



**Contra
Costa
County**

To: Board of Supervisors
From: Monica Nino, County Administrator
Date: September 21, 2021

Subject: UPDATE ON EMERGENCY RENTAL ASSISTANCE PROGRAM AND EVICTION PROTECTIONS
ESTABLISHED BY AB 832 (CHAPTER 27, STATUTES OF 2021)

RECOMMENDATION(S):

1. ADOPT Resolution No. 2021/293 approving and authorizing the County Administrator, or designee, to enter into an agreement with the California Business, Consumer Services and Housing Agency for administration of the County's allocation of federal Emergency Rental Assistance Program 2 funds.
2. AUTHORIZE the Chair of the Board of Supervisors to sign a letter in support of a reallocation of unused federal Emergency Rental Assistance Program 1 funds by the U.S. Treasury from jurisdictions outside of California to the State of California, including for the benefit of Contra Costa County as an Option A partner in the State Emergency Rental Assistance Program.
3. RECEIVE an update on AB 832 statewide eviction protections in place effective October 1, 2021 through March 31, 2022 following the scheduled expiration of the statewide eviction moratorium on September 30, 2021.

FISCAL IMPACT:

\$71,605,012, 100% Federal. \$38,941,950 from a Federal direct allocation to the County and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **09/21/2021** ☒ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes: See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 21, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Timothy Ewell, (925)
655-2043

\$32,663,061 from a State subrecipient allocation to the County. Both sources funded by the American Rescue Plan Act. As a part of today's recommendation, the County's Federal direction allocation of ERAP 2 funds would be transferred to the State as was done with the ERAP 1 Federal direct allocation CFDA No. 21.023.

FISCAL IMPACT: (CONT'D)

Cumulatively, the County will have been allocated a total of \$147,427,324; \$75,822,311 from ERAP 1 together with \$71,605,012 (outlined above) from ERAP 2 to provide rental and utility assistance to County residents.

BACKGROUND:

Emergency Rental Assistance Program History

The Emergency Rental Assistance Program (ERAP) makes funding available to assist households that are unable to pay rent or utilities. Two separate programs have been funded by the Federal government to support this endeavor: ERAP 1 provides up to \$25 billion under the Consolidated Appropriations Act, 2021, which was enacted on December 27, 2020, and ERAP 2 provides up to \$21.55 billion under the American Rescue Plan Act of 2021, which was enacted on March 11, 2021. The funds are provided directly to states, U.S. territories, local governments, and (in the case of ERAP 1) Tribes. Grantees use the funds to provide assistance to eligible households through existing or newly created rental assistance programs.

In Contra Costa County, the combined share of ERAP 1 and ERAP 2 allocations is \$147,427,324 (\$75,822,312 from ERAP 1 and \$71,605,012 from ERAP 2). Note that both figures include a state allocation to the County in addition to the federal direct allocation. ERAP 1 funds must be spent by September 30, 2022 and ERAP 2 funding must be spent by September 30, 2025.

On February 9, 2021, the Board of Supervisors selected Option A pursuant to SB 91, allowing the State to implement the Emergency Rental Assistance Program (ERAP) on behalf of the County. The County was one of several large counties (i.e. those with populations over 200,000), including Butte, Los Angeles, San Mateo, Santa Cruz, San Luis Obispo, Tulare, Ventura and Yolo that opted into Option A along with all small counties (i.e. those with populations under 200,000). Subsequently, the County Administrator filed an Expression of Interest Form with the California Department of Housing and Community Development and, ultimately, executed an agreement with the State to operate the program on March 18, 2021. Authority was granted to the County Administrator to take these actions on March 2, 2021 as part of Resolution No. 2021/78.

On March 15, 2021, the Statewide program opened to the public, including a multilingual website (housingiskey.com) and toll-free hotline (1-833-430-2122). The State has contracted with the Local Initiative Support Corporation (LISC) to assist with outreach for the program. The State's partnership with LISC includes contracts with "Local Partner Network Organizations", primarily local community-based organizations, to provide assistance to residents seeking rental and utility payment relief. In Contra Costa County, residents can dial 1-833-687-0967 to make an appointment with a Local Partner Network Organization.

On March 23, 2021, the Board authorized additional funding in the amount of \$514,000 to further supplement outreach to residents throughout the County and to establish a Housing Stability Service program, as follows:

\$313,320 - Community Outreach & Engagement (Administered by Richmond Community Foundation)

\$75,000 - Local Housing Stability Services (Bay Area Legal Aid administered by Richmond Community Foundation)

\$50,000 - 211 for Rental Assistance Navigation (Contra Costa Crisis Center)

\$20,000 - Emergent Needs (Administered by Richmond Community Foundation)

\$55,680 - Fiscal/Administrative Fee Allowance (Richmond Community Foundation)

\$514,000 Total

The above services are funded through December 31, 2021, with the exception of the allocation to the Contra Costa Crisis Center for 211 services, which is through September 30, 2021.

Contra Costa County ERAP 2 Allocation

The U.S. Treasury notified eligible jurisdictions that the grant awards portal was open on Tuesday, May 4, 2021 with a due date on Monday, May 10, 2021 and concurrently released updated Frequently Asked Questions (FAQs) integrating the unique eligibility requirements contained in ERA2 with those already in place for ERAP 1. The County Administrator timely filed the grant application on Friday, May 7, 2021 as requested by the U.S. Treasury to qualify for funding. On May 18, 2021, the Board ratified action taken by the County Administrator to apply for the ERAP 2 allocation and the County received a 40% advance of it's federal direct allocation in the amount of \$15,576,780 on May 27, 2021. The remainder of funds are to be allocated to jurisdictions once each jurisdiction has obligated 75% of the initial allocation.

On July 13, 2021, following the passage of AB 832, the California Department of Housing and Community Development issued a letter to local government agencies outlining options for participation in the State ERAP program using the ERAP 2 allocations issued by the U.S. Treasury. The state requested a of intention no later than July 27, 2021. On July 27, 2021, the County Administrator's Office responded to the State communicating an intention to continue participating as an Option A partner contingent on approval by the Board of Supervisors. Based on the responses to the State, several jurisdictions that had initially decided to run local programs with ERAP 1 funding have now decided to migrate to the State program for ERAP 2. Most notably, the counties of San Francisco, San Joaquin, Orange, Placer, Merced, Stanislaus and the cities of Los Angeles, Irvine, Modesto and Santa Clarita.

On September 13, 2021, the State distributed a draft Resolution to localities electing to continue participation as an Option A partner in the State program, which has been incorporated into this agenda item for consideration by the Board.

Today's action requests the the Board again opt-in to participation in the statewide rental assistance program for the ERAP 2 allocation and transfer the County ERAP 2 federal direct allocation back to the U.S. Treasury for reallocation to the State for the benefit of County residents. The U.S. Treasury has released instructions specifically to accommodate situations such as this. In addition, staff has included a recommendation to authorize the Chair of the Board to sign a letter in support of the U.S. Treasury potentially reallocating ERAP 1 allocations previously unused by September 30, 2021

from jurisdictions outside of California to the State of California for the direct benefit of California residents, including those within Contra Costa County. Staff will include additional context on this during today's presentation.

Finally, staff will provide an update on eviction protections that will take effect beginning on October 1, 2021 through March 31, 2022 pursuant to AB 832. This presentation will dovetail into the Board's subsequent discussion item from the County Counsel's Office related to County eviction moratoria.

CONSEQUENCE OF NEGATIVE ACTION:

The County will not have a formal resolution authorizing the transfer of the Federal ERA2 direct allocation and entering into an agreement for administration of the ERA2 allocation by the State on the County's behalf. The resolution, transfer and execution of the agreement are necessary to continue providing access to the ERAP program for the benefit of County residents.

CLERK'S ADDENDUM

Speakers: Name not Given; William Goodwin; Ally, Healthy and Active Before 5; Rabbi Parris Wolf Prusan; Wolfgang Prosky; Monica Thompson; Retu Modi, Clinica de la Raza; David Sharples, Pittsburg ACCE; Mijala Goff, Clinica de la Raza; Debra Ballinger, Executive Director Monument Impact; Ned Resnicoff, Policy Manager for UCSF How to Prevent and Independent Homelessness; Betty Gabledon; Irving Torres; Francisco Torres, Pittsburg; Camilla Anderson; Jamila Henderson, Policy Link; Destiny Briscoe; Cecilia; Marianna Moore; Addie; Nicole Zapata; Michielle Tierlo; Karen Hernandez; Rosie Antonio, Californian Apartment Association; Dulce Maria N. Galicia Noguez, Richmond Municipal Advisory Council; Sophia DeWitt; Hector Malvido, ACCE; Julia Semano; Kristi Laughlin; Scott McIntire; Deshare Young; Patricia Aguilar, Pittsburg.

ADOPTED the recommendations; and DIRECTED staff to explore working with the current contractors to seek additional funding for legal and eviction defense and return to the Board with possible options.

ATTACHMENTS

Resolution 2021/293

PowerPoint Presentation