

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY OF SAN JOSE'S PARTICIPATION IN THE STATE OF CALIFORNIA'S EMERGENCY RENTAL ASSISTANCE PROGRAM ROUND TWO ("ERA2") USING U.S. TREASURY EMERGENCY RENTAL ASSISTANCE FUNDS, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A STANDARD AGREEMENT FOR PARTICIPATION IN THE ERA2 PROGRAM AND ANY AMENDMENTS, REVISIONS AND NECESSARY DOCUMENTS TO EFFECTUATE THE AGREEMENT, ACCEPT A GRANT IN THE AMOUNT OF \$1,088,336 OF ERA2 FUNDS, AND SUBMIT AN APPLICATION TO LOCAL INITIATIVES SUPPORT CORPORATION TO BECOME A LOCAL PARTNER NETWORK FOR THE STATE'S ERA PROGRAM

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (Pub.L. No. 117-2) ("ARPA") was signed into law, and Section 3201 of Subtitle B of Title III of ARPA established the federal Emergency Rental Assistance Program ("ERA2") and authorized the direct allocation of funds to states, the District of Columbia, units of local government, territories, and high-need grantees; and

WHEREAS, the ERA2 funds are intended to assist low-income households that have experienced financial hardship during or due to the COVID-19 pandemic, are unable to pay for rent and utilities, and are at risk of experiencing homelessness or housing instability; and

WHEREAS, California Assembly Bill No. 832 (2021-2022 Reg. Sess.) ("AB 832") established the State of California's ("State") program for administering its share of ERA2 funds (the "State Rental Assistance Program – Round 2," "SRA2," or "SRA2 Funds"), and authorizes the Department of Housing and Community Development ("Department") to administer the SRA2 Funds in accordance with state and federal law; and

WHEREAS, pursuant to Section 3201 of Subtitle B of Title III of ARPA, the U.S. Department of the Treasury (“Treasury”) will allocate ERA2 funds to the City of San José (“City”) (this allocation, and any and all additional tranches thereof, the City’s “ERA2 Allocation”); and

WHEREAS, pursuant to AB 832, the Department will apportion a share of the SRA2 Funds to the City (this amount, and any and all additional tranches thereof, the City’s “Proportionate SRA2 Share”); and

WHEREAS, the City intends and agrees that the Department will (1) receive and administer the City’s ERA2 Allocation for and on behalf of the City, and (2) administer the City’s Proportionate SRA2 Share, pursuant to Health and Safety Code section 50897.3.1, subdivision (b)(3); and

WHEREAS, in accordance with Section 3201(d)(1)(C) of ARPA, the Department will use ERA2 funds to provide the City with a grant, which the City shall use to pay any costs it incurs, beginning on March 11, 2021, to support and benefit the State Rental Assistance Program – Round 2 (such costs, the City’s “Supplemental Administrative Costs”); and

WHEREAS, the City desires to accept \$1,088,336 in ERA2 Funds and authorize the City Manager to negotiate and execute a Department-approved STD 213, Standard Agreement (“Standard Agreement”) with the State and all documents necessary to effectuate the Department’s receipt and administration of the City’s ERA2 Allocation;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City of San José is hereby authorized to participate in the State of California's Emergency Rental Assistance Program Round Two using U.S. Treasury Emergency Rental Assistance funds, and to make any necessary arrangements to effectuate the Department of Housing and Community Development's receipt of the City's ERA2 Allocation for the purpose of administering it for and on behalf of the City.
2. The City Manager is hereby authorized to negotiate and execute a Standard Agreement with the State for the City's participation in the State ERA2 Program, including any amendments and revisions to said agreements and any necessary documents to effectuate the agreement, whether under State or Federal law, to govern the administration of the City's ERA2 allocation for and on behalf of the City.
3. The City Manager is hereby authorized to accept a grant from the Department in the amount of \$1,088,336 of ERA2 Funds (not to exceed 3% of City's ERA2 award) from the State to fund the City's administrative and program outreach costs (Supplemental Administrative Costs).
4. The City Manager is hereby authorized to submit an application to Local Initiatives Support Corporation, the State's ERA program contracted implementer, to become a local partner network for the State's ERA Program in order to receive funding to continue local outreach and assistance.
5. The City of San José acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk