the City must act quickly not only to ensure timely expenditure of the ERAP II funds but also to address the significant financial needs of households impacted by the COVID-19 pandemic and eagerly awaiting financial assistance; and

**WHEREAS**, as of July 12, 2021, the City, in partnership with Oakland non-profit agencies, has successfully deployed over \$5.3 million to property owners and other payees to pay past due

and some prospective rent and utilities to housing and utility providers, benefitting 587 households. Of the 587 assisted households, approximately 40% or 233 are Black, and 28% or 163 assisted households are Latinx; and

**WHEREAS,** City staff has identified multiple nonprofit agencies to provide direct rental assistance and the services needed to ensure long term housing stability for Oakland’s most vulnerable residents; 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 ERAP II 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 \$19,644,850.30 in ERAP II 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 takes all steps necessary to receive the ERAP II funds, including, but not limited to, signing and submitting the required acceptance of award terms form; and be it ·

**FURTHER RESOLVED:** That the \$19,644,850.30 in ERAP II 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 “Total Grant” amounts to provide direct rental assistance to eligible households and housing stability services as specified in Section 501 of Division N of the Consolidated Appropriations Act. 2021

<b>Proposed ERAP II Grants by Community Partner</b>	<b>Direct Rental Assistance Award</b>	<b>Admin (10% Program Delivery Fee)</b>	<b>Total Grant</b>
Bay Area Community Services (BACS)	\$5,400,000.00	\$600,000.00	\$6,000,000.00
Catholic Charities East Bay	\$3,600,000.00	\$400,000.00	\$4,000,000.00
Centro Legal de La Raza	\$2,250,000.00	\$250,000.00	\$2,500,000.00
Eviction Defense Center	\$2,250,000.00	\$250,000.00	\$2,500,000.00

Safe Passages	\$999,000.00	\$111,000.00	\$1,110,000.00
East Bay Asian Local Development Corporation (EBALDC)	\$999,000.00	\$111,000.00	\$1,110,000.00
Building Opportunities for Self Sufficiency (BOSS)	\$999,000.00	\$111,000.00	\$1,110,000.00
East Oakland Community Development Corporation (EOCDC)	\$299,347.00	\$33,260.78	\$332,607.78
<b>Total Community Partner Grants</b>	<b>\$16,796,347.00</b>	<b>\$1,866,260.78</b>	<b>\$18,662,607.78</b>
City of Oakland Administration 5%		\$982,242.52	\$982,242.52
<b><i>Total ERAP II Program Budget</i></b>	<b><i>\$16,796,347.00</i></b>	<b><i>\$2,848,503.30</i></b>	<b><i>\$19,644,850.30</i></b>

; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to select grantees and award additional grants using ERAP II 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 pursuant to this resolution to reallocate funding between grantees and modify the amount of the grant agreements accordingly without returning to council, if necessary, to ensure timely expenditure of ERAP II 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  
City Clerk and Clerk of the Council of the City  
of Oakland, California