



County of San Mateo

Inter-Departmental Correspondence

Department: HOUSING

File #: 20-444

Board Meeting Date: 6/30/2020

Special Notice / Hearing: 10-day notice met
Vote Required: Majority

To: Honorable Board of Supervisors

From: Raymond Hodges, Director, Department of Housing

Subject: Amendments to incorporate CARES Act provisions into the County of San Mateo Community Participation Plan and the County of San Mateo FY 2018-22 Consolidated Plan

RECOMMENDATION:

Public hearing regarding the amendment to incorporate CARES Act provisions into the County of San Mateo Community Participation Plan:

- A) Open public hearing
- B) Close public hearing
- C) Adopt a resolution:
 - 1. Approving an amendment to the County of San Mateo Community Participation Plan to a) expedite the public comment period to a minimum of 10 days and establish an additional process and standards for amending Consolidated Plans and Annual Action Plans under extenuating circumstances and/or declarations of emergency; and b) enable the Department of Housing to use virtual meetings under extenuating circumstances, all in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws; and
 - 2. Approving an amendment to the County of San Mateo FY 2018-2022 Consolidated Plan to include CARES Act funding, in amounts not to exceed \$1,570,637 of CDBG-CV funds and \$799,531 in ESG-CV funds.

BACKGROUND:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020, provided up to \$5 billion in supplemental funding to states and local governments through

Community Development Block Grants Coronavirus (CDBG-CV), Emergency Solutions Grants Coronavirus (ESG-CV), and other funding programs. From this amount, the U.S. Department of Housing and Urban Development (HUD) immediately allocated \$2 billion based on the fiscal year 2020 CDBG and ESG formulas. On April 2, 2020, HUD made the first special allocation to the County of San Mateo Department of Housing (DOH) in the amount of \$1,570,637 in CDBG-CV funds and \$799,531 in ESG-CV funds to be used to prevent, prepare for, and respond to the coronavirus pandemic (COVID-19). The remaining \$3 billion will be allocated based on needs and at the discretion of the HUD Secretary.

HUD requires that the County submit a Consolidated Plan (Con Plan) every five years as a condition of receiving federal funds. The Con Plan describes the jurisdiction's community development priorities and multiyear goals based on an assessment of housing and community development needs, an analysis of housing and economic market conditions and available resources. Substantial changes in program activities, goals, or funding levels that occur within that 5-year period necessitate a formal amendment to the Con Plan so that it reflects the most current information. The County's current Con Plan covers the period running from FY 2018 through FY 2022. The special allocation of CARES Act funds within this Con Plan cycle requires an amendment to the County's current Con Plan to acknowledge CDBG-CV and ESG-CV as funding sources.

Further, in order to ensure consistent and transparent processes to promote public participation in funding decisions, HUD requires that the County maintain a Community Participation Plan to administer federal programs such as CDBG and ESG. However, due to the difficulties in complying with some aspects of the public noticing process specified in that Community Participation Plan while the local Shelter-in-Place Orders are in effect, and to enable jurisdictions to expeditiously use funds to prevent, prepare for, and respond to coronavirus, HUD is waiving certain public participation requirements or providing alternative procedures. HUD has provided that, in the event of extenuating circumstances and/or declaration(s) of a state of emergency, DOH may conduct an expedited 10-day public comment period rather than the standard 30-day period. HUD has also confirmed that jurisdictions may fulfill public meeting requirements with virtual meetings rather than in-person meetings. Amending the procedures and policies in the Community Participation Plan requires Board approval.

DISCUSSION:

The CARES Act authorized the HUD Secretary to grant waivers and alternative requirements of statutes and regulations in connection with the use of CDBG-CV and ESG-CV funds. On April 15, 2020, DOH was approved to utilize the following two waivers related to the CDBG/HOME/ESG Program Consolidated Planning Requirements:

- Citizen Participation Public Comment Period for Consolidated Plan Amendment
- Citizen Participation Reasonable Notice and Opportunity to Comment.

In accordance with HUD guidance to apply these waivers, the County must take the following actions:

- Amend the Community Participation Plan to:
 - Provide a new procedure for all amendments and noticing during extenuating circumstances and/or declarations of emergency
 - Provide for an expedited public comment period for amendments offered during the extenuating circumstances and/or declarations of emergency of 10 days (rather than 30

- days)
- Codify standards and requirements for holding required public meetings virtually during extenuating circumstances and/or declarations of emergency

The proposed amendment to the Community Participation Plan is provided as Attachment A to this item.

Further, an amendment to the County of San Mateo FY 2018-22 Consolidated Plan is required to include the \$1,570,637 in CDBG-CV funds and \$799,531 in ESG-CV funds.

The Board is being asked to approve and accept the amendment to the Community Participation Plan to include updated requirements and procedures given extenuating circumstances and/or declarations of emergency and to approve the amendment to the County of San Mateo FY 2018-22 Consolidated Plan to include CDBG-CV and ESG-CV funding.

County Counsel has reviewed and approved the resolution as to form.

FISCAL IMPACT:

There is no Net County Cost.