

RESOLUTION NO.

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

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RESOLUTION: A) AUTHORIZING AND DIRECTING THE COUNTY MANAGER, OR DESIGNEE(S), TO TRANSFER BACK TO THE UNITED STATES DEPARTMENT OF THE TREASURY (“TREASURY”), ANY PORTION OF THE COUNTY’S SHARE OF FEDERAL EMERGENCY RENTAL ASSISTANCE PROGRAM (“ERA2”) ALLOCATION UNDER THE AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”) THAT THE COUNTY HAS ALREADY RECEIVED, FOR “UPSTREAMING” TO THE STATE FOR ADMINISTRATION AND DISBURSEMENT OF EMERGENCY RENTAL ASSISTANCE, ON BEHALF OF THE COUNTY, TO ELIGIBLE HOUSEHOLDS IN THE COUNTY IMPACTED BY COVID-19 UNDER THE STATE RENTAL ASSISTANCE PROGRAM – ROUND 2 ESTABLISHED UNDER ASSEMBLY BILL 832 (“SRA2”); AND B) AUTHORIZING AND DIRECTING THE COUNTY MANAGER, OR DESIGNEE(S), TO TRANSFER BACK TO THE TREASURY ANY PORTION OF THE COUNTY’S SHARE OF ERA2 “HIGH NEEDS” ALLOCATION UNDER ARPA THAT THE COUNTY HAS ALREADY RECEIVED, FOR “UPSTREAMING” TO THE STATE FOR ADMINISTRATION AND DISBURSEMENT OF EMERGENCY RENTAL ASSISTANCE, ON BEHALF OF THE COUNTY, TO ELIGIBLE HOUSEHOLDS IN THE COUNTY IMPACTED BY COVID-19 UNDER SRA2; AND C) AUTHORIZING THE COUNTY’S PARTICIPATION IN SRA2 BY APPROVING AND ADOPTING THE TEMPLATE RESOLUTION FROM THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (“HCD”) (WHICH IS INCLUDED AS ATTACHMENT A); AND D) AUTHORIZING AND DIRECTING THE COUNTY MANAGER, OR DESIGNEE KEN COLE, DIRECTOR OF HUMAN SERVICES AGENCY, ACTING IN CONSULTATION WITH COUNTY COUNSEL, TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE COUNTY, APPROPRIATE AGREEMENTS WITH THE STATE, EXECUTE OTHER FORMS AND DOCUMENTS REQUIRED BY THE STATE, AND TAKE ANY AND ALL OTHER ACTIONS NECESSARY FOR THE COUNTY TO PARTICIPATE IN SRA2, AS IMPLEMENTED BY HCD

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

WHEREAS, on December 27, 2020, the Consolidated Appropriations Act, 2021 was signed into law and established the federal Emergency Rental Assistance Program (“ERAP”), which authorized the direct allocation of emergency rental assistance funds to states, units of local governments, tribal communities, and territories; and

WHEREAS, ERAP funds are intended to assist households that are unable to pay rent and utilities due to the novel coronavirus disease (COVID-19) pandemic; and

WHEREAS, on January 21, 2021, the County received from the U.S. Department of the Treasury (the “Treasury”) \$22,791,546.60 as its direct allocation of ERAP funds; and

WHEREAS, California Senate Bill No. 91 (“SB 91”), which was enacted on January 29, 2021, established the State of California’s program for administering its share of ERAP funds (the “State Rental Assistance Program,” “SRAP,” or “State Rental Assistance Funds”), authorizing the State Department of Housing and Community Development (“HCD”) to administer the State Rental Assistance Funds, including the U.S. Department of the Treasury (the “Treasury”)’s allocation of ERAP funds to the State in accordance with state and federal law; and

WHEREAS, under SB 91, HCD apportioned \$24,529,226.48 as the County’s share of the SRAP funds; and

WHEREAS, under SB 91, as a county with a population of over 200,000 residents, the County could choose to implement the SRAP in its jurisdiction in one of several different ways, and on February 9, 2021, the Board authorized the County’s selection of “Option A,” which allowed for HCD to administer and disburse, on behalf of the County, both the County’s share of SRAP funds and its direct allocation of ERAP funds - as rental assistance, utility assistance and assistance with other permissible related housing expenses to eligible County residents; and

WHEREAS, as of September 21, 2021, SRAP has assisted a total of 1,843 households with rent and utility assistance in San Mateo County, and the total amount

requested from the SRAP in the County was \$68,884,845, with \$45,728,855 of funds obligated, and \$26,598,245 paid to date; and

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (“ARPA”) was signed into law, and authorized the direct allocation of ERA2 funds to states, the District of Columbia, units of local government, territories, and high-need grantees; and

WHEREAS, similar to ERAP funds, 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, pursuant to Section 3201 of Subtitle B of Title III of ARPA, the Treasury made an allocation of ERA2 funds to the County in the amount of \$18,033,884.10 and a “high needs” allocation of ERA2 funds in the amount of \$8,726,139.80 – a total allocation of \$26,760,023.90, and to date, the County has received 40% of its total allocation of ERA2 funds and the remaining 60% has not been remitted by the County to the Treasury; and

WHEREAS, a “high needs” allocation must be distributed to eligible grantees with a high need for assistance, such as very low-income renter households paying more than 50 percent of income on rent, living in substandard or overcrowded conditions, or who have experienced change in employment since February 2020; and

WHEREAS, California Assembly Bill 832 (“AB 832”), which was enacted on June 28, 2021, established the State’s Rental Assistance Program – Round 2 (“SRA-2”),

authorizing HCD to administer the SRA2 funds in accordance with state and federal law; and

WHEREAS, pursuant to AB 832, HCD will apportion a share of the SRA2 funds to the County, and while the County's proportionate share of SRA2 funds has not been confirmed, it may be up to three times the County's total allocation of ERA2 funds from the Treasury, which is \$80,280,071.70; and

WHEREAS, on July 20, 2021, the County Manager, on behalf of the County, submitted a Letter of Intent to HCD, at HCD's request, formally stating the County's intent to continue with Option A, which would allow for the State to administer and disburse, on behalf of the County, the County's direct allocation of ERA2 funds and its proportionate share of SRA2 funds to eligible households in the County; and

WHEREAS, prior to administering and disbursing, on behalf of the County, the County's direct allocation of ERA2 funds and proportionate share of SRA2 funds to eligible households in the County, HCD has requested that the County obtain a resolution from the Board authorizing the following: (i) a transfer back to the Treasury of any portion of the County's share of ERA2 allocation under ARPA that the County has already received, for "upstreaming" to the State for administration and disbursement of emergency rental assistance, on behalf of the County, to eligible households in the County impacted by COVID-19 under SRA-2; (ii) a transfer back to the Treasury of any portion of the County's share of ERA2 "high needs" allocation under ARPA that the County has already received, for "upstreaming" to the State for administration and disbursement of emergency rental assistance, on behalf of the County, to eligible households in the County impacted by COVID-19 under SRA2; and

(iii) participation of the County in SRA2, including the execution of agreements with the State and other forms and documents required by the State by a designated County official, through the approval and adoption of the template resolution developed and distributed by HCD; and

WHEREAS, HCD's template resolution, which is contained in Attachment A to this resolution, has been appropriately modified to include information specific to the County; and

WHEREAS, the Board's authorization of these actions will (i) enable the County to provide the State with the approvals the State needs to swiftly administer and disburse the County's total ERA2 allocation and proportionate share of SRA2 funds, on behalf of the County, as rental assistance to eligible households in the County, and (ii) allow the State to disburse a grant to the County, in the amount of three (3) percent of the County's total ERA2 allocation - \$802,800.72 which the County will expend on supplemental administrative costs to support and benefit SRA2.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the County Manager, or designee(s), is authorized and directed to transfer back to the Treasury, any portion of the County's share of federal ERA2 allocation under the ARPA that the County has already received, for "upstreaming" to the State for administration and disbursement of emergency rental assistance, on behalf of the County, to eligible households in the County impacted by COVID-19 under SRA2; and

BE IT FURTHER RESOLVED that the County Manager, or designee(s), is hereby authorized and directed to transfer back to the Treasury any portion of the County's share of ERA2 "high needs" allocation under ARPA that the County has

already received, for “upstreaming” to the State for administration and disbursement of emergency rental assistance, on behalf of the County, to eligible households in the County impacted by COVID-19 under SRA2; and

BE IT FURTHER RESOLVED that the County’s participation in SRA2 is authorized by the approval and adoption of the template resolution from HCD contained in Attachment A to this Resolution, which has been appropriately modified to reflect information specific to the County; and

BE IT FURTHER RESOLVED that the County Manager, or designee Ken Cole, Director of Human Services Agency, acting in consultation with County Counsel, is hereby authorized and directed to negotiate and execute, on behalf of the County, appropriate agreements with the State, execute other forms and documents required by the State, and take any and all other actions necessary for the County to participate in SRA2, as implemented by HCD.

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