

AUTHORIZING RESOLUTION

Resolution No.:

**A RESOLUTION OF THE GOVERNING BODY OF COUNTY OF SAN MATEO
AUTHORIZING PARTICIPATION IN THE STATE RENTAL ASSISTANCE PROGRAM –
ROUND 2**

WHEREAS:

- A. On March 11, 2021, the American Rescue Plan Act of 2021 (Pub.L. No. 117-2) (“**ARPA**”) was signed into law. 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. 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.
- B. California Assembly Bill No. 832 (2021-2022 Reg. Sess.) (“**AB 832**”) established the State of California’s program for administering its share of ERA2 funds (the “**State Rental Assistance Program – Round 2,**” “**SRA2,**” or “**SRA2 Funds**”). AB 832 amended Sections 50897, 50897.1, 50897.2, 50897.3, and 50897.4 of, and added Sections 50897.2.1 and 50897.3.1 to, the Health and Safety Code. Health and Safety Code section 50897.1, subdivision (a)(1) authorizes the Department of Housing and Community Development (the “**Department**”) to administer the SRA2 Funds in accordance with state and federal law.
- C. 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 County of San Mateo (“**Locality**”) (this allocation, and any and all additional tranches thereof, the Locality’s “**ERA2 Allocation**”).
- D. Pursuant to Health and Safety Code section 50897.2.1, subdivision (a)(3), the Department will apportion a share of the SRA2 Funds to Locality (this amount, and any and all additional tranches thereof, the Locality’s “**Proportionate SRA2 Share**”).
- E. Locality intends and agrees that the Department will **(1)** receive and administer the Locality’s ERA2 Allocation for and on behalf of Locality; and **(2)** administer the Locality’s Proportionate SRA2 Share.
- F. The Department will administer the Locality’s ERA2 Allocation and Proportionate SRA2 Share pursuant to Health and Safety Code section 50897.3.1, subdivision (b)(3).
- G. Furthermore, in accordance with Section 3201(d)(1)(C) of ARPA, the Department will use ERA2 funds to provide Locality with a grant, which Locality 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 Locality’s “**Supplemental Administrative Costs**”).

THEREFORE, IT IS RESOLVED THAT:

- 1. Locality is hereby authorized and directed to make any necessary arrangements to effectuate the Department’s receipt of Locality’s ERA2 Allocation for the purpose of administering it for and on behalf of Locality.
- 2. Locality is hereby authorized and directed to accept a grant from the Department, in an amount not to exceed \$802,800.72, which grant shall be used to pay Locality’s Supplemental Administrative Costs.

3. Locality is hereby authorized and directed to enter into, execute, and deliver any and all documents (and amendments thereto) that are required or deemed necessary or appropriate UNDER STATE OR FEDERAL LAW to govern the Department's administration of the Locality's ERA2 Allocation for and on behalf of the Locality, as well as the Locality's acceptance of a grant for payment of its Supplemental Administrative Costs (collectively, the "**SRA2 Documents**"). Such SRA2 Documents shall include a Department-approved STD 213, Standard Agreement in a total amount not to exceed \$80,280,07.17 (the "**Standard Agreement**"), and all amendments thereto.
4. Locality acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement.
5. Ken Cole, Director of San Mateo County Human Services Agency, is authorized to execute the SRA2 Documents on behalf of the Locality for participation in the State Rental Assistance Program – Round 2.

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

AYES:_____ NAYES:_____ ABSTAIN:_____ ABSENT:_____

The undersigned, Sukhmani Purewal, Assistant Clerk of the Board of Locality, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.

SIGNATURE:

DATE:

NAME:

TITLE:

NOTICE AND INSTRUCTIONS

1. **Notice.** The Department is providing this template Authorizing Resolution as informational guidance only. The Department encourages each Locality to consult with professional legal counsel during the development of its own formal, legally binding resolution for participation in the State Rental Assistance Program – Round 2.
 - a. Please note, however, that any limitations or conditions on the authority of the signatory or signatories to execute the SRA2 Documents may result in the Department rejecting the Locality’s authorizing resolution.
2. **Accuracy, Verification.** The Department will verify that the Locality’s authorizing resolution comports with the legal authority and composition of the Locality’s governing body. Locality must timely notify the Department, in writing, of any factors that limit its ability to provide an authorizing resolution which is materially in line with this template.
3. **Dollar Amounts of Standard Agreements.** The Department recommends identifying an authorized Standard Agreement amount that is at least 3 percent of the Locality’s total anticipated ERA2 Allocation (based on the U.S. Department of the Treasury’s published allocation tables). If the Standard Agreement amount will exceed the amount authorized in the Locality’s resolution, the Department will require a new authorizing resolution from the Locality.
4. **Authorized Signatory or Signatories, Designee.** Locality may designate an authorized signatory by title only. In addition, the Locality may authorize multiple signatories, so long as there is clarifying language as to whether the signatories are authorized to execute the SRA2 Documents individually or collectively. In addition, the Locality may authorize a designee of the authorized signatory to execute the SRA2 Documents. In such case, the Locality must append a supporting document (e.g., memorandum, meeting notes of official action), which indicates the name and title of the designee who is authorized to legally bind the governing body.
5. **Vote Count.** Please fill out the field by every voting category (i.e., Ayes, Nays, Abstain, Absent). If none, please indicate zero (0) for that field. The vote count must comport with the legal authority and membership of the Locality’s governing body.
6. **Certification of Authorizing Resolution.** The individual who certifies the authorizing resolution (i.e., the attester) cannot also be authorized to execute the SRA2 Documents on behalf of the Locality.