

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION: A) AUTHORIZING THE CONTRIBUTION OF \$500,000 IN FEDERAL CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT FUNDS, OR OTHER FUNDS AS DETERMINED BY THE COUNTY MANAGER, TO A PROGRAM ADMINISTERED BY THE INSTITUTE ON AGING SAN FRANCISCO FOR THE PROVISION OF RENT ASSISTANCE GRANTS TO RESIDENTS OF RESIDENTIAL CARE FACILITIES FOR ELDERLY IN SAN MATEO COUNTY WHO ARE UNABLE TO PAY BACK RENT OR CURRENT OR FUTURE RENT DUE THROUGH DECEMBER 30, 2020 IN ORDER TO PREVENT EVICTION AND RESULTING HOMELESSNESS AND MINIMIZE THE RISK OF INFECTION AND DEATH DUE TO COVID-19 (RCFE RENT ASSISTANCE PROGRAM); AND B) AUTHORIZING THE COUNTY MANAGER, OR DESIGNEE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH INSTITUTE ON AGING SAN FRANCISCO FOR THE ADMINISTRATION AND DISBURSEMENT OF \$457,604 IN GRANTS FROM THE RCFE RENT ASSISTANCE PROGRAM AND AN ADMINISTRATIVE FEE OF \$42,396 FOR A TOTAL AMOUNT NOT TO EXCEED \$500,000 FOR A TERM OF NOVEMBER 17, 2020 THROUGH DECEMBER 30, 2020

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”) and the Board of Supervisors has ratified and extended this local health emergency, which remains in effect throughout San Mateo County; and

WHEREAS, on March 3, 2020, and pursuant to Section 8630 of the California Government Code and Chapter 2.46 of the San Mateo County Ordinance Code, the San Mateo County Director of Emergency Services proclaimed a local emergency throughout San Mateo County related to COVID-19 and the Board has ratified and extended the proclamation of a local emergency (“Local Emergency”), which remains in effect; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency related to COVID-19 (“State of Emergency”), effective throughout the State of California; and

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space; and

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directed all individuals living within San Mateo County to shelter in their place of residence (“Original Shelter-in-Place Order”), and authorized individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Original Shelter-in Place-Order; and

WHEREAS, several times since March 16, 2020, and most recently, on June 4, 2020, the Health Officer issued revised Shelter-in-Place Orders extending the Original Shelter-in-Place Order due to evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, which, imposed a Statewide Shelter-In-Place Order requiring individuals to remain in their places of residence except as needed to maintain continuity of operations of critical infrastructure, access necessities such as food, prescriptions and healthcare, or engage in other authorized activities; and

WHEREAS, on May 8, 2020, Governor Newsom announced a plan to allow the limited reopening of some businesses beyond those in the category of essential critical infrastructure, which is part of the "Resilience Roadmap" for California, the multiphase plan to modify the Statewide Shelter-In-Place Order; and

WHEREAS, on June 16, 2020, the State approved the County's request for a variance allowing the County to align with the Resilience Roadmap for California; and

WHEREAS, on June 17, 2020, the Health Officer rescinded the June 4, 2020 revised Shelter-in-Place Order and replaced it, effective immediately, with a new order aligning the County with the Statewide Shelter-in-Place Order/Resilience Roadmap, emphasizing individual behavior and the practices that businesses must follow as they resume operations, including limiting gatherings to no more than 50 people, outlining social distancing and face covering requirements, allowing for social bubbles, and requiring businesses to implement a social distancing protocol and written health and safety plans, based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area and the Health Officer will continue to update San Mateo County orders to align with State guidelines; and

WHEREAS, as the State and County continue with reopening, the number of identified COVID-19 cases continues to grow; in fact, as of November 11, 2020, there were 994,000 positive COVID-19 cases in California, as well as 18,073 people in the State who have died of COVID-19 causes, as well as 12,049 COVID-19 cases and 165 deaths in San Mateo County and, as COVID-19 cases continue to increase, the Governor has ordered the closure of some businesses that had been permitted to reopen; and

WHEREAS, while the long-term societal and economic impacts of COVID-19 will not be known for some time, the continuing direct impacts to the local San Mateo County community have already been substantial, as residents throughout the County are confronting continuing and substantial income loss due to business and school closures, corresponding layoffs or loss of work hours and wages, and extraordinary out-of-pocket medical expenses; and

WHEREAS, residents of Residential Care Facilities for Elderly ("RCFEs"), which are board and care homes for individuals age 60 and older that are licensed by State of

California Department of Social Services, Community Care Licensing Division, have not been spared the impacts of COVID-19; and

WHEREAS, rents at RCFEs can be costly, especially given that Medi-Cal does not cover these costs; and

WHEREAS, according to California Advocates for Nursing Home Reform, the average monthly rental cost for RCFEs in California is over \$3,000, with costs ranging from a low of around \$900 per month for a resident on Supplemental Security Income to over \$5,000 per month for private pay residents; and

WHEREAS, RCFE costs in San Mateo County are even higher than the State averages, and according to data from the Ombudsman Services of San Mateo County Inc. (the “Ombudsman”), which works to ensure the protection of residents of long-term care facilities in the County through advocacy, direct intervention and education in collaboration with service providers, RCFE monthly rents in the County range from \$4,000 to as high as \$8,000; and

WHEREAS, although many RCFE residents receive monthly Social Security Income, such benefits, which can range from \$1,500 to \$2,500, often fall far short of covering the total cost of rent; and

WHEREAS, according to the Ombudsman, potential eviction of residents of RCFEs due to an inability to pay rent has become a growing concern in the County, particularly now there is dearth of alternative housing arrangements for these residents and the COVID-19 public health emergency continues; and

WHEREAS, the Center for Disease Control and Prevention (the “CDC”) has determined that older adults are at the highest risk for being infected by or dying from COVID-19; and

WHEREAS, the CDC has found that there are also other factors that increase the risk for developing severe illness from COVID-19, including having underlying medical

conditions, and that people experiencing unsheltered homelessness may be at greater risk for infection when there is community spread of COVID-19; and

WHEREAS, therefore, upon eviction, RCFE residents either face the specter of homelessness and a heightened risk of infection and death due to COVID-19 based on their advanced age, having underlying health conditions and being unsheltered, or acute care hospitalization, which would then reduce hospital capacity for admitting patients infected with COVID-19 or suffering from COVID-19 related complications; and

WHEREAS, for these reasons, the creation of an RCFE rent assistance program to support residents of RCFEs in the County who are experiencing housing insecurity during the COVID-19 pandemic (“RCFE Rent Assistance Program”) is critical; and

WHEREAS, staff identified several potential partners to establish and administer the RCFE Rent Assistance Program for RCFE residents in the County substantially impacted by housing insecurity during the COVID-19 pandemic; and

WHEREAS, Institute on Aging San Francisco (“IOA”) was chosen based on its experience providing support to seniors and adults with disabilities in the County and its existing relationships with service providers and community partners and local agencies engaged in similar work, including the Ombudsman, Health Plan of San Mateo, County Behavioral and Health Recovery Services, and County Aging and Adult Services; and

WHEREAS, to qualify under the RCFE Rent Assistance Program, an applicant must (1) be a resident of an RCFE in San Mateo County; (2) be unable pay outstanding rent or be unable to pay current or future rent due through December 30, 2020 such that the applicant is at risk of eviction; and (3) upon eviction, the applicant would be homeless and consequently, at heightened risk of infection or death due to COVID-19; and

WHEREAS, IOA will develop an application form for the RCFE Rent Assistance Program based on the above eligibility requirements, and review and approve the eligibility of each applicant; and

WHEREAS, IOA will maintain records that establish eligibility for each applicant served, including required documentation and forms to verify residency, inability to pay rent such that applicant is at risk of eviction, COVID-19-related impact upon eviction, and the vendor to whom payment is made on behalf of the eligible applicant; and

WHEREAS, through the application form, IOA will also gather demographic information on potential rent assistance grant recipients, including their age, the name and address of their RCFE, their preferred language, and whether the recipient is able to apply on his or her own or has a legal decision-maker (such as a power of attorney or conservator); and

WHEREAS, IOA will also conduct outreach to identify current residents who may be falling behind or are currently delinquent on rent payments to their RCFE operators by contacting RCFEs in San Mateo County, as well as community partners and local agencies, to collaboratively identify potentially-eligible RCFE residents; and

WHEREAS, following identification of RCFE residents falling behind or currently delinquent on rent payments, IOA will work with the RCFE resident and/or their legal decision-maker to complete the intake application form and will utilize its own translation services for limited English speaking or non-English speaking RCFE residents, as necessary, for translation of communications and documents in Spanish, Mandarin, and Cantonese; and

WHEREAS, for applicants who meet the eligibility criteria and documentation requirements, IOA will, subject to availability of RCFE Rent Assistance Program grant funds, issue payment in full, or in part, for delinquent rent or rent due to RCFE operators through December 30, 2020, and maintain records for all issued payments and provide final report to the County for all funding expended after the conclusion of the RCFE Rent Assistance Program on December 30, 2020; and

WHEREAS, the Board of Supervisors desires that the County make an upfront contribution of \$500,000 in CARES Act funds, or other funds as determined by the County Manager, to IOA to fund the RCFE Rent Assistance Program, \$457,604 of which will be allocated to grants for qualifying residents of RCFEs and \$42,396 for payment of administrative fees to IOA for its administration of the Program and disbursement of grant funds; and

WHEREAS, the Board recognizes that, because supporting efforts to address housing insecurity of RCFE residents in the County during the pandemic is critical and because expenses for use of CARES Act funds must be incurred by December 30, 2020, time is of the essence, and, therefore, granting the County Manager, or designee, the authority to negotiate and execute an agreement with IOA for the administration and disbursement of \$457,604 in grants from the RCFE Rent Assistance Program an administrative fee of \$42,396 for a total amount not to exceed \$500,000 for a term of November 17, 2020 through December 30, 2020 will allow grants to be awarded to qualifying RCFE residents at risk of eviction expeditiously so they can remain housed during the COVID-19 pandemic.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED THAT the contribution of \$500,000 in federal Coronavirus Aid, Relief and Economic Security (CARES) Act funds, or other funds as determined by the County Manager, to a program administered by the Institute on Aging San Francisco is hereby authorized for the provision of rent assistance grants to residents of Residential Care Facilities for Elderly in San Mateo County who are unable to pay back rent or current or future rent due through December 30, 2020 in order to prevent eviction and resulting homelessness and minimize the risk of infection and death due to COVID-19 (RCFE Rent Assistance Program).

BE IT FURTHER RESOLVED THAT the County Manager, or designee, is hereby authorized to negotiate and execute an agreement with Institute on Aging San Francisco

for the administration and disbursement of \$457,604 in grants from the RCFE Rent Assistance Program an administrative fee of \$42,396 for a total amount not to exceed \$500,000 for a term of November 17, 2020 through December 30, 2020.

BE IT FURTHER RESOLVED that owing to the limited timeframe for expenditure of CARES Act funds, the County Manager, or the County's Manager's designee, shall, upon determination by the County Manager, be redirected to another program or programs established by the County for the distribution of CARES Act funds that have been authorized by this Board.

BE IT FURTHER RESOLVED THAT the County Manager, or designee, is hereby authorized to execute amendments to the agreement referenced above which modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate) for the agreement, and/or modify the agreement term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

* * * * *