

ORDINANCE 2020-04-23-0276

APPROVING SUBSTANTIAL AMENDMENT #3 TO THE FY2020 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ACTION PLAN AND BUDGET IN RESPONSE TO COVID-19 TO PROGRAM FUNDING RECEIVED FROM THE CARES ACT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) AND HOUSING OPPORTUNITIES FOR PERSON WITH AIDS (HOPWA) AND TO REPROGRAM FY2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS; AND AUTHORIZING AN AMENDMENT TO THE HUD FY2016-2020 CONSOLIDATED PLAN.

* * * * *

WHEREAS, on August 6, 2015, pursuant to Ordinance No. 2015-08-06-0651, City Council approved and adopted the FY2016-2020 United States Department of Housing and Urban Development (HUD) Consolidated Plan; and

WHEREAS, on August 8, 2019, pursuant to Ordinance No. 2019-08-08-0598, City Council approved and adopted the FY2020 United States Department of Housing and Urban Development (HUD) Action Plan and Budget; and

WHEREAS, on January 30, 2020, pursuant to Ordinance Nos. 2020-01-30-0069 and 2020-01-30-0070, City Council approved and adopted Substantial Amendment #1 that reprogrammed and awarded Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds for various affordable housing developments and other eligible projects and activities; and

WHEREAS, after the adoption of the FY2020 Action Plan and Budget and Substantial Amendment #1, the Governor of the State of Texas, the County Judge of Bexar County, and the Mayor and City Council of the City of San Antonio issued emergency declarations and executive orders in response to the COVID-19 pandemic; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted and, among other funding, allocated Community Development Block Grant (CDBG-CV) funds and Housing Opportunities for Person with AIDS (HOPWA) funds to entitlement grantees including awards of \$7,707,015.00 of CDBG-CV funds and \$297,456.00 of HOPWA funds to the City of San Antonio (City); and

WHEREAS, the City, as an entitlement grantee of CDBG funds and HOME funds, is permitted to reprogram FY2020 funds based upon significant and unforeseen circumstances that materially alter the needs of the community, in addition to utilizing funds available from completed projects, program savings, program income and/or cancelled projects; and

WHEREAS, there are CDBG-CV, HOPWA, CDBG and HOME funds available to be programmed and/or reprogrammed as reflected on the attachments hereto to eligible activities in response to COVID-19; and

WHEREAS, in order to program said CARES Act funding and to reprogram said CDBG and HOME funds, it is necessary to authorize a substantial amendment to the City's FY2020 HUD Action Plan and Budget; and

WHEREAS, the CARES Act modified certain deadlines and authorized HUD to waive statutory and regulatory requirements to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19; and

WHEREAS, as authorized by the CARES Act and applicable HUD waivers and guidance, the City has determined that the Citizen Participation Plan set forth in the City's FY2016-2020 Consolidated Plan should be modified in a manner consistent with the declarations and executive orders issued by the Governor of the State of Texas, the County Judge of Bexar County, and the Mayor and City Council concerning the COVID-19 pandemic to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19; and

WHEREAS, after notice having been duly published and posted, a virtual public hearing was held on April 22, 2020 and timely responses from local officials to all citizen questions and issues, and public access to all questions and responses, has occurred; and

WHEREAS, City Council approves staff's recommendations to program said CDBG-CV and HOPWA funds and to reprogram said CDBG and HOME funds as reflected on the attachments hereto and additionally approves the modifications to the City's FY2016-2020 Consolidated Plan; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Revisions to the Community Development Block Grant (CDBG) projects and the modifications to the budgets and reprogramming in support thereof in an amount not to exceed \$12,716,783.00, available from \$7,707,015.00 of CDBG funds in the CARES Act (CDBG-CV) and \$5,009,768.00 from completed projects, program savings, program income and/or cancelled projects, are hereby authorized in accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment I**. Said funds are hereby authorized to be programmed and/or reprogrammed to cover existing project shortfalls, modifications, and/or the creation of new CDBG projects in accordance with **Attachment I** and the allocation and appropriation of funds consistent with **Attachment I** are hereby authorized, to wit: up to \$12,716,783.00 in CDBG-CV and CDBG funding to the City's COVID-19 Emergency Housing Assistance Program.

SECTION 2. Revisions to the Home Investment Partnerships Program (HOME) projects and the modifications to the budgets and reprogramming in support thereof in an amount not to exceed \$3,506,840.00 available from completed projects, program savings, program income and/or

cancelled projects are hereby authorized in accordance with the budget revision schedule affixed hereto and incorporated by reference herein for all purposes as **Attachment II**. Said funds are hereby authorized to be reprogrammed to cover existing project shortfalls, modifications, and/or the creation of new HOME projects in accordance with **Attachment II** and the allocation and appropriation of funds consistent with **Attachment II** are hereby authorized, to wit: (a) up to \$1,319,000.00 in HOME funding to the NRP Group for an \$18 million, 88-unit rental housing development, called Alazan Lofts, located on El Paso St. and S. Colorado St., in Council District 5; (b) up to \$650,000.00 in HOME funding to the Atlantic Pacific Company for a \$14.6 million, 49-unit rental housing development, called Legacy at Piedmont, located at 826 E. Highland Blvd., in Council District 3; and (c) up to \$1,537,840.00 in HOME funding to the City's Owner Occupied Rehabilitation Reconstruction Program.

SECTION 3. Revisions to the Housing Opportunities for Person with AIDS (HOPWA) projects and the modifications to the budgets and programming in support thereof in an amount not to exceed \$297,456.00, available from available from the CARES Act, are hereby authorized in accordance with the budget revision schedules affixed hereto and incorporated by reference herein for all purposes as **Attachment III**. Said funds are hereby authorized to be programmed and/or reprogrammed to cover existing project shortfalls, modifications, and/or the creation of new HOPWA project or project budgets in accordance with **Attachment III** and the allocation and appropriation of funds consistent with **Attachment III** is hereby authorized, to wit: up to \$297,456.00 to tenant based rental assistance.

SECTION 4. Substantial Amendment # 3 to the City's FY2020 HUD Action Plan and Budget in response to COVID-19 to program CDBG-CV and HOPWA funds received under the CARES Act and to reprogram funds in the CDBG and HOME budgets in accordance with this Ordinance and **Attachments I, II and III** is hereby authorized and approved. The City Manager or their designee, the Director of the Neighborhood and Housing Services Department or their designee, the Director of the Human Services Department or their designee, or Grants Administrator of the Division of Grants Monitoring and Administration is hereby authorized to execute any and all documents necessary to implement and carry out said Substantial Amendment #3.

SECTION 5. For the reasons specified in the above-referenced recitals, modifications to the Citizen Participation Plan set forth in the City's FY2016-2020 United States Department of Housing and Urban Development (HUD) Consolidated Plan are warranted because of COVID-19 and are hereby authorized and approved to allow for an expedited process in which the public notice and opportunity to comment is not less than 5 days and to allow for virtual public hearings when necessary for public health reasons. Said modifications are retroactively authorized and approved for actions taken in relation to this substantial amendment because such modified procedures were reasonably necessary to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19.

SECTION 6. The City Manager or their designee, the Director of the Neighborhood and Housing Services Department or their designee, the Director of the Human Services Department or their designee, or the Grants Administrator of the Division of Grants Monitoring and Administration, are each hereby authorized to negotiate and execute any and all contracts and other documents as necessary for: (a) implementation of the funding awards as set forth herein;

and (b) compliance with the U.S. Department of Housing and Urban Development (HUD) rules, regulations, and procedures, and to submit all certifications and such other information to and as required by HUD.

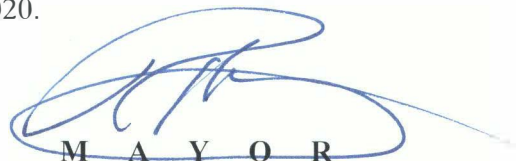
SECTION 7. The appropriations, reallocations, expenditures, encumbrances, and budget revisions necessitated and scheduled pursuant to the aforesaid **Attachments I, II and III** are hereby authorized for entry into the City's accounting system.

SECTION 8. The Director of the City's Finance Department is hereby authorized to effect on the books of the City the cancellations, revisions, and reprogramming in support thereof set forth in **Attachments I, II and III**. The City Manager or their designee, the Director of the Neighborhood and Housing Services Department or their designee, the Director of the Human Services Department or their designee, or the Grants Administrator of the Division of Grants Monitoring and Administration is hereby authorized to (a) implement the reductions, revisions, and reprogramming set forth in **Attachments I, II and III**; (b) comply with HUD rules, regulations, and procedures, and submit all certifications and such other information to and as required by HUD; (c) approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated; (d) close-out and cancel affected projects and create new projects and project budgets in accordance with **Attachments I, II and III**; (e) execute any and all necessary contracts and other documents in connection with the projects set forth above; and (f) provide for payment.


SECTION 9. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

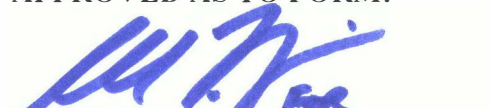
PASSED AND APPROVED this 23rd day of April, 2020.

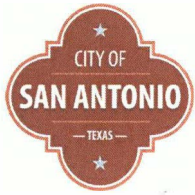

M A Y O R
Ron Nirenberg

ATTEST:


Tina Flores, Acting City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney



City of San Antonio

City Council

April 23, 2020

Item: 5

Enactment Number:

File Number: 20-2801

2020-04-23-0276

Ordinance approving Substantial Amendment #3 to the FY2020 United States Department of Housing and Urban Development (HUD) Action Plan and Budget in response to COVID-19 to program funding awarded under the CARES Act for amounts up to \$7,707,015.00 of Community Development Block Grant (CDBG-CV) funds and up to \$297,456.00 of Housing Opportunities for Persons with Aids (HOPWA) funds, and to reprogram up to \$5,009,768.00 of FY2020 Community Development Block Grant (CDBG) funds and up to \$3,506,840.00 of FY2020 HOME Investment Partnerships Program (HOME) funds; and authorizing an amendment of the HUD FY2016-2020 Consolidated Plan to include expedited public notice procedures and authorize virtual public hearings. [Lori Houston, Assistant City Manager; Verónica R. Soto, Director, Neighborhood and Housing Services]

Councilmember Ana E. Sandoval made a motion to approve. Councilmember Rebecca Viagran seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

SZ
04/23/2020
Item No. 5

ATTACHMENT I

Substantial Amendment #3 to the
FY 2020 HUD Action Plan Budget
FUNDING SCHEDULE

Community Development Block Grant							
Sources							
Fiscal Year	Activity Name	Fund Source Type	I/O	Fund	SAP Approved Budget	Expenses/ Commitments	Balance
2020	CARES Act Funding	Entitlement	NA	2128000001	7,707,015.00	-	7,707,015.00
2020	Alazan Lofts (NRP)	Entitlement	157000000209	28245000	1,319,000.00	-	1,319,000.00
2020	Legacy at Piedmont (APC)	Entitlement	157000000211	28245000	650,000.00	-	650,000.00
2020	Owner Occupied Rehabilitation Program	Entitlement	157000000173	28245000	3,032,000.00	1,494,160.00	1,537,840.00
2020	P&R Summer Youth Programs	Entitlement	157000000167	28245000	208,282.00	-	208,282.00
2020	P&R Community Extended Hours	Entitlement	157000000168	28245000	64,140.00	-	64,140.00
2020	Zarzamora Svc Center Enviro Remediation	Entitlement	157000000175	28245000	2,325,000.00	1,094,494.00	1,230,506.00
						Total Sources	12,716,783.00

Uses				
Fiscal Year	Project Name	Council District		Award Amount
2020	COVID-19 Emergency Housing Assistance Program	CW		12,716,783.00
			Total Uses	12,716,783.00
			Over (Under)	-

ATTACHMENT I

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04/23/2020
Item No. 5

ATTACHMENT II

Substantial Amendment #3 to the
FY 2020 HUD Action Plan Budget
FUNDING SCHEDULE

HOME Investment Partnerships Program								
Sources								
Fiscal Year		Activity Name	Fund Source Type	I/O	Fund	SAP Approved Budget	Expenses/ Commitments	Balance
2020		Rental Housing Development Set-Aside ¹	Entitlement	157000000186	25228000	1,250,000.00	-	1,250,000.00
2020		Homebuyer Incentive Program	Entitlement	157000000188	25228000	461,073.00	-	461,073.00
2020		Homeownership Housing Set-Aside	Entitlement	157000000189	25228000	150,000.00	-	150,000.00
2020		Program Income ²	Program Income	*157000000192	25228000	1,764,769.00	119,002.00	1,645,767.00
							Total Sources	3,506,840.00

Uses					
Fiscal Year		Project Name	Council District		Award Amount
2020		Alazan Lofts (NRP Group)	5		1,319,000.00
2020		Legacy at Piedmont (Atlantic Pacific Company)	3		650,000.00
2020		Owner Occupied Rehabilitation/Reconstruction Program (NHSD)	CW		1,537,840.00
				Total Uses	3,506,840.00
				Over (Under)	-

¹ Of the \$1.25 million available, \$801,000 is sourced from the FY 2020 Affordable Housing Budget (gap financing) and \$449,000 is from a funding swap from HOME to CDBG from the Tarasco project.

² Costa Dorada payoff in the amount of \$1,489,002 received 10/31/2019. Receipt of Program Income results in freed up entitlement funds.

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ATTACHMENT III

Substantial Amendment #3 to the
FY 2020 HUD Action Plan Budget
FUNDING SCHEDULE

Housing Opportunities for Persons with AIDS								
Sources								
Fiscal Year		Activity Name	Fund Source Type	I/O	Fund	SAP Approved Budget	Expenses/Commitments	Balance
2020		CARES Act Funding	Entitlement			297,456.00	-	297,456.00
							Total Sources	297,456.00

Uses				
Fiscal Year		Project Name	Council District	Award Amount
2020		Tenant Based Rental Assistance	City-Wide	297,456.00
				Total Sources
				297,456.00
				Over (Under)
				-

ATTACHMENT III

Substantial Amendment #3 to the
FY 2020 HUD Action Plan Budget
FUNDING SCHEDULE

Community Development Block Grant							
Sources							
Fiscal Year	Activity Name	Fund Source Type	I/O	Fund	SAP Approved Budget	Expenses/Commitments	Balance
2020	CARES Act Funding	Entitlement	NA	2128000001	7,707,015.00	-	7,707,015.00
2020	Alazan Lofts (NRP)	Entitlement	157000000209	28245000	1,319,000.00	-	1,319,000.00
2020	Legacy at Piedmont (APC)	Entitlement	157000000211	28245000	650,000.00	-	650,000.00
2020	Owner Occupied Rehabilitation Program	Entitlement	157000000173	28245000	3,032,000.00	1,494,160.00	1,537,840.00
2020	P&R Summer Youth Programs	Entitlement	157000000167	28245000	208,282.00	-	208,282.00
2020	P&R Community Extended Hours	Entitlement	157000000168	28245000	64,140.00	-	64,140.00
2020	Zarzamora Svc Center Enviro Remediation	Entitlement	157000000175	28245000	2,325,000.00	1,094,494.00	1,230,506.00
						Total Sources	12,716,783.00

Uses				
Fiscal Year	Project Name	Council District		Award Amount
2020	COVID-19 Emergency Housing Assistance Program	CW		12,716,783.00
			Total Uses	12,716,783.00
			Over (Under)	-

Substantial Amendment #3 to the
FY 2020 HUD Action Plan Budget
FUNDING SCHEDULE

Housing Opportunities for Persons with AIDS								
Sources								
Fiscal Year		Activity Name	Fund Source Type	I/O	Fund	SAP Approved Budget	Expenses/Commitments	Balance
2020		CARES Act Funding	Entitlement			297,456.00	-	297,456.00
							Total Sources	297,456.00

Uses					
Fiscal Year		Project Name	Council District		Award Amount
2020		Tenant Based Rental Assistance	City-Wide		297,456.00
				Total Sources	297,456.00
				Over (Under)	-