

HOUSING AUTHORITY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER HA- 1961

DATE OF FINAL PASSAGE September 12, 2022

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO AUTHORIZING THE SAN DIEGO HOUSING COMMISSION TO ACCEPT ADDITIONAL FEDERAL EMERGENCY RENTAL ASSISTANCE (ERA1) FUNDS IN THE AMOUNT OF \$5,019,573.68 AND EXPEND THESE ERA1 FUNDS TO REPAY A PORTION OF A STATE OF CALIFORNIA RENTAL ASSISTANCE PROGRAM EMERGENCY RENTAL ASSISTANCE SHORT-TERM CASH FLOW LOAN AND RELATED ACTIONS.

WHEREAS, on February 9, 2022, the California Legislature enacted Senate Bill 115 (SB 115), authorizing the City of San Diego (City) to apply for State of California Rental Assistance Program (SRA) Emergency Rental Assistance Short-Term Cash Flow Loan Funds (SRA Loan Funds) to provide rent and utilities payments due on or before March 31, 2022 and administrative costs for eligible households with complete, eligible COVID-19 Housing Stability Assistance Program (HSAP) applications received by the San Diego Housing Commission (Housing Commission) on or before March 31, 2022; and

WHEREAS, the intent of SB 115 is to provide HSAP with temporary cash flow loans to maximize rent and utility relief to all eligible households as HSAP awaits additional federal funding from the United States Department of the Treasury's reallocated federal funds; and

WHEREAS, SB 115 provides that the California Department of Finance will forgive SRA Loan Funds allocated to HSAP up to an amount not covered by federal fund reallocations, if anticipated federal fund reallocations are not received by June 30, 2023, are insufficient to repay the loan, or if the federal funds cannot be utilized for reimbursements; and

WHEREAS, on April 19, 2022, the Housing Authority of the City of San Diego (Housing Authority) pursuant to Housing Authority Resolution HA-1943 (April 19, 2022), authorized the Housing Commission to accept and expend up to \$96,291,294.59 in SRA Loan Funds pursuant to SB 115 to support HSAP; and

WHEREAS, at the same meeting, the City Council of the City of San Diego pursuant to San Diego Resolution R-314075 (April 21, 2022) authorized the City to request an amount not to exceed \$96,291,294.59 in SRA Loan Funds from the State of California (State) pursuant to SB 115 to support HSAP, and authorized the City to accept, expend, and transfer to the Housing Commission an amount not to exceed \$96,291,294.59 in SRA Loan Funds to support HSAP; and

WHEREAS, on May 11, 2022, the Housing Commission temporarily suspended HSAP assistance payments because all funding allocated to HSAP was fully expended; and

WHEREAS, on June 28, 2022, the City transferred \$29.9 million in SRA Loan Funds to the Housing Commission that the City received from the State; and

WHEREAS, on June 29, 2022, the Housing Commission resumed disbursing HSAP assistance payments to eligible households, and anticipates all remaining assistance payments will be made by the end of August 2022 with some exceptions due to pending appeals; and

WHEREAS, on July 18, 2022, the United States Department of the Treasury awarded the City \$5,019,573.68 in reallocated federal Emergency Rental Assistance 1 (ERA1) funds to support HSAP; and

WHEREAS, on August 11, 2022, the City and Housing Commission requested the United States Department of the Treasury authorize the use of the federal ERA1 funds to repay a portion of the City's SRA Loan Funds balance; and

WHEREAS, if the United States Department of the Treasury does not authorize the use of the reallocated federal ERA1 funds to repay a portion of the City's SRA Loan Fund balance, the Housing Commission is required to return the federal ERA1 funds to the United States Department of the Treasury because all remaining HSAP application obligations for eligible households are fully funded and will receive assistance by the end of August 2022; and

WHEREAS, Housing Commission staff determined this activity is not a project as defined by the California Environmental Quality Act (CEQA) section 21065 and CEQA Guidelines section 15378(b)(4) and (5); and

WHEREAS, City staff determined this activity is categorically excluded from the National Environmental Policy Act (NEPA) as not subject to Title 24 of the Code of Federal Regulations section 58.5 under Title 24 of the Code of Federal Regulations section 58.35(b) regarding approval of supplemental assistance to a previously approved project; and

WHEREAS, on August 19, 2022, the Housing Commission's Board of Commissioners voted in favor of recommending the Housing Authority approve the Housing Commission staff's recommended actions; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by Housing Commission staff, and verified by the Housing Commission's General Counsel, with the understanding that this information is sufficient to allow for a proper and complete analysis of this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Housing Authority of the City of San Diego, as follows:

1. The Housing Commission is authorized to amend the Housing Commission Fiscal Year 2023 budget in the amount of \$5,019,573.68 in federal ERA1 funds to support HSAP.

2. The Housing Commission is authorized to accept and expend up to \$5,019,573.68 in federal ERA1 funds to repay a portion of the SRA Loan Fund balance pursuant to SB 115, contingent on the United States Department of the Treasury authorizing the use of ERA1 funds for this purpose.

3. The Housing Commission President and Chief Executive Officer (President and CEO), or designee, is authorized to modify HSAP, if necessary, but only if and to the extent that such changes comply with the terms of the executed amended Memorandum of Understanding between the City and Housing Commission for the oversight and administration of HSAP, and are necessary to fulfill and comply with federal and state funding requirements.

4. The President and CEO, or designee, is authorized to execute any documents and instruments that are necessary and appropriate to implement this Resolution, in a form and format approved by Housing Commission General Counsel, and to take such actions necessary and appropriate provided that a copy of the documents, signed as to form by General Counsel, are submitted to each Commissioner of the Housing Commission's Board of Commissioners in advance of approval for the designee to sign.

5. The Housing Commission staff will notify the Housing Authority and the San Diego City Attorney's Office about any subsequent amendments or modifications to HSAP and other required documents, including amendments to any documents.

APPROVED: MARA W. ELLIOTT, General Counsel

By /s/ Justin R. Bargar
Justin R. Bargar
Deputy General Counsel

JRB:cw
08/23/2023
Or. Dept: SDHC
Doc. No. 3070558

Passed and adopted by the Housing Authority of the City of San Diego on September 12, 2022, by the following vote:

	Yeas	Nays	Excused	Not Present
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

Jeff Davis

Interim Executive Director of the Housing Authority
of the City of San Diego, California

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. **1961** passed and adopted by the Housing Authority of the City of San Diego,
California on September 12, 2022.

By:



Scott Marshall

Deputy Secretary of the Housing Authority
of the City of San Diego, California