

THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.

[ORDINANCE IS SUBJECT TO FISCAL REVIEW]

ORDINANCE

APPROVING SUBSTANTIAL AMENDMENT #2 TO THE FY2021 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) ACTION PLAN AND BUDGET TO PROGRAM THE SECOND ROUND OF FUNDING RECEIVED FROM THE CARES ACT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV); AND TO REPROGRAM FY2021 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

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WHEREAS, on August 13, 2020, pursuant to Ordinance No. 2020-08-13-0531, City Council approved and adopted the FY2021 United States Department of Housing and Urban Development (HUD) Action Plan and Budget (FY2021 HUD Action Plan);

WHEREAS, on October 29, 2020, pursuant to Ordinance No. 2020-10-29-0775, City Council approved and authorized Substantial Amendment #1 to the FY2021 HUD Action Plan wherein the City reprogrammed FY 2021 Community Development Block Grant (CDBG) funds;

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 for award to entitlement grantees including the City of San Antonio (City); and

WHEREAS, the City has been awarded a second round of CDBG-CV funding in the amount of \$10,249,127 under the CARES Act;

WHEREAS, in order to program said CARES Act funding and to reprogram said FY 2021 CDBG funds, it is necessary to authorize a substantial amendment to the City's FY2021 HUD Action Plan and Budget; and

WHEREAS, as authorized by the CARES Act and applicable HUD waivers and guidance, the City modified the Citizen Participation Plan set forth in the City's FY2016-2020 Consolidated Plan 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 January 13, 2021 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 for Substantial Amendment #2 to the FY2021 HUD Action Plan and Budget to program said second round of CDBG-CV funds and to reprogram certain FY 2021 CDBG entitlement funds as reflected on the attachment hereto; **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 \$10,249,127, available from the second round of CDBG funds in the CARES Act (CDBG-CV), 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: (a) up to \$9,000,127 in CDBG-CV funding to the City's COVID-19 Emergency Housing Assistance Program; (b) up to \$159,540 in CDBG-CV funding for Eviction Intervention court support; (c) up to \$189,460 in CDBG-CV funding for Housing Counseling and Foreclosure Prevention; and (d) up to \$900,000 in CDBG-CV funding to provide temporary shelter for homeless individuals and families.

SECTION 2. 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 \$4,325,000, available to be reprogrammed from the FY 2021 CDBG entitlement funds in the City's COVID-19 Emergency Housing Assistance Program, 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: (a) up to \$2,000,000 of CDBG funds for affordable rental housing development; (b) up to \$1,000,000 of CDBG funds for affordable homeownership housing development; (c) up to \$900,000 of CDBG funds for Owner Occupied Rehabilitation for older housing; and (d) up to \$425,000 of CDBG funds for the Minor Repair Program.

SECTION 3. Substantial Amendment # 2 to the City's FY2021 HUD Action Plan and Budget to program the second round of CDBG-CV funds received under the CARES Act and to reprogram FY2021 CDBG entitlement funds and modify said budgets in accordance with this Ordinance and **Attachment I** is hereby authorized and approved. The City Manager or his designee, the Director of the Neighborhood and Housing Services Department or her designee, the Assistant Director of the Neighborhood and Housing Services Department or his designee the Director of the Human Services Department or her designee, or Grants Administrator of the Division of Grants Monitoring and Administration are each hereby authorized to execute any and all documents necessary to implement and carry out said Substantial Amendment #2.

SECTION 4. The City Manager or his designee, the Director of the Neighborhood and Housing Services Department or her designee, the Assistant Director of the Neighborhood and Housing Services Department or his designee the Director of the Human Services Department or her designee, or 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 5. The appropriations, reallocations, expenditures, encumbrances, and budget revisions necessitated and scheduled pursuant to the aforesaid **Attachment I** are hereby authorized for entry into the City's accounting system.

SECTION 6. 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 **Attachment I**. The City Manager or his designee, the Director of the Neighborhood and Housing Services Department or her designee, the Assistant Director of the Neighborhood and Housing Services Department or his designee the Director of the Human Services Department or her designee, or Grants Administrator of the Division of Grants Monitoring and Administration are each hereby authorized to (a) implement the reductions, revisions, and reprogramming set forth in **Attachment I**; (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 **Attachment I**; (e) execute any and all necessary contracts and other documents in connection with the projects set forth above; and (f) provide for payment.

SECTION 7. 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 8. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

SZ
01/14/2021
Item No. ____

PASSED AND APPROVED this 14th day of January, 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Tina Flores, City Clerk

Andrew Segovia, City Attorney